

Public Law 106–1  
106th Congress

An Act

To restore the management and personnel authority of the Mayor of the District of Columbia.

Mar. 5, 1999  
[H.R. 433]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “District of Columbia Management Restoration Act of 1999”.

District of  
Columbia  
Management  
Restoration Act  
of 1999.

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) Among the major problems of the District of Columbia government has been the failure to clearly delineate accountability.

(2) The statute establishing the District of Columbia Financial Responsibility and Management Assistance Authority proved necessary to enable the District to regain financial stability and management control.

(3) The District has performed significantly better than the Congress had anticipated at the time of the passage of the Authority statute.

(4) The necessity for a financial authority has resulted in a diffusion of responsibility between the Mayor, the Council, and the Authority pending the time when the District government would assume the home rule status quo ante.

(5) This lack of clear lines of reporting authority, in turn, has led to some redundancy and confusion about accountability and authority.

(6) The Authority statute requires the Authority to “ensure the most efficient and effective delivery of services, including public safety services, by the District government” and to “assist the District government in \* \* \* ensuring the appropriate and efficient delivery of services”.

(7) With the coming of a new administration led by Mayor Anthony Williams, the Authority has taken the first step to ensure the accountability that will be necessary at the expiration of the control period by delegating day-to-day operations over city agencies previously under control of the Authority to the Mayor.

Anthony  
Williams.

(8) The Congress agrees that the best way to ensure clear and unambiguous authority and full accountability is for the Mayor to have full authority over city agencies so that citizens, the Authority, and the Congress can ascertain responsibility.

(9) The transition of authority to the new administration will take nothing from the Authority's power to intervene during a control period.

**SEC. 3. RESTORATION OF MANAGEMENT AND PERSONNEL AUTHORITY OF MAYOR OF THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subtitle B of title XI of the Balanced Budget Act of 1997 (D.C. Code, sec. 47–395.1 et seq.) is repealed.

(b) CONFORMING AMENDMENT.—Section 1604(f)(2)(B) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 1099) is repealed.

Approved March 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 433:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 9, considered and passed House.

Feb. 23, considered and passed Senate.



Public Law 106–2  
106th Congress

An Act

To nullify any reservation of funds during fiscal year 1999 for guaranteed loans under the Consolidated Farm and Rural Development Act for qualified beginning farmers or ranchers, and for other purposes.

Mar. 15, 1999  
[H.R. 882]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. NULLIFICATION OF RESERVATION OF FUNDS DURING FISCAL YEAR 1999 FOR GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT FOR QUALIFIED BEGINNING FARMERS OR RANCHERS.**

7 USC 1994 note.

Amounts shall be made available pursuant to section 346(b)(1)(D) of the Consolidated Farm and Rural Development Act for guaranteed loans, without regard to any reservation under section 346(b)(2)(B) of such Act.

**SEC. 2. QUALIFIED BEGINNING FARMERS AND RANCHERS TO BE GIVEN PRIORITY IN MAKING GUARANTEED LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT FROM SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.**

In making guaranteed loans under the Consolidated Farm and Rural Development Act from funds made available pursuant to any Act making supplemental appropriations for fiscal year 1999, the Secretary of Agriculture shall, to the extent practicable, give priority to making such loans to qualified beginning farmers and ranchers (as defined in section 343(a)(11) of such Act).

Approved March 15, 1999.

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LEGISLATIVE HISTORY—H.R. 882:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 2, considered and passed House.

Mar. 8, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Mar. 15, Presidential statement.



Public Law 106–003  
106th Congress

An Act

Mar. 23, 1999  
[S. 447]

To deem as timely filed, and process for payment, the applications submitted by the Dodson School Districts for certain Impact Aid payments for fiscal year 1999.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. IMPACT AID.**

The Secretary of Education shall deem as timely filed, and shall process for payment, an application for a fiscal year 1999 payment under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) from a local educational agency serving each of the following school districts if the Secretary receives that application not later than 30 days after the date of enactment of this Act:

- (1) The Dodson Elementary School District #2, Montana.
- (2) The Dodson High School District, Montana.

Approved March 23, 1999.

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**LEGISLATIVE HISTORY—S. 447:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 2, considered and passed Senate.

Mar. 10, considered and passed House.



Public Law 106–4  
106th Congress

An Act

To amend title XIX of the Social Security Act to prohibit transfers or discharges of residents of nursing facilities as a result of a voluntary withdrawal from participation in the Medicaid Program.

Mar. 25, 1999  
[H.R. 540]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nursing Home Resident Protection Amendments of 1999”.

Nursing Home  
Resident  
Protection  
Amendments of  
1999.  
42 USC 1305  
note.

**SEC. 2. RESTRICTIONS ON TRANSFERS OR DISCHARGES OF NURSING FACILITY RESIDENTS IN THE CASE OF VOLUNTARY WITHDRAWAL FROM PARTICIPATION UNDER THE MEDICAID PROGRAM.**

(a) IN GENERAL.—Section 1919(c)(2) of the Social Security Act (42 U.S.C. 1396r(c)(2)) is amended by adding at the end the following new subparagraph:

“(F) CONTINUING RIGHTS IN CASE OF VOLUNTARY WITHDRAWAL FROM PARTICIPATION.—

“(i) IN GENERAL.—In the case of a nursing facility that voluntarily withdraws from participation in a State plan under this title but continues to provide services of the type provided by nursing facilities—

“(I) the facility’s voluntary withdrawal from participation is not an acceptable basis for the transfer or discharge of residents of the facility who were residing in the facility on the day before the effective date of the withdrawal (including those residents who were not entitled to medical assistance as of such day);

“(II) the provisions of this section continue to apply to such residents until the date of their discharge from the facility; and

“(III) in the case of each individual who begins residence in the facility after the effective date of such withdrawal, the facility shall provide notice orally and in a prominent manner in writing on a separate page at the time the individual begins residence of the information described in clause (ii) and shall obtain from each such individual at such time an acknowledgment of receipt of such information that is in writing, signed by the individual, and separate from other documents signed by such individual.

Nothing in this subparagraph shall be construed as affecting any requirement of a participation agreement that a nursing facility provide advance notice to the State or the Secretary, or both, of its intention to terminate the agreement.

“(ii) INFORMATION FOR NEW RESIDENTS.—The information described in this clause for a resident is the following:

“(I) The facility is not participating in the program under this title with respect to that resident.

“(II) The facility may transfer or discharge the resident from the facility at such time as the resident is unable to pay the charges of the facility, even though the resident may have become eligible for medical assistance for nursing facility services under this title.

“(iii) CONTINUATION OF PAYMENTS AND OVERSIGHT AUTHORITY.—Notwithstanding any other provision of this title, with respect to the residents described in clause (i)(I), a participation agreement of a facility described in clause (i) is deemed to continue in effect under such plan after the effective date of the facility’s voluntary withdrawal from participation under the State plan for purposes of—

“(I) receiving payments under the State plan for nursing facility services provided to such residents;

“(II) maintaining compliance with all applicable requirements of this title; and

“(III) continuing to apply the survey, certification, and enforcement authority provided under subsections (g) and (h) (including involuntary termination of a participation agreement deemed continued under this clause).

“(iv) NO APPLICATION TO NEW RESIDENTS.—This paragraph (other than subclause (III) of clause (i)) shall not apply to an individual who begins residence in a facility on or after the effective date of the withdrawal from participation under this subparagraph.”.

42 USC 1396r  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to voluntary withdrawals from participation occurring on or after the date of the enactment of this Act.

Approved March 25, 1999.

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LEGISLATIVE HISTORY—H.R. 540 (S. 494):

HOUSE REPORTS: No. 106-44 (Comm. on Commerce).

SENATE REPORTS: No. 106-13 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 9, 10, considered and passed House.

Mar. 15, considered and passed Senate.



Public Law 106–5  
106th Congress

An Act

To extend for 6 additional months the period for which chapter 12 of title 11,  
United States Code, is reenacted.

Mar. 30, 1999

[H.R. 808]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. AMENDMENTS.**

Section 149 of title I of division C of Public Law 105–277  
is amended—

11 USC 1201 *et*  
*seq.*, 1201 note.

(1) by striking “April 1, 1999” each place it appears and  
inserting “October 1, 1999”;

(2) in subsection (a)—

(A) by striking “September 30, 1998” and inserting  
“March 31, 1999”; and

(B) by striking “October 1, 1998” and inserting “April  
1, 1999”; and

(3) by striking subsection (c).

**SEC. 2. EFFECTIVE DATE.**

11 USC 1201  
note.

The amendments made by section 1 shall take effect on April  
1, 1999.

Approved March 30, 1999.

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**LEGISLATIVE HISTORY—H.R. 808:**

HOUSE REPORTS: No. 106–45 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 9, 11, considered and passed House.

Mar. 24, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Mar. 30, Presidential statement.



Public Law 106–6  
106th Congress

An Act

Mar. 31, 1999  
[S. 643]

Interim Federal  
Aviation  
Administration  
Authorization  
Act.  
49 USC 40101  
note.

To authorize the Airport Improvement Program for 2 months, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Interim Federal Aviation Administration Authorization Act”.

**SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking from “\$1,205,000,000” through the period and inserting “\$1,607,000,000 for the 8-month period beginning October 1, 1998.”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking “March” and inserting “May”.

(c) LIQUIDATION-OF-CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999 is amended by striking the last proviso under the heading “Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)” and inserting “*Provided further*, That not more than \$1,300,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond May 31, 1999.”.

112 Stat.  
2681–445.

**SEC. 3. AIRWAY FACILITIES IMPROVEMENT PROGRAM.**

Section 48101(a) of title 49, United States Code, is amended by adding at the end thereof the following:

“(3) \$2,131,000,000 for fiscal year 1999.”.

**SEC. 4. FAA OPERATIONS.**

Section 106(k) of title 49, United States Code, is amended by striking from “\$5,158,000,000” through the period and inserting “\$5,632,000,000 for fiscal year 1999.”.

**SEC. 5. REMOVAL OF THE CAP ON DISCRETIONARY FUND.**

49 USC 47115.

Section 47115(g) is amended by striking paragraph (4).

**SEC. 6. EXTENSION OF AVIATION INSURANCE PROGRAM.**

Section 44310 of title 49, United States Code, is amended by striking “March” and inserting “May”.

**SEC. 7. MILITARY AIRPORT PROGRAM.**

49 USC 47117.

Section 124 of the Federal Aviation Reauthorization Act of 1996 is amended by striking subsection (d).



**SEC. 8. DISCRETIONARY FUND DEFINITION.**

(a) AMENDMENT OF SECTION 47115.—Section 47115 of title 49, United States Code, is amended—

(1) by striking “25” in subsection (a) and inserting “12.5”; and

(2) by striking the second sentence in subsection (b).

(b) AMENDMENT OF SECTION 47116.—Section 47116 of such title is amended—

(1) by striking “75” in subsection (a) and inserting “87.5”;

(2) by redesignating paragraphs (1) and (2) in subsection (b) as subparagraphs (A) and (B), respectively, and inserting before subparagraph (A), as so redesignated, the following:

“(1) one-seventh for grants for projects at small hub airports (as defined in section 41731 of this title); and

“(2) the remaining amounts based on the following:”.

**SEC. 9. RELEASE OF 10 PERCENT OF MWAA FUNDS.**

(a) IN GENERAL.—Notwithstanding sections 49106(c)(6)(C) and 49108 of title 49, United States Code, the Secretary of Transportation may approve an application of the Metropolitan Washington Airports Authority (an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to \$30,000,000 of the amount that otherwise would have been available to the Authority for passenger facility fee/airport development project grants under subchapter I of chapter 471 of such title.

(b) LIMITATION.—The Authority may not execute contracts, for applications approved under subsection (a), that obligate or expend amounts totalling more than the amount for which the Secretary may approve applications under that subsection, except to the extent that funding for amounts in excess of that amount are from other authority or sources.

Approved March 31, 1999.

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**LEGISLATIVE HISTORY—S. 643 (H.R. 99):**

HOUSE REPORTS: No. 106-3 accompanying H.R. 99 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 17, considered and passed Senate.

Mar. 24, considered and passed House.



Public Law 106–7  
106th Congress

An Act

Apr. 1, 1999  
[H.R. 1212]

To protect producers of agricultural commodities who applied for a Crop Revenue Coverage PLUS supplemental endorsement for the 1999 crop year.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CROP INSURANCE OPTIONS FOR PRODUCERS WHO  
APPLIED FOR CROP REVENUE COVERAGE PLUS.**

(a) **ELIGIBLE PRODUCERS.**—This section applies with respect to a producer eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) who applied for the supplemental crop insurance endorsement known as Crop Revenue Coverage PLUS (referred to in this section as “CRCPLUS”) for the 1999 crop year for a spring-planted agricultural commodity.

(b) **ADDITIONAL PERIOD FOR OBTAINING OR TRANSFERRING COVERAGE.**—Notwithstanding the sales closing date for obtaining crop insurance coverage established under section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) and notwithstanding any other provision of law, the Federal Crop Insurance Corporation shall provide a 14-day period beginning on the date of enactment of this Act, but not to extend beyond April 12, 1999, during which a producer described in subsection (a) may—

(1) obtain from any approved insurance provider a level of coverage for the agricultural commodity for which the producer applied for the CRCPLUS endorsement that is equivalent to or less than the level of federally reinsured coverage that the producer applied for from the insurance provider that offered the CRCPLUS endorsement; and

(2) transfer to any approved insurance provider any federally reinsured coverage provided for other agricultural commodities of the producer by the same insurance provider that offered the CRCPLUS endorsement, as determined by the Corporation.

Approved April 1, 1999.

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**LEGISLATIVE HISTORY—H.R. 1212:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed House.

Mar. 25, considered and passed Senate.



Public Law 106–8  
106th Congress

An Act

To provide for a loan guarantee program to address the Year 2000 computer problems of small business concerns, and for other purposes.

Apr. 2, 1999  
[S. 314]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Small Business Year 2000 Readiness Act”.

Small Business  
Year 2000  
Readiness Act.  
15 USC 631 note.

**SEC. 2. FINDINGS.**

15 USC 636 note.

Congress finds that—

(1) the failure of many computer programs to recognize the Year 2000 may have extreme negative financial consequences in the Year 2000, and in subsequent years for both large and small businesses;

(2) small businesses are well behind larger businesses in implementing corrective changes to their automated systems;

(3) many small businesses do not have access to capital to fix mission critical automated systems, which could result in severe financial distress or failure for small businesses; and

(4) the failure of a large number of small businesses due to the Year 2000 computer problem would have a highly detrimental effect on the economy in the Year 2000 and in subsequent years.

**SEC. 3. YEAR 2000 COMPUTER PROBLEM LOAN GUARANTEE PROGRAM.**

(a) PROGRAM ESTABLISHED.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(27) YEAR 2000 COMPUTER PROBLEM PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘eligible lender’ means any lender designated by the Administration as eligible to participate in the general business loan program under this subsection; and

“(ii) the term ‘Year 2000 computer problem’ means, with respect to information technology, and embedded systems, any problem that adversely effects the processing (including calculating, comparing, sequencing, displaying, or storing), transmitting, or receiving of date-dependent data—

“(I) from, into, or between—

“(aa) the 20th or 21st centuries; or

“(bb) the years 1999 and 2000; or

“(II) with regard to leap year calculations.

“(B) ESTABLISHMENT OF PROGRAM.—The Administration shall—

“(i) establish a loan guarantee program, under which the Administration may, during the period beginning on the date of enactment of this paragraph and ending on December 31, 2000, guarantee loans made by eligible lenders to small business concerns in accordance with this paragraph; and

Notification.

“(ii) notify each eligible lender of the establishment of the program under this paragraph, and otherwise take such actions as may be necessary to aggressively market the program under this paragraph.

“(C) USE OF FUNDS.—A small business concern that receives a loan guaranteed under this paragraph shall only use the proceeds of the loan to—

“(i) address the Year 2000 computer problems of that small business concern, including the repair and acquisition of information technology systems, the purchase and repair of software, the purchase of consulting and other third party services, and related expenses; and

“(ii) provide relief for a substantial economic injury incurred by the small business concern as a direct result of the Year 2000 computer problems of the small business concern or of any other entity (including any service provider or supplier of the small business concern), if such economic injury has not been compensated for by insurance or otherwise.

“(D) LOAN AMOUNTS.—

“(i) IN GENERAL.—Notwithstanding paragraph (3)(A) and subject to clause (ii) of this subparagraph, a loan may be made to a borrower under this paragraph even if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed \$750,000.

“(ii) EXCEPTION.—A loan may not be made to a borrower under this paragraph if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund, the business guaranty loan financing account, and the business direct loan financing account would thereby exceed \$1,000,000.

“(E) ADMINISTRATION PARTICIPATION.—Notwithstanding paragraph (2)(A), in an agreement to participate in a loan under this paragraph, participation by the Administration shall not exceed—

“(i) 85 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance exceeds \$100,000;

“(ii) 90 percent of the balance of the financing outstanding at the time of disbursement of the loan, if the balance is less than or equal to \$100,000; and

“(iii) notwithstanding clauses (i) and (ii), in any case in which the subject loan is processed in accordance with the requirements applicable to the SBAExpress Pilot Program, 50 percent of the balance outstanding at the time of disbursement of the loan.

“(F) PERIODIC REVIEWS.—The Inspector General of the Administration shall periodically review a representative sample of loans guaranteed under this paragraph to mitigate the risk of fraud and ensure the safety and soundness of the loan program.

“(G) ANNUAL REPORT.—The Administration shall annually submit to the Committees on Small Business of the House of Representatives and the Senate a report on the results of the program carried out under this paragraph during the preceding 12-month period, which shall include information relating to—

“(i) the total number of loans guaranteed under this paragraph;

“(ii) with respect to each loan guaranteed under this paragraph—

“(I) the amount of the loan;

“(II) the geographic location of the borrower; and

“(III) whether the loan was made to repair or replace information technology and other automated systems or to remedy an economic injury; and

“(iii) the total number of eligible lenders participating in the program.”.

(b) GUIDELINES.—

15 USC 636 note.

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to carry out the program under section 7(a)(27) of the Small Business Act, as added by this section.

(2) REQUIREMENTS.—Except to the extent that it would be inconsistent with this section or section 7(a)(27) of the Small Business Act, as added by this section, the guidelines issued under this subsection shall, with respect to the loan program established under section 7(a)(27) of the Small Business Act, as added by this section—

(A) provide maximum flexibility in the establishment of terms and conditions of loans originated under the loan program so that such loans may be structured in a manner that enhances the ability of the applicant to repay the debt;

(B) if appropriate to facilitate repayment, establish a moratorium on principal payments under the loan program for up to 1 year beginning on the date of the origination of the loan;

(C) provide that any reasonable doubts regarding a loan applicant's ability to service the debt be resolved in favor of the loan applicant; and

(D) authorize an eligible lender (as defined in section 7(a)(27)(A) of the Small Business Act, as added by this section) to process a loan under the loan program in accordance with the requirements applicable to loans originated

under another loan program established pursuant to section 7(a) of the Small Business Act (including the general business loan program, the Preferred Lender Program, the Certified Lender Program, the Low Documentation Loan Program, and the SBAExpress Pilot Program), if—

(i) the eligible lender is eligible to participate in such other loan program; and

(ii) the terms of the loan, including the principal amount of the loan, are consistent with the requirements applicable to loans originated under such other loan program.

15 USC 636 and  
note.

(c) REPEAL.—Effective on December 31, 2000, this section and the amendments made by this section are repealed.

Approved April 2, 1999.

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LEGISLATIVE HISTORY—S. 314:

SENATE REPORTS: No. 106–5 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 2, considered and passed Senate.

Mar. 23, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Apr. 2, Presidential statement.



Public Law 106–9  
106th Congress

An Act

To amend section 20 of the Small Business Act and make technical corrections  
in title III of the Small Business Investment Act.

Apr. 5, 1999  
[H.R. 68]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Small Business Investment  
Improvement Act of 1999”.

Small Business  
Investment  
Improvement Act  
of 1999.  
15 USC 661 note.

**SEC. 2. SBIC PROGRAM.**

Loans.

(a) **IN GENERAL.**—Section 308(i)(2) of the Small Business Invest-  
ment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at  
the end the following: “In this paragraph, the term ‘interest’  
includes only the maximum mandatory sum, expressed in dollars  
or as a percentage rate, that is payable with respect to the business  
loan amount received by the small business concern, and does  
not include the value, if any, of contingent obligations, including  
warrants, royalty, or conversion rights, granting the small business  
investment company an ownership interest in the equity or  
increased future revenue of the small business concern receiving  
the business loan.”.

(b) **FUNDING LEVELS.**—Section 20 of the Small Business Act  
(15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking “\$800,000,000” and  
inserting “\$1,200,000,000”; and

(2) in subsection (e)(1)(C)(i), by striking “\$900,000,000” and  
inserting “\$1,500,000,000”.

(c) **DEFINITIONS.**—

(1) **SMALL BUSINESS CONCERN.**—Section 103(5) of the Small  
Business Investment Act of 1958 (15 U.S.C. 662(5)) is  
amended—

(A) by redesignating subparagraphs (A) through (C)  
as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding “and”  
at the end;

(C) by striking “purposes of this Act, an investment”  
and inserting the following: “purposes of this Act—

“(A) an investment”; and

(D) by adding at the end the following:

“(B) in determining whether a business concern satis-  
fies net income standards established pursuant to section  
3(a)(2) of the Small Business Act, if the business concern  
is not required by law to pay Federal income taxes at  
the enterprise level, but is required to pass income through

to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

“(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

“(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation.”

(2) **SMALLER ENTERPRISE.**—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: “except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

“(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

“(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation”.

(d) **TECHNICAL CORRECTIONS.**—

(1) **REPEAL.**—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) **ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.**—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking “6” and inserting “12”.

(3) **ELIMINATION OF TABLE OF CONTENTS.**—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:



**“SEC. 101. SHORT TITLE.**

“This Act may be cited as the ‘Small Business Investment Act of 1958’.”.

Approved April 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 68 (S. 364):**

HOUSE REPORTS: No. 106–1 (Comm. on Small Business).

SENATE REPORTS: No. 106–6 accompanying S. 364 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 2, considered and passed House.

Mar. 22, considered and passed Senate, amended, in lieu of S. 364.

Mar. 23, House concurred in Senate amendment.



Public Law 106–10  
106th Congress

An Act

Apr. 5, 1999  
[H.R. 92]

To designate the Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, as the “Hiram H. Ward Federal Building and United States Courthouse”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 251 North Main Street in Winston-Salem, North Carolina, shall be known and designated as the “Hiram H. Ward Federal Building and United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Hiram H. Ward Federal Building and United States Courthouse”.

Approved April 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 92:**

HOUSE REPORTS: No. 106–20 (Comm. on Transportation and Infrastructure).  
CONGRESSIONAL RECORD, Vol. 145 (1999):  
Feb. 23, considered and passed House.  
Mar. 23, considered and passed Senate.



Public Law 106–11  
106th Congress

An Act

To designate the United States courthouse located at 316 North 26th Street in Billings, Montana, as the “James F. Battin United States Courthouse”.

Apr. 5, 1999  
[H.R. 158]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States courthouse located at 316 North 26th Street in Billings, Montana, shall be known and designated as the “James F. Battin United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “James F. Battin United States Courthouse”.

Approved April 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 158:**

HOUSE REPORTS: No. 106–21 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 23, considered and passed House.

Mar. 23, considered and passed Senate.



Public Law 106–12  
106th Congress

An Act

Apr. 5, 1999  
[H.R. 233]

To designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the “Richard C. White Federal Building”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 700 East San Antonio Street in El Paso, Texas, shall be known and designated as the “Richard C. White Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Richard C. White Federal Building”.

Approved April 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 233:**

HOUSE REPORTS: No. 106–22 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 23, considered and passed House.

Mar. 23, considered and passed Senate.



Public Law 106–13  
106th Congress

An Act

To designate the Federal building located at 1301 Clay Street in Oakland, California,  
as the “Ronald V. Dellums Federal Building”.

Apr. 5, 1999  
[H.R. 396]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 1301 Clay Street in Oakland, California, shall be known and designated as the “Ronald V. Dellums Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Ronald V. Dellums Federal Building”.

Approved April 5, 1999.

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**LEGISLATIVE HISTORY—H.R. 396:**

HOUSE REPORTS: No. 106–23 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 23, considered and passed House.

Mar. 23, considered and passed Senate.



Public Law 106–14  
106th Congress

Joint Resolution

Apr. 6, 1999  
[H.J. Res. 26]

Providing for the reappointment of Barber B. Conable, Jr. as a citizen regent  
of the Board of Regents of the Smithsonian Institution.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Barber B. Conable, Jr. of New York on April 11, 1999, is filled by the reappointment of the incumbent for a term of 6 years, effective April 12, 1999.

Approved April 6, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 26:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed House.

Mar. 24, considered and passed Senate.



Public Law 106–15  
106th Congress

Joint Resolution

Providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution.

Apr. 6, 1999  
[H.J. Res. 27]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Hanna H. Gray of Illinois on April 11, 1999, is filled by the reappointment of the incumbent for a term of 6 years, effective April 12, 1999.

Approved April 6, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 27:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed House.

Mar. 24, considered and passed Senate.



Public Law 106–16  
106th Congress

Joint Resolution

Apr. 6, 1999  
[H.J. Res. 28]

Providing for the reappointment of Wesley S. Williams, Jr. as a citizen regent  
of the Board of Regents of the Smithsonian Institution.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Wesley S. Williams, Jr. of the District of Columbia on April 11, 1999, is filled by the reappointment of the incumbent for a term of 6 years, effective April 12, 1999.

Approved April 6, 1999.

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LEGISLATIVE HISTORY—H.J. Res 28:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed House.

Mar. 24, considered and passed Senate.





Public Law 106–17  
106th Congress

An Act

To amend the Small Business Act to change the conditions of participation and provide an authorization of appropriations for the women’s business center program.

Apr. 6, 1999  
[H.R. 774]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Women’s Business Center Amendments Act of 1999”.

Women’s  
Business Center  
Amendments Act  
of 1999.  
15 USC 631 note.

**SEC. 2. CONDITIONS OF PARTICIPATION.**

(a) IN GENERAL.—Section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is amended—

(1) in subparagraph (A) by inserting “and” after the semicolon at the end; and

(2) by striking subparagraphs (B) and (C) and inserting the following:

“(B) in the third, fourth, and fifth years, 1 non-Federal dollar for each Federal dollar.”.

(b) APPLICABILITY.—The amendments made by this section shall apply beginning October 1, 1998. 15 USC 656 note.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

Section 29(k)(1) of the Small Business Act (15 U.S.C. 656(k)(1)) is amended by striking “8,000,000” and inserting “11,000,000”.

Approved April 6, 1999.

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**LEGISLATIVE HISTORY—H.R. 774:**

HOUSE REPORTS: No. 106–47 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 16, considered and passed House.

Mar. 24, considered and passed Senate.



Public Law 106–18  
106th Congress

An Act

Apr. 8, 1999  
[H.R. 171]

To authorize appropriations for the Coastal Heritage Trail Route in New Jersey,  
and for other purposes.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS.**

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking “\$1,000,000” and inserting “\$4,000,000”; and

(2) in subsection (c), by striking “five” and inserting “10”.

Approved April 8, 1999.

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**LEGISLATIVE HISTORY—H.R. 171:**

HOUSE REPORTS: No. 106–16 (Comm. on Resources).

SENATE REPORTS: No. 106–24 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 23, considered and passed House.

Mar. 25, considered and passed Senate.



Public Law 106–19  
106th Congress

An Act

To make technical corrections with respect to the monthly reports submitted by the Postmaster General on official mail of the House of Representatives.

Apr. 8, 1999  
[H.R. 705]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL CORRECTIONS REGARDING REPORTS BY  
POSTMASTER GENERAL ON OFFICIAL MAIL OF HOUSE  
OF REPRESENTATIVES.**

(a) IN GENERAL.—Section 311(b)(2) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(b)(2)) is amended by striking “any person with an allocation under subsection (a)(2)” and inserting the following: “any person with an allocation under subsection (a)(2)(A) as to the amount that has been used and any person with an allocation under subsection (a)(2)(B)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to January 1999 and each succeeding month.

2 USC 59e note.

Approved April 8, 1999.

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LEGISLATIVE HISTORY—H.R. 705:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 11, considered and passed House.

Mar. 25, considered and passed Senate.



Public Law 106–20  
106th Congress

An Act

Apr. 9, 1999  
[H.R. 193]

To designate a portion of the Sudbury, Assabet, and Concord Rivers as a component of the National Wild and Scenic Rivers System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Sudbury,  
Assabet, and  
Concord Wild  
and Scenic River  
Act.  
Massachusetts.  
16 USC 1271  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Sudbury, Assabet, and Concord Wild and Scenic River Act”.

**SEC. 2. DESIGNATION OF SUDBURY, ASSABET, AND CONCORD SCENIC AND RECREATIONAL RIVERS, MASSACHUSETTS.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The Sudbury, Assabet, and Concord Wild and Scenic River Study Act (title VII of Public Law 101–628; 104 Stat. 4497)—

(A) designated segments of the Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts, totaling 29 river miles, for study and potential addition to the National Wild and Scenic Rivers System; and

(B) directed the Secretary of the Interior to establish the Sudbury, Assabet, and Concord Rivers Study Committee (in this section referred to as the “Study Committee”) to advise the Secretary in conducting the study and in the consideration of management alternatives should the rivers be included in the National Wild and Scenic Rivers System.

(2) The study determined the following river segments are eligible for inclusion in the National Wild and Scenic Rivers System based on their free-flowing condition and outstanding scenic, recreation, wildlife, cultural, and historic values:

(A) The 16.6-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet River.

(B) The 4.4-mile segment of the Assabet River from 1,000 feet downstream from the Damon Mill Dam in the town of Concord to the confluence with the Sudbury River at Egg Rock in Concord.

(C) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers to the Route 3 bridge in the town of Billerica.

(3) The towns that directly abut the segments, including Framingham, Sudbury, Wayland, Lincoln, Concord, Bedford, Carlisle, and Billerica, Massachusetts, have each demonstrated

their desire for National Wild and Scenic River designation through town meeting votes endorsing designation.

(4) During the study, the Study Committee and the National Park Service prepared a comprehensive management plan for the segment, entitled “Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan” and dated March 16, 1995 (in this section referred to as the “plan”), which establishes objectives, standards, and action programs that will ensure long-term protection of the rivers’ outstanding values and compatible management of their land and water resources.

(5) The Study Committee voted unanimously on February 23, 1995, to recommend that the Congress include these segments in the National Wild and Scenic Rivers System for management in accordance with the plan.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“(160) SUDBURY, ASSABET, AND CONCORD RIVERS, MASSACHUSETTS.—(A) The 29 miles of river segments in Massachusetts, as follows:

“(i) The 14.9-mile segment of the Sudbury River beginning at the Danforth Street Bridge in the town of Framingham, downstream to the Route 2 Bridge in Concord, as a scenic river.

“(ii) The 1.7-mile segment of the Sudbury River from the Route 2 Bridge downstream to its confluence with the Assabet River at Egg Rock, as a recreational river.

“(iii) The 4.4-mile segment of the Assabet River beginning 1,000 feet downstream from the Damon Mill Dam in the town of Concord, to its confluence with the Sudbury River at Egg Rock in Concord; as a recreational river.

“(iv) The 8-mile segment of the Concord River from Egg Rock at the confluence of the Sudbury and Assabet Rivers downstream to the Route 3 Bridge in the town of Billerica, as a recreational river.

“(B) The segments referred to in subparagraph (A) shall be administered by the Secretary of the Interior in cooperation with the SUASCO River Stewardship Council provided for in the plan referred to in subparagraph (C) through cooperative agreements under section 10(e) between the Secretary and the Commonwealth of Massachusetts and its relevant political subdivisions (including the towns of Framingham, Wayland, Sudbury, Lincoln, Concord, Carlisle, Bedford, and Billerica).

“(C) The segments referred to in subparagraph (A) shall be managed in accordance with the plan entitled ‘Sudbury, Assabet and Concord Wild and Scenic River Study, River Conservation Plan’, dated March 16, 1995. The plan is deemed to satisfy the requirement for a comprehensive management plan under subsection (d) of this section.”

(c) FEDERAL ROLE IN MANAGEMENT.—(1) The Director of the National Park Service or the Director’s designee shall represent the Secretary of the Interior in the implementation of the plan, this section, and the Wild and Scenic Rivers Act with respect to each of the segments designated by the amendment made by subsection (b), including the review of proposed federally assisted water resources projects that could have a direct and adverse effect

16 USC 1274  
note.

on the values for which the segment is established, as authorized under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)).

(2) Pursuant to sections 10(e) and section 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)), the Director shall offer to enter into cooperative agreements with the Commonwealth of Massachusetts, its relevant political subdivisions, the Sudbury Valley Trustees, and the Organization for the Assabet River. Such cooperative agreements shall be consistent with the plan and may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of each of the segments designated by the amendment made by subsection (b).

(3) The Director may provide technical assistance, staff support, and funding to assist in the implementation of the plan, except that the total cost to the Federal Government of activities to implement the plan may not exceed \$100,000 each fiscal year.

(4) Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), any portion of a segment designated by the amendment made by subsection (b) that is not already within the National Park System shall not under this section—

(A) become a part of the National Park System;

(B) be managed by the National Park Service; or

(C) be subject to regulations which govern the National Park System.

16 USC 1274  
note.

(d) WATER RESOURCES PROJECTS.—(1) In determining whether a proposed water resources project would have a direct and adverse effect on the values for which the segments designated by the amendment made by subsection (b) were included in the National Wild and Scenic Rivers System, the Secretary of the Interior shall specifically consider the extent to which the project is consistent with the plan.

(2) The plan, including the detailed Water Resources Study incorporated by reference in the plan and such additional analysis as may be incorporated in the future, shall serve as the primary source of information regarding the flows needed to maintain instream resources and potential compatibility between resource protection and possible additional water withdrawals.

16 USC 1274  
note.

(e) LAND MANAGEMENT.—(1) The zoning bylaws of the towns of Framingham, Sudbury, Wayland, Lincoln, Concord, Carlisle, Bedford, and Billerica, Massachusetts, as in effect on the date of enactment of this Act, are deemed to satisfy the standards and requirements under section 6(c) of the Wild and Scenic rivers Act (16 U.S.C. 1277(c)). For the purpose of that section, the towns are deemed to be “villages” and the provisions of that section which prohibit Federal acquisition of lands through condemnation shall apply.

(2) The United States Government shall not acquire by any means title to land, easements, or other interests in land along the segments designated by the amendment made by subsection (b) or their tributaries for the purposes of designation of the segments under the amendment. Nothing in this section shall prohibit Federal acquisition of interests in land along those segments or tributaries under other laws for other purposes.

16 USC 1274  
note.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section not to exceed \$100,000 for each fiscal year.

(g) EXISTING UNDESIGNATED PARAGRAPHS; REMOVAL OF DUPLICATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by striking the first undesignated paragraph after paragraph (156), relating to Elkhorn Creek, Oregon; and

(2) by designating the three remaining undesignated paragraphs after paragraph (156) as paragraphs (157), (158), and (159), respectively.

Approved April 9, 1999.

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LEGISLATIVE HISTORY—H.R. 193:

HOUSE REPORTS: No. 106–10 (Comm. on Resources).

SENATE REPORTS: No. 106–25 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 23, considered and passed House.

Mar. 25, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Apr. 9, Presidential statement.



Public Law 106–21  
106th Congress

An Act

Apr. 19, 1999  
[H.R. 1376]

To extend the tax benefits available with respect to services performed in a combat zone to services performed in the Federal Republic of Yugoslavia (Serbia/Montenegro) and certain other areas, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

26 USC 112 note.

**SECTION 1. AVAILABILITY OF CERTAIN TAX BENEFITS FOR SERVICES AS PART OF OPERATION ALLIED FORCE.**

(a) **GENERAL RULE.**—For purposes of the following provisions of the Internal Revenue Code of 1986, a qualified hazardous duty area shall be treated in the same manner as if it were a combat zone (as determined under section 112 of such Code):

(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

(3) Section 692 (relating to income taxes of members of Armed Forces on death).

(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

(b) **QUALIFIED HAZARDOUS DUTY AREA.**—For purposes of this section, the term “qualified hazardous duty area” means any area of the Federal Republic of Yugoslavia (Serbia/Montenegro), Albania, the Adriatic Sea, and the northern Ionian Sea (above the 39th parallel) during the period (which includes the date of the enactment of this Act) that any member of the Armed Forces of the United States is entitled to special pay under section 310 of title 37, United States Code (relating to special pay: duty subject to hostile fire or imminent danger) for services performed in such area.

(c) **SPECIAL RULE FOR SECTION 7508.**—Solely for purposes of applying section 7508 of the Internal Revenue Code of 1986, in the case of an individual who is performing services as part of Operation Allied Force outside the United States while deployed



away from such individual's permanent duty station, the term "qualified hazardous duty area" includes, during the period for which the entitlement referred to in subsection (b) is in effect, any area in which such services are performed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall take effect on March 24, 1999.

(2) WITHHOLDING.—Subsection (a)(5) shall apply to remuneration paid after the date of the enactment of this Act.

Approved April 19, 1999.

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LEGISLATIVE HISTORY—H.R. 1376 (S. 767):

HOUSE REPORTS: No. 106–90 (Comm. on Ways and Means).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 15, considered and passed House and Senate.



Public Law 106–22  
106th Congress

An Act

Apr. 27, 1999

[H.R. 440]

Microloan  
Program  
Technical  
Corrections Act  
of 1999.  
Small business.  
15 USC 631 note.

To make technical corrections to the Microloan Program.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Microloan Program Technical  
Corrections Act of 1999”.

**SEC. 2. TECHNICAL CORRECTIONS.**

Section 7(m) of the Small Business Act (15 U.S.C. 636(m))  
is amended—

(1) in paragraph (7), by striking subparagraph (B) and  
inserting the following:

“(B) ALLOCATION.—

“(i) MINIMUM ALLOCATION.—Subject to the avail-  
ability of appropriations, of the total amount of new  
loan funds made available for award under this sub-  
section in each fiscal year, the Administration shall  
make available for award in each State (including the  
District of Columbia, the Commonwealth of Puerto  
Rico, the United States Virgin Islands, Guam, and  
American Samoa) an amount equal to the sum of—

“(I) the lesser of—

“(aa) \$800,000; or

“(bb)  $\frac{1}{55}$  of the total amount of new loan  
funds made available for award under this  
subsection for that fiscal year; and

“(II) any additional amount, as determined by  
the Administration.

“(ii) REDISTRIBUTION.—If, at the beginning of the  
third quarter of a fiscal year, the Administration deter-  
mines that any portion of the amount made available  
to carry out this subsection is unlikely to be made  
available under clause (i) during that fiscal year, the  
Administration may make that portion available for  
award in any one or more States (including the District  
of Columbia, the Commonwealth of Puerto Rico, the  
United States Virgin Islands, Guam, and American  
Samoa) without regard to clause (i).”; and

(2) in paragraph (8)—

(A) by inserting “and providing funding to inter-  
mediaries” after “program applicants”; and

(B) by inserting “and provide funding to” after “shall  
select”.

**SEC. 3. LOAN LOSS RESERVE.**

Section 7(m)(3)(D) of the Small Business Act (15 U.S.C. 636(m)(3)(D)) is amended to read as follows:

“(D)(i) **IN GENERAL.**—The Administrator shall, by regulation, require each intermediary to establish a loan loss reserve fund, and to maintain such reserve fund until all obligations owed to the Administration under this subsection are repaid. Regulations.

“(ii) **LEVEL OF LOAN LOSS RESERVE FUND.**—

“(I) **IN GENERAL.**—Subject to subclause (III), the Administrator shall require the loan loss reserve fund of an intermediary to be maintained at a level equal to 15 percent of the outstanding balance of the notes receivable owed to the intermediary.

“(II) **REVIEW OF LOAN LOSS RESERVE.**—After the initial 5 years of an intermediary’s participation in the program authorized by this subsection, the Administrator shall, at the request of the intermediary, conduct a review of the annual loss rate of the intermediary. Any intermediary in operation under this subsection prior to October 1, 1994, that requests a reduction in its loan loss reserve shall be reviewed based on the most recent 5-year period preceding the request.

“(III) **REDUCTION OF LOAN LOSS RESERVE.**—Subject to the requirements of clause IV, the Administrator may reduce the annual loan loss reserve requirement of an intermediary to reflect the actual average loan loss rate for the intermediary during the preceding 5-year period, except that in no case shall the loan loss reserve be reduced to less than 10 percent of the outstanding balance of the notes receivable owed to the intermediary.

“(IV) **REQUIREMENTS.**—The Administrator may reduce the annual loan loss reserve requirement of an intermediary only if the intermediary demonstrates to the satisfaction of the Administrator that—

“(aa) the average annual loss rate for the intermediary during the preceding 5-year period is less than 15 percent; and

“(bb) that no other factors exist that may impair the ability of the intermediary to repay all obligations owed to the Administration under this subsection.”.

Approved April 27, 1999.

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**LEGISLATIVE HISTORY—H.R. 440:**

HOUSE REPORTS: No. 106–12 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 9, considered and passed House.

Mar. 25, considered and passed Senate, amended.

Apr. 12, House concurred in Senate amendment.

Public Law 106–23  
106th Congress

An Act

Apr. 27, 1999  
[H.R. 911]

To designate the Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, as the “Terry Sanford Federal Building”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 310 New Bern Avenue in Raleigh, North Carolina, shall be known and designated as the “Terry Sanford Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Terry Sanford Federal Building”.

Approved April 27, 1999.

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LEGISLATIVE HISTORY—H.R. 911 (S. 754):

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 12, considered and passed House.

Apr. 15, considered and passed Senate.



Public Law 106–24  
106th Congress

An Act

To authorize the establishment of a disaster mitigation pilot program in the Small Business Administration.

Apr. 27, 1999  
[S. 388]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DISASTER MITIGATION PILOT PROGRAM.**

Loans.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

- (1) in subparagraph (B), by adding “and” at the end; and
- (2) by adding at the end the following:

“(C) during fiscal years 2000 through 2004, to establish a predisaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to use mitigation techniques in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee may be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

“(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

- “(1) \$15,000,000 for fiscal year 2000.
- “(2) \$15,000,000 for fiscal year 2001.
- “(3) \$15,000,000 for fiscal year 2002.
- “(4) \$15,000,000 for fiscal year 2003.
- “(5) \$15,000,000 for fiscal year 2004.”.

(c) EVALUATION.—On January 31, 2003, the Administrator of the Small Business Administration shall submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of the pilot program authorized by section 7(b)(1)(C) of the Small Business Act (15 U.S.C. 636(b)(1)(C)), as added by subsection (a) of this section, which report shall include—

Reports.  
15 USC 636 note.

- (1) information relating to—
  - (A) the areas served under the pilot program;
  - (B) the number and dollar value of loans made under the pilot program; and

(C) the estimated savings to the Federal Government resulting from the pilot program; and  
(2) such other information as the Administrator determines to be appropriate for evaluating the pilot program.

Approved April 27, 1999.

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LEGISLATIVE HISTORY—S. 388 (H.R. 818):

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 25, considered and passed Senate.

Apr. 12, considered and passed House.



Public Law 106–25  
106th Congress

An Act

To provide for education flexibility partnerships.

Apr. 29, 1999

[H.R. 800]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Education Flexibility Partnership Act of 1999”.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) States differ substantially in demographics, in school governance, and in school finance and funding. The administrative and funding mechanisms that help schools in one State improve may not prove successful in other States.

(2) Although the Elementary and Secondary Education Act of 1965 and other Federal education statutes afford flexibility to State educational agencies and local educational agencies in implementing Federal programs, certain requirements of Federal education statutes or regulations may impede local efforts to reform and improve education.

(3) By granting waivers of certain statutory and regulatory requirements, the Federal Government can remove impediments for local educational agencies in implementing educational reforms and raising the achievement levels of all children.

(4) State educational agencies are closer to local school systems, implement statewide educational reforms with both Federal and State funds, and are responsible for maintaining accountability for local activities consistent with State standards and assessment systems. Therefore, State educational agencies are often in the best position to align waivers of Federal and State requirements with State and local initiatives.

(5) The Education Flexibility Partnership Demonstration Act allows State educational agencies the flexibility to waive certain Federal requirements, along with related State requirements, but allows only 12 States to qualify for such waivers.

(6) Expansion of waiver authority will allow for the waiver of statutory and regulatory requirements that impede implementation of State and local educational improvement plans, or that unnecessarily burden program administration, while maintaining the intent and purposes of affected programs, such as the important focus on improving mathematics and science performance under title II of the Elementary and

Education  
Flexibility  
Partnership Act  
of 1999.  
Inter-  
governmental  
relations.  
20 USC 5801  
note.  
20 USC 5891b  
note.

Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program), and maintaining such fundamental requirements as those relating to civil rights, educational equity, and accountability.

(7) To achieve the State goals for the education of children in the State, the focus must be on results in raising the achievement of all students, not process.

20 USC 5891a.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY; OUTLYING AREA.**—The terms “local educational agency”, “State educational agency”, and “outlying area” have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965.

(2) **ELIGIBLE SCHOOL ATTENDANCE AREA; SCHOOL ATTENDANCE AREA.**—The terms “eligible school attendance area” and “school attendance area” have the meanings given the terms in section 1113(a)(2) of the Elementary and Secondary Education Act of 1965.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Education.

(4) **STATE.**—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

20 USC 5891b.

**SEC. 4. EDUCATION FLEXIBILITY PARTNERSHIP.**

(a) **EDUCATIONAL FLEXIBILITY PROGRAM.**—

(1) **PROGRAM AUTHORIZED.**—

(A) **IN GENERAL.**—The Secretary may carry out an educational flexibility program under which the Secretary authorizes a State educational agency that serves an eligible State to waive statutory or regulatory requirements applicable to one or more programs described in subsection (b), other than requirements described in subsection (c), for any local educational agency or school within the State.

(B) **DESIGNATION.**—Each eligible State participating in the program described in subparagraph (A) shall be known as an “Ed-Flex Partnership State”.

(2) **ELIGIBLE STATE.**—For the purpose of this section the term “eligible State” means a State that—

(A) has—

(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965, and for which local educational agencies in the State are producing the individual school performance profiles required by section 1116(a)(3) of such Act; or

(ii)(I) developed and implemented the content standards described in clause (i);

(II) developed and implemented interim assessments; and

(III) made substantial progress (as determined by the Secretary) toward developing and implementing the performance standards and final aligned assessments described in clause (i), and toward having local



educational agencies in the State produce the profiles described in clause (i);

(B) holds local educational agencies and schools accountable for meeting the educational goals described in the local applications submitted under paragraph (4) and for engaging in technical assistance and corrective actions consistent with section 1116 of the Elementary and Secondary Education Act of 1965, for the local educational agencies and schools that do not make adequate yearly progress as described in section 1111(b)(2) of such Act; and

(C) waives State statutory or regulatory requirements relating to education while holding local educational agencies or schools within the State that are affected by such waivers accountable for the performance of the students who are affected by such waivers.

(3) STATE APPLICATION.—

(A) IN GENERAL.—Each State educational agency desiring to participate in the educational flexibility program under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Each such application shall demonstrate that the eligible State has adopted an educational flexibility plan for the State that includes—

(i) a description of the process the State educational agency will use to evaluate applications from local educational agencies or schools requesting waivers of—

(I) Federal statutory or regulatory requirements as described in paragraph (1)(A); and

(II) State statutory or regulatory requirements relating to education;

(ii) a detailed description of the State statutory and regulatory requirements relating to education that the State educational agency will waive;

(iii) a description of clear educational objectives the State intends to meet under the educational flexibility plan;

(iv) a description of how the educational flexibility plan is consistent with and will assist in implementing the State comprehensive reform plan or, if a State does not have a comprehensive reform plan, a description of how the educational flexibility plan is coordinated with activities described in section 1111(b) of the Elementary and Secondary Education Act of 1965;

(v) a description of how the State educational agency will evaluate, (consistent with the requirements of title I of the Elementary and Secondary Education Act of 1965), the performance of students in the schools and local educational agencies affected by the waivers; and

(vi) a description of how the State educational agency will meet the requirements of paragraph (8).

(B) APPROVAL AND CONSIDERATIONS.—The Secretary may approve an application described in subparagraph (A)

only if the Secretary determines that such application demonstrates substantial promise of assisting the State educational agency and affected local educational agencies and schools within the State in carrying out comprehensive educational reform, after considering—

(i) the eligibility of the State as described in paragraph (2);

(ii) the comprehensiveness and quality of the educational flexibility plan described in subparagraph (A);

(iii) the ability of the educational flexibility plan to ensure accountability for the activities and goals described in such plan;

(iv) the degree to which the State's objectives described in subparagraph (A)(iii)—

(I) are clear and have the ability to be assessed; and

(II) take into account the performance of local educational agencies or schools, and students, particularly those affected by waivers;

(v) the significance of the State statutory or regulatory requirements relating to education that will be waived; and

(vi) the quality of the State educational agency's process for approving applications for waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and for monitoring and evaluating the results of such waivers.

(4) LOCAL APPLICATION.—

(A) IN GENERAL.—Each local educational agency or school requesting a waiver of a Federal statutory or regulatory requirement as described in paragraph (1)(A) and any relevant State statutory or regulatory requirement from a State educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require. Each such application shall—

(i) indicate each Federal program affected and each statutory or regulatory requirement that will be waived;

(ii) describe the purposes and overall expected results of waiving each such requirement;

(iii) describe, for each school year, specific, measurable, educational goals for each local educational agency or school affected by the proposed waiver, and for the students served by the local educational agency or school who are affected by the waiver;

(iv) explain why the waiver will assist the local educational agency or school in reaching such goals; and

(v) in the case of an application from a local educational agency, describe how the local educational agency will meet the requirements of paragraph (8).

(B) EVALUATION OF APPLICATIONS.—A State educational agency shall evaluate an application submitted

under subparagraph (A) in accordance with the State's educational flexibility plan described in paragraph (3)(A).

(C) APPROVAL.—A State educational agency shall not approve an application for a waiver under this paragraph unless—

(i) the local educational agency or school requesting such waiver has developed a local reform plan that is applicable to such agency or school, respectively;

(ii) the waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) will assist the local educational agency or school in reaching its educational goals, particularly goals with respect to school and student performance; and

(iii) the State educational agency is satisfied that the underlying purposes of the statutory requirements of each program for which a waiver is granted will continue to be met.

(D) TERMINATION.—The State educational agency shall annually review the performance of any local educational agency or school granted a waiver of Federal statutory or regulatory requirements as described in paragraph (1)(A) in accordance with the evaluation requirement described in paragraph (3)(A)(v), and shall terminate any waiver granted to the local educational agency or school if the State educational agency determines, after notice and an opportunity for a hearing, that the local educational agency or school's performance with respect to meeting the accountability requirement described in paragraph (2)(C) and the goals described in paragraph (4)(A)(iii)—

(i) has been inadequate to justify continuation of such waiver; or

(ii) has decreased for two consecutive years, unless the State educational agency determines that the decrease in performance was justified due to exceptional or uncontrollable circumstances.

(5) OVERSIGHT AND REPORTING.—

(A) OVERSIGHT.—Each State educational agency participating in the educational flexibility program under this section shall annually monitor the activities of local educational agencies and schools receiving waivers under this section.

(B) STATE REPORTS.—

(i) ANNUAL REPORTS.—The State educational agency shall submit to the Secretary an annual report on the results of such oversight and the impact of the waivers on school and student performance.

(ii) PERFORMANCE DATA.—Not later than 2 years after the date a State is designated an Ed-Flex Partnership State, each such State shall include, as part of the State's annual report submitted under clause (i), data demonstrating the degree to which progress has been made toward meeting the State's educational objectives. The data, when applicable, shall include—

(I) information on the total number of waivers granted for Federal and State statutory and regulatory requirements under this section, including

the number of waivers granted for each type of waiver;

(II) information describing the effect of the waivers on the implementation of State and local educational reforms pertaining to school and student performance;

(III) information describing the relationship of the waivers to the performance of schools and students affected by the waivers; and

(IV) an assurance from State program managers that the data reported under this section are reliable, complete, and accurate, as defined by the State, or a description of a plan for improving the reliability, completeness, and accuracy of such data as defined by the State.

(C) SECRETARY'S REPORTS.—The Secretary, not later than 2 years after the date of the enactment of this Act and annually thereafter, shall—

Public  
information.

(i) make each State report submitted under subparagraph (B) available to Congress and the public; and

(ii) submit to Congress a report that summarizes the State reports and describes the effects that the educational flexibility program under this section had on the implementation of State and local educational reforms and on the performance of students affected by the waivers.

(6) DURATION OF FEDERAL WAIVERS.—

(A) IN GENERAL.—The Secretary shall not approve the application of a State educational agency under paragraph (3) for a period exceeding 5 years, except that the Secretary may extend such period if the Secretary determines that such agency's authority to grant waivers—

(i) has been effective in enabling such State or affected local educational agencies or schools to carry out their State or local reform plans and to continue to meet the accountability requirement described in paragraph (2)(C); and

(ii) has improved student performance.

(B) PERFORMANCE REVIEW.—Three years after the date a State is designated an Ed-Flex Partnership State, the Secretary shall review the performance of the State educational agency in granting waivers of Federal statutory or regulatory requirements as described in paragraph (1)(A) and shall terminate such agency's authority to grant such waivers if the Secretary determines, after notice and an opportunity for a hearing, that such agency's performance (including performance with respect to meeting the objectives described in paragraph (3)(A)(iii)) has been inadequate to justify continuation of such authority.

(C) RENEWAL.—In deciding whether to extend a request for a State educational agency's authority to issue waivers under this section, the Secretary shall review the progress of the State educational agency to determine if the State educational agency—

(i) has made progress toward achieving the objectives described in the application submitted pursuant to paragraph (3)(A)(iii); and

(ii) demonstrates in the request that local educational agencies or schools affected by the waiver authority or waivers have made progress toward achieving the desired results described in the application submitted pursuant to paragraph (4)(A)(iii).

(7) **AUTHORITY TO ISSUE WAIVERS.**—Notwithstanding any other provision of law, the Secretary is authorized to carry out the educational flexibility program under this section for each of the fiscal years 1999 through 2004.

(8) **PUBLIC NOTICE AND COMMENT.**—Each State educational agency seeking waiver authority under this section and each local educational agency seeking a waiver under this section—

(A) shall provide the public with adequate and efficient notice of the proposed waiver authority or waiver, consisting of a description of the agency's application for the proposed waiver authority or waiver in a widely read or distributed medium, including a description of any improved student performance that is expected to result from the waiver authority or waiver;

(B) shall provide the opportunity for parents, educators, and all other interested members of the community to comment regarding the proposed waiver authority or waiver;

(C) shall provide the opportunity described in subparagraph (B) in accordance with any applicable State law specifying how the comments may be received, and how the comments may be reviewed by any member of the public; and

(D) shall submit the comments received with the agency's application to the Secretary or the State educational agency, as appropriate.

(b) **INCLUDED PROGRAMS.**—The statutory or regulatory requirements referred to in subsection (a)(1)(A) are any such requirements for programs carried out under the following provisions:

(1) Title I of the Elementary and Secondary Education Act of 1965 (other than subsections (a) and (c) of section 1116 of such Act).

(2) Part B of title II of the Elementary and Secondary Education Act of 1965.

(3) Subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(4) Title IV of the Elementary and Secondary Education Act of 1965.

(5) Title VI of the Elementary and Secondary Education Act of 1965.

(6) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(7) The Carl D. Perkins Vocational and Technical Education Act of 1998.

(c) **WAIVERS NOT AUTHORIZED.**—The Secretary and the State educational agency may not waive under subsection (a)(1)(A) any statutory or regulatory requirement—

(1) relating to—

- (A) maintenance of effort;
  - (B) comparability of services;
  - (C) equitable participation of students and professional staff in private schools;
  - (D) parental participation and involvement;
  - (E) distribution of funds to States or to local educational agencies;
  - (F) serving eligible school attendance areas in rank order under section 1113(a)(3) of the Elementary and Secondary Education Act of 1965;
  - (G) the selection of a school attendance area or school under subsections (a) and (b) of section 1113 of the Elementary and Secondary Education Act of 1965, except that a State educational agency may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I of such Act if the percentage of children from low-income families in the school attendance area of such school or who attend such school is not less than 10 percentage points below the lowest percentage of such children for any school attendance area or school of the local educational agency that meets the requirements of such subsections (a) and (b);
  - (H) use of Federal funds to supplement, not supplant, non-Federal funds; and
  - (I) applicable civil rights requirements; and
- (2) unless the underlying purposes of the statutory requirements of the program for which a waiver is granted continue to be met to the satisfaction of the Secretary.
- (d) TREATMENT OF EXISTING ED-FLEX PARTNERSHIP STATES.—
- (1) IN GENERAL.—Except as provided in paragraphs (3) and (4), this section shall not apply to a State educational agency that has been granted waiver authority under the provisions of law described in paragraph (2) for the duration of the waiver authority.
- (2) APPLICABLE PROVISIONS.—The provisions of law referred to in paragraph (1) are as follows:
- (A) Section 311(e) of the Goals 2000: Educate America Act.
- (B) The proviso referring to such section 311(e) under the heading “EDUCATION REFORM” in the Department of Education Appropriations Act, 1996 (Public Law 104–134; 110 Stat. 1321–229).
- (3) SPECIAL RULE.—If a State educational agency granted waiver authority pursuant to the provisions of law described in subparagraph (A) or (B) of paragraph (2) applies to the Secretary for waiver authority under this section—
- (A) the Secretary shall review the progress of the State educational agency in achieving the objectives set forth in the application submitted pursuant to section 311(e) of the Goals 2000: Educate America Act; and
- (B) the Secretary shall administer the waiver authority granted under this section in accordance with the requirements of this section.
- (4) TECHNOLOGY.—In the case of a State educational agency granted waiver authority under the provisions of law described in subparagraph (A) or (B) of paragraph (2), the Secretary shall permit a State educational agency to expand, on or after

the date of the enactment of this Act, the waiver authority to include programs under subpart 2 of part A of title III of the Elementary and Secondary Education Act of 1965 (other than section 3136 of such Act).

(e) PUBLICATION.—A notice of the Secretary’s decision to authorize State educational agencies to issue waivers under this section, including a description of the rationale the Secretary used to approve applications under subsection (a)(3)(B), shall be published in the Federal Register and the Secretary shall provide for the dissemination of such notice to State educational agencies, interested parties (including educators, parents, students, and advocacy and civil rights organizations), and the public.

Federal Register,  
publication.  
Public  
information.

#### SEC. 5. FLEXIBILITY TO DESIGN CLASS SIZE REDUCTION PROGRAMS.

Section 307 of the Department of Education Appropriations Act, 1999, is amended—

(1) in subsection (b)(2), by inserting “(except as provided in subsection (c)(2)(D))” before the period; and

(2) in subsection (c)(2), by adding at the end the following:

“(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency without requiring the formation of a consortium.”.

112 Stat.  
2681–375.

#### SEC. 6. ALTERNATIVE EDUCATIONAL SETTING.

(a) IN GENERAL.—Section 615(k)(1)(A)(ii)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)(I)) is amended to read as follows:

“(I) the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or a local educational agency; or”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to conduct occurring not earlier than the date of the enactment of this Act.

20 USC 1415  
note.

Approved April 29, 1999.

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#### LEGISLATIVE HISTORY—H.R. 800 (S. 271) (S. 280):

HOUSE REPORTS: Nos. 106–43 (Comm. on Education and the Workforce) and 106–100 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 10, considered in House.

Mar. 11, considered and passed House; passed Senate, amended, in lieu of S. 280.

Apr. 21, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Apr. 29, Presidential remarks.

Public Law 106–26  
106th Congress

An Act

May 4, 1999  
[S. 531]

To authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

31 USC 5111  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

The Congress finds that—

James McCauley.  
Leona McCauley.

(1) Rosa Parks was born on February 4, 1913, in Tuskegee, Alabama, the first child of James and Leona (Edwards) McCauley;

(2) Rosa Parks is honored as the “first lady of civil rights” and the “mother of the freedom movement”, and her quiet dignity ignited the most significant social movement in the history of the United States;

(3) Rosa Parks was arrested on December 1, 1955, in Montgomery, Alabama, for refusing to give up her seat on a bus to a white man, and her stand for equal rights became legendary;

(4) news of Rosa Parks’ arrest resulted in 42,000 African Americans boycotting Montgomery buses for 381 days, beginning on December 5, 1955, until the bus segregation laws were changed on December 21, 1956;

(5) the United States Supreme Court ruled on November 13, 1956, that the Montgomery segregation law was unconstitutional, and on December 20, 1956, Montgomery officials were ordered to desegregate buses;

(6) the civil rights movement led to the Civil Rights Act of 1964, which broke down the barriers of legal discrimination against African Americans and made equality before the law a reality for all Americans;

(7) Rosa Parks is the recipient of many awards and accolades for her efforts on behalf of racial harmony, including the Springarn Award, the NAACP’s highest honor for civil rights contributions, the Presidential Medal of Freedom, the Nation’s highest civilian honor, and the first International Freedom Conductor Award from the National Underground Railroad Freedom Center;

(8) Rosa Parks has dedicated her life to the cause of universal human rights and truly embodies the love of humanity and freedom;

Raymond Parks.

(9) Rosa Parks was the first woman to join the Montgomery chapter of the NAACP, was an active volunteer for the Montgomery Voters League, and in 1987, cofounded the Rosa and Raymond Parks Institute for Self-Development;



(10) Rosa Parks, by her quiet courage, symbolizes all that is vital about nonviolent protest, as she endured threats of death and persisted as an advocate for the simple, basic lessons she taught the Nation and from which the Nation has benefited immeasurably; and

(11) Rosa Parks, who has resided in the State of Michigan since 1957, has become a living icon for freedom in America.

#### **SEC. 2. CONGRESSIONAL GOLD MEDAL.**

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to award to Rosa Parks, on behalf of the Congress, a gold medal of appropriate design honoring Rosa Parks in recognition of her contributions to the Nation.

(b) **DESIGN AND STRIKING.**—For the purposes of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### **SEC. 3. DUPLICATE MEDALS.**

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2, under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### **SEC. 4. STATUS AS NATIONAL MEDALS.**

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### **SEC. 5. FUNDING.**

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medals authorized by this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Approved May 4, 1999.

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LEGISLATIVE HISTORY—S. 531 (H.R. 573):

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 19, considered and passed Senate.

Apr. 20, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

May 4, Presidential statement.



Public Law 106–27  
106th Congress

An Act

May 13, 1999  
[S. 453]

To designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the “Hurff A. Saunders Federal Building”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF HURFF A. SAUNDERS FEDERAL BUILDING.**

The Federal building located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the “Hurff A. Saunders Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “Hurff A. Saunders Federal Building”.

Approved May 13, 1999.

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**LEGISLATIVE HISTORY—S. 453:**

HOUSE REPORTS: No. 106–113 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed Senate.

May 4, considered and passed House.



Public Law 106–28  
106th Congress

An Act

To designate the United States courthouse located at 401 South Michigan Street in South Bend, Indiana, as the “Robert K. Rodibaugh United States Bankruptcy Courthouse”.

May 13, 1999  
[S. 460]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF ROBERT K. RODIBAUGH UNITED STATES BANKRUPTCY COURTHOUSE.**

The United States courthouse located at 401 South Michigan Street in South Bend, Indiana, shall be known and designated as the “Robert K. Rodibaugh United States Bankruptcy Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Robert K. Rodibaugh United States Bankruptcy Courthouse”.

Approved May 13, 1999.

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**LEGISLATIVE HISTORY—S. 460:**

HOUSE REPORTS: No. 106–114 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 23, considered and passed Senate.

May 4, considered and passed House.



Public Law 106–29  
106th Congress

An Act

May 21, 1999  
[H.R. 432]

Florida.

To designate the North/South Center as the Dante B. Fascell North-South Center.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF NORTH/SOUTH CENTER AS THE DANTE B. FASCELL NORTH-SOUTH CENTER.**

Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2075) is amended—

(1) by striking subsection (a) and inserting the following:  
“(a) **SHORT TITLE.**—This section may be cited as the “Dante B. Fascell North-South Center Act of 1991”;

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: “**DANTE B. FASCELL NORTH-SOUTH CENTER.**—”; and

(B) by striking “known as the North/South Center,” and inserting “which shall be known and designated as the Dante B. Fascell North-South Center.”; and

(3) in subsection (d), by striking “North/South Center” and inserting “Dante B. Fascell North-South Center”.

22 USC 2075  
note.  
19 USC 2707.

**SEC. 2. REFERENCES.**

(a) **CENTER.**—Any reference in any other provision of law to the educational institution in Florida known as the North/South Center shall be deemed to be a reference to the “Dante B. Fascell North-South Center”.

(b) **SHORT TITLE.**—Any reference in any other provision of law to the North/South Center Act of 1991 shall be deemed to be a reference to the “Dante B. Fascell North-South Center Act of 1991”.

Approved May 21, 1999.

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**LEGISLATIVE HISTORY—H.R. 432:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 2, considered and passed House.

May 5, considered and passed Senate.



Public Law 106–30  
106th Congress

An Act

To amend the Peace Corps Act to authorize appropriations for fiscal years 2000 through 2003 to carry out that Act, and for other purposes.

May 21, 1999  
[H.R. 669]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS  
2000 THROUGH 2003 TO CARRY OUT THE PEACE CORPS  
ACT.**

Section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) is amended to read as follows:

“(b)(1) There are authorized to be appropriated to carry out the purposes of this Act \$270,000,000 for fiscal year 2000, \$298,000,000 for fiscal year 2001, \$327,000,000 for fiscal year 2002, and \$365,000,000 for fiscal year 2003.

“(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.”.

**SEC. 2. MISCELLANEOUS AMENDMENTS TO THE PEACE CORPS ACT.**

(a) INTERNATIONAL TRAVEL.—Section 15(d) of such Act (22 U.S.C. 2514(d)) is amended—

(1) in paragraph (11), by striking “and” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(13) the transportation of Peace Corps employees, Peace Corps volunteers, dependents of such employees and volunteers, and accompanying baggage, by a foreign air carrier when the transportation is between two places outside the United States without regard to section 40118 of title 49, United States Code.”.

(b) TECHNICAL AMENDMENTS.—(1) Section 5(f)(1)(B) of such Act (22 U.S.C. 2504(f)(1)(B)) is amended by striking “Civil Service Commission” and inserting “Office of Personnel Management”.

(2) Section 5(h) of such Act (22 U.S.C. 2504(h)) is amended by striking “the Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.)” and all that follows through “(31 U.S.C. 492a),” and inserting “section 3342 of title 31, United States Code, section 5732 and”.

(3) Section 5(j) of such Act (22 U.S.C. 2504(j)) is amended by striking “section 1757 of the Revised Statutes of the United States” and all that follows and inserting “section 3331 of title 5, United States Code.”.

(4) Section 10(a)(4) of such Act (22 U.S.C. 2509(a)(4)) is amended by striking “31 U.S.C. 665(b)” and inserting “section 1342 of title 31, United States Code”.

(5) Section 15(c) of such Act (22 U.S.C. 2514(c)) is amended by striking “Public Law 84–918 (7 U.S.C. 1881 et seq.)” and inserting “subchapter VI of chapter 33 of title 5, United States Code”.

(6) Section 15(d)(2) of such Act (22 U.S.C. 2514(d)(2)) is amended by striking “section 9 of Public Law 60–328 (31 U.S.C. 673)” and inserting “section 1346 of title 31, United States Code”.

(7) Section 15(d)(6) of such Act (22 U.S.C. 2514(d)(6)) is amended by striking “without regard to section 3561 of the Revised Statutes (31 U.S.C. 543)”.

(8) Section 15(d)(11) of such Act (22 U.S.C. 2514(d)(11)), as amended by this section, is further amended by striking “Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.)” and inserting “Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.)”.

Approved May 21, 1999.

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**LEGISLATIVE HISTORY—H.R. 669:**

HOUSE REPORTS: No. 106–18 (Comm. on International Relations).

SENATE REPORTS: No. 106–46 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 3, considered and passed House.

May 12, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

May 21, Presidential statement.



Public Law 106–31  
106th Congress

An Act

Making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes.

May 21, 1999  
[H.R. 1141]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

1999 Emergency  
Supplemental  
Appropriations  
Act.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL  
FARMWORKERS

For emergency grants to assist low-income migrant and seasonal farmworkers under section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a), \$20,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AGRICULTURAL MARKETING SERVICE

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY

(SECTION 32)

For an additional amount for the fund maintained for funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), \$145,000,000: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$145,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*

*further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act: *Provided further*, That the Secretary of Agriculture may waive the limitation established under the second sentence of the second paragraph of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), on the amount of funds that may be devoted during fiscal year 1999 to any one agricultural commodity or product thereof.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$42,753,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$550,000,000, of which \$350,000,000 shall be for guaranteed loans; operating loans, \$370,000,000, of which \$185,000,000 shall be for subsidized guaranteed loans; and for emergency insured loans, \$175,000,000 to meet the needs resulting from natural disasters.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until September 30, 2000, as follows: farm ownership loans, \$35,505,000, of which \$5,565,000 shall be for guaranteed loans; operating loans, \$28,804,000, of which \$16,169,000 shall be for subsidized guaranteed loans; and for emergency insured loans, \$41,300,000 to meet the needs resulting from natural disasters; and for additional administrative expenses to carry out the direct and guaranteed loan programs, \$4,000,000: *Provided*, That of the total amount appropriated, up to \$29,998,000 may be transferred to the “Farm Service Agency Salaries and Expenses” account with prior notification to the House and Senate Committees on Appropriations: *Provided further*, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Funds appropriated by this Act or by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105-277) to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program” for expenses resulting from natural disasters,



\$28,000,000, to remain available until expended: *Provided*, That funds made available under this heading by Public Law 105–174 to provide cost-sharing assistance to maple producers to replace taps and tubing that were damaged by ice storms in northeastern States in 1998 may be used to carry out any activity authorized under the Emergency Conservation Program: *Provided further*, That funds made available under this heading may be used for restoration of streambanks in the Northeast in non-flood prone areas as determined by the county committees: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$28,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

#### COMMODITY CREDIT CORPORATION FUND

##### LIVESTOCK INDEMNITY PROGRAM

An amount of \$3,000,000 is appropriated to the Secretary to implement a livestock indemnity program. Such program shall be effective only for losses beginning on May 2, 1998, through the date of the enactment of this Act from natural disasters declared pursuant to a Presidential or Secretarial declaration requested prior to the date of the enactment of this Act. The Secretary shall, to the extent practicable, provide benefits at a level and in a manner similar to the Livestock Indemnity Programs carried out during 1997 and 1998: *Provided*, That in administering the program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations conditions established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$3,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Effective date.

#### NATURAL RESOURCES CONSERVATION SERVICE

##### WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations” to repair damages to the waterways and watersheds resulting from natural disasters, \$95,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$95,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

## RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the cost of direct loans and grants of the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C for distribution through the national reserve, \$30,000,000, of which \$25,000,000 shall be for grants under such program: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$30,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## RURAL HOUSING SERVICE

## RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet needs resulting from natural disasters, as follows: \$10,000,000 for loans to section 502 borrowers, as determined by the Secretary; and \$1,000,000 for section 504 housing repair loans.

For the additional cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, \$1,534,000, as follows: section 502 loans, \$1,182,000; and section 504 housing repair loans, \$352,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$1,534,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## RURAL HOUSING ASSISTANCE GRANTS

For an additional amount for grants for very low-income housing repair, as authorized by 42 U.S.C. 1474, to meet needs resulting from natural disasters, \$1,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for \$1,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 101. (a) CROP LOSS ASSISTANCE FOR CERTAIN MULTIYEAR LOSSES.—From funds remaining in a reserve held under subsection (c) of section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105-277; 112 Stat. 2681-43), for errors, omissions, and appeals, the Secretary of Agriculture may use not more than 15 percent of the reserve funds to provide assistance to a producer described in subsection (b) who incurred losses to a commodity due to disasters in two crop years during the five-crop year period beginning with the 1994 crop year.

(b) ELIGIBILITY CRITERIA.—A producer on a farm is eligible for assistance under subsection (a) only if—

(1) the producer received a federally insured indemnity payment for crop losses in two crop years of such five-crop year period;

(2) the producer acquired federally insured crop insurance in one additional crop year during such period, but did not receive a federally insured indemnity payment;

(3) the producer received a non-federally insured indemnity payment for crop losses in the crop year referred to in paragraph (2); and

(4) the producer does not receive a payment under subsection (b) or (c) of such section 1102.

(c) CROP YEARS COVERED; PAYMENT RATE.—Any payment to a producer under subsection (a) may be paid only for losses incurred during the crop years described in paragraph (1) of subsection (b). The payment rate may not exceed the payment rate used under subsection (c) of such section 1102.

(d) EFFECT ON EXISTING AUTHORITY.—Nothing in this section authorizes the Secretary to delay the provision of crop loss assistance under such section 1102, and the Secretary shall complete the payment of multiyear assistance under subsection (c) of such section 1102 before making any payment under the authority of this section.

(e) DESIGNATION AS EMERGENCY REQUIREMENT.—Such sums as are necessary to carry out the amendments made by subsection (a): *Provided*, That such amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement under section 251(b)(2)(A) of such Act.

SEC. 102. Notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), an additional \$28,000,000 shall be provided through the Commodity Credit Corporation in fiscal year 1999 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided*, That an additional \$35,000,000 shall be provided through the Commodity Credit Corporation on October 1, 1999, for technical assistance activities performed by any agency of the Department of Agriculture

7 USC 1421 note.

Effective date.

in carrying out the Conservation Reserve Program or the Wetlands Reserve Program funded by the Commodity Credit Corporation: *Provided further*, That the entire amounts shall be available only to the extent an official budget request, that includes designation of the entire amounts of the request as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amounts are designated by the Congress as emergency requirements pursuant to section 251(b)(2)(A) of such Act.

SEC. 103. Notwithstanding any other provision of law, monies available under section 763 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105-277), shall be provided by the Secretary of Agriculture directly to any State determined by the Secretary of Agriculture to have been materially affected by the commercial fishery failure or failures declared by the Secretary of Commerce in September, 1998 under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act. Such State shall disburse the funds to individuals with family incomes below the Federal poverty level who have been adversely affected by the commercial fishery failure or failures: *Provided*, That the entire amount shall be available only to the extent an official budget request for such amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

7 USC 1421 note.

SEC. 104. For an additional amount for the Livestock Assistance Program under Public Law 105-277, \$70,000,000: *Provided*, That for the purposes of section 1103 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (Public Law 105-277), notwithstanding any other provision of law or regulation, the definition of “livestock” shall include “reindeer”: *Provided further*, That the entire amount shall be available only to the extent an official budget request for \$70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 105. DENALI COMMISSION. (a) The Denali Commission Act of 1998 (title III of division C of Public Law 105-277) is amended—

42 USC 3121  
note.

(1) in section 303(b)(1)(D) by striking in two instances “Alaska Federation or Natives” and inserting “Alaska Federation of Natives”;

(2) in section 303(c) by striking “Members” and inserting “The Federal Cochairperson shall serve for a term of four years and may be reappointed. All other members”;

42 USC 3121  
note.

(3) in section 306(a) by inserting after the first sentence the following: “The Federal Cochairperson shall be compensated

at the annual rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”;

(4) in section 306(c)(2) by striking “Chairman” and inserting “Federal Cochairperson”;

42 USC 3121  
note.

(5) by inserting at the end of section 306 the following new subsections:

“(g) ADMINISTRATIVE EXPENSES AND RECORDS.—The Commission is hereby prohibited from using more than 5 percent of the amounts appropriated under the authority of this Act or transferred pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) for administrative expenses. The Commission and its grantees shall maintain accurate and complete records which shall be available for audit and examination by the Comptroller General or his or her designee.

“(h) INSPECTOR GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App. 3, section 8G(a)(2)) is amended by inserting ‘the Denali Commission,’ after ‘the Corporation for Public Broadcasting,’; and

(6) in section 307(b) by inserting immediately before “The Commission” the following: “Funds transferred to the Commission pursuant to section 329 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of this Act) shall be available without further appropriation and until expended.”.

42 USC 3121  
note.

(7) in section 305 by inserting at the end a new section (d) as follows:

42 USC 3121  
note.

“(d) The Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments necessary to carry out the purposes of the Commission. With respect to funds appropriated to the Commission for fiscal year 1999, the Commission, acting through the Federal Cochairperson, is authorized to enter into contracts and cooperative agreements, award grants, and make payments to implement an interim work plan for fiscal year 1999 approved by the Commission.”.

(b) Amounts made available by this section are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided*, That such amounts shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## CHAPTER 2

## DEPARTMENT OF JUSTICE

## IMMIGRATION AND NATURALIZATION SERVICE

## SALARIES AND EXPENSES

## ENFORCEMENT AND BORDER AFFAIRS

For an additional amount for “Salaries and Expenses, Enforcement and Border Affairs” to support increased detention requirements for Central American criminal aliens and to address the expected influx of illegal immigrants from Central America as a result of Hurricane Mitch, \$80,000,000, which shall remain available until expended and which shall be administered by the Attorney General: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—MILITARY

## MILITARY PERSONNEL

## RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$8,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$5,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$7,300,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$1,300,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$1,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section

251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$50,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$13,900,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$2,400,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$2,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$8,800,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$21,000,000, of which \$20,000,000 is available only for the CINC initiative fund: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for “Operation and Maintenance, Army National Guard”, \$20,000,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*,

That the entire amount shall be available only to the extent that an official budget request for \$20,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For an additional amount for “Overseas Humanitarian, Disaster, and Civic Aid”, \$37,500,000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

#### NEW HORIZONS EXERCISE TRANSFER FUND

##### (INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces to participate in the New Horizons Exercise programs to undertake relief, rehabilitation, and restoration operations and training activities in response to disasters within the United States Southern Command area of responsibility, \$46,000,000, to remain available for transfer until September 30, 1999: *Provided*, That the Secretary of Defense may transfer these funds to operation and maintenance accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105-262: *Provided further*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$46,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### GENERAL PROVISIONS, THIS CHAPTER

SEC. 301. (a) The Secretary of each military department may designate not to exceed five eligible academy students from foreign countries for the purposes of this section. Each student so designated shall be considered, for purposes of a waiver of the foreign student reimbursement requirement, to be in addition to the number of persons for whom an unlimited waiver may otherwise be in effect at any one time.

(b) A person is an eligible academy student from a foreign country if the person is admitted from a foreign country during the period beginning on May 1, 1999, and ending on September 30, 1999, for instruction at a service academy under section 4344, 6957, or 9344 of title 10, United States Code (relating to selection of persons from foreign countries).

(c) For purposes of this section—

Effective date.  
Termination  
date.



(1) The foreign student reimbursement requirement is the requirement under paragraph (2) of the applicable foreign student reimbursement statute that a foreign country from which a person is permitted to enroll for instruction under section 4434, 6957, or 9344 of title 10, United States Code, reimburse the United States for the cost of providing such instruction.

(2) An unlimited waiver is a waiver of the foreign student reimbursement requirement by the Secretary of Defense (as authorized by such paragraph (2)) without regard to the percentage limitation on such a waiver specified in paragraph (3) of the applicable foreign student reimbursement statute, and the number of persons for whom such a waiver may otherwise be in effect at any one time is the number of persons specified in such paragraph (3).

(3) The foreign student reimbursement statute is—

(A) section 4434(b) of title 10, United States Code, in the case of the United States Military Academy;

(B) section 6957(b) of such title, in the case of the United States Naval Academy; and

(C) section 9344(b) of such title, in the case of the United States Air Force Academy.

(4) The service academies are the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy.

SEC. 302. Notwithstanding any other provision of law, a military technician (dual status) (as defined in section 10216 of title 10, United States Code) performing active duty without pay while on leave from technician employment under section 6323(d) of title 5, United States Code, may, in the discretion of the Secretary concerned, be authorized a per diem allowance under this title, in lieu of commutation for subsistence and quarters as described in section 1002(b) of title 37, United States Code.

SEC. 303. (a) DISPOSAL AUTHORIZED.—Subject to subsection (c), the President may dispose of the material in the National Defense Stockpile specified in the table in subsection (b). 50 USC 98d note.

(b) TABLE.—The total quantity of the material authorized for disposal by the President under subsection (a) is as follows:

#### Authorized Stockpile Disposal

Material for disposal	Quantity
Zirconium ore .....	17,383 short dry tons

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the material proposed for disposal; or

(2) avoidable loss to the United States.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the material specified in such subsection.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

Notification.

SEC. 304. Notwithstanding any other provision of law, from funds appropriated by Public Law 105-262, Public Law 105-56, and Public Law 104-208, under the heading “Aircraft Procurement, Air Force”, \$50,700,000 is available for recording, adjusting, and liquidating obligations incurred as of the date of this Act for the fiscal years 1995 and 1996 production quantities of Joint Surveillance Target Attack Radar System (JSTARS) aircraft: *Provided*, That the Secretary of the Air Force shall notify the congressional defense committees of all of the specific sources of funds to be used for the JSTARS obligations and follow normal reprogramming procedures.

#### CHAPTER 4

#### BILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$25,000,000, to remain available until expended.

#### OTHER BILATERAL ECONOMIC ASSISTANCE

#### ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, in addition to amounts otherwise available for such purposes, to provide assistance to Jordan, \$50,000,000, to remain available until September 30, 2001.

#### CENTRAL AMERICA AND THE CARIBBEAN EMERGENCY

#### DISASTER RECOVERY FUND

Notwithstanding section 10 of Public Law 91-672, for necessary expenses to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, \$621,000,000, to remain available until September 30, 2000: *Provided*, That the funds appropriated under this heading shall be subject to the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and, except for section 558, the provisions of title V of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): *Provided further*, That, notwithstanding any other proviso under this heading, up to \$10,000,000 may be transferred to “Export-Import Bank of the United States, Subsidy Appropriation” for the cost of direct loans, loan guarantees, and insurance, subject to the terms and conditions applicable to funds made available under

that heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)): *Provided further*, That up to \$5,500,000 of the funds appropriated by this paragraph may be transferred to “Operating Expenses of the Agency for International Development”, to remain available until September 30, 2000, to be used for administrative costs of USAID in addressing the effects of those hurricanes, of which up to \$1,000,000 may be used to contract directly for the personal services of individuals in the United States: *Provided further*, That up to \$1,500,000 of the funds appropriated by this paragraph may be transferred to “Operating Expenses of the Agency for International Development Office of Inspector General”, to remain available until expended, to be used for costs of audits, inspections, and other activities associated with the expenditure of the funds appropriated by this paragraph: *Provided further*, That up to \$500,000 of the funds appropriated by this paragraph shall be made available to the Comptroller General for purposes of monitoring the provision of assistance using funds appropriated by this paragraph: *Provided further*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds made available under this heading, not less than \$2,000,000 should be made available to support the clearance of landmines and other unexploded ordnance in Nicaragua and Honduras: *Provided further*, That the funds appropriated under this heading, and the supplemental funds appropriated in this Act that are in addition to the funds made available under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be subject to the funding ceiling contained in section 580 of that Act, notwithstanding section 545 of that Act: *Provided further*, That funds appropriated under this heading may be charged to finance obligations for which appropriations available for other accounts under part I of the Foreign Assistance Act of 1961, as amended, were charged after April 30, 1999, to finance obligations to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: *Provided further*, That the provisions of section 110 of the Foreign Assistance Act of 1961, as amended, shall not be applicable to any assistance furnished to address the effects of the hurricanes in Central America and the Caribbean and the earthquake in Colombia: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## DEPARTMENT OF STATE

## INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For an additional amount for “International Narcotics Control and Law Enforcement”, \$23,000,000, for additional counterdrug research and development activities: *Provided*, That such amount shall be available only to the extent an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## DEPARTMENT OF THE TREASURY

## DEBT RESTRUCTURING

For an additional amount for “Debt Restructuring”, \$41,000,000, to remain available until expended: *Provided*, That up to \$25,000,000 may be used for a contribution to the Central America Emergency Trust Fund, administered by the International Bank for Reconstruction and Development, subject to the regular notification procedures of the Committees on Appropriations.

## MILITARY ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, for grants to enable the President to carry out section 23 of the Arms Export Control Act, in addition to amounts otherwise available for such purposes, for grants only for Jordan, \$50,000,000, to remain available until September 30, 2001: *Provided*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23(b) and section 23(c) of the Arms Export Control Act.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 401. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 402. The value of articles, services, and military education and training authorized as of November 15, 1998, to be drawn down by the President under the authority of section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, shall not be counted against the ceiling limitation of that section.

SEC. 403. For an additional amount for “Economic Support Fund”, \$6,500,000, to remain available until September 30, 2000, for assistance for election monitoring and related activities for East Timor: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Termination  
date.  
East Timor.

SEC. 404. Section 832(a) of the Western Hemisphere Drug Elimination Act (Public Law 105-277) is amended—

112 Stat.  
2681-701.

(1) in the first sentence—

(A) by striking “Secretary of Agriculture” and inserting “Secretary of State”; and

(B) by striking “the Agricultural Research Service of the Department of Agriculture” and inserting “the Department of State”; and

(2) by adding at the end the following:

“Any record related to a contract entered into, or to an activity funded, under this subsection shall be exempted from disclosure as described in section 552(b)(3) of title 5, United States Code.”.

Records.

## CHAPTER 5

### DEPARTMENT OF THE INTERIOR

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### CONSTRUCTION

For an additional amount for “Construction”, \$12,612,000, to remain available until expended, to repair damage due to rain, winds, ice, snow, and other acts of nature, and to replace and repair power generation equipment: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

### DEPARTMENT OF AGRICULTURE

#### FOREST SERVICE

##### RECONSTRUCTION AND CONSTRUCTION

For an additional amount for “Reconstruction and Construction”, \$5,611,000, to remain available until expended, to address damages from Hurricane Georges and other natural disasters in Puerto Rico: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That funds in this account may be transferred to and merged with the “Forest and Rangeland Research” account and the “National Forest System” account as needed to address emergency requirements in Puerto Rico.

## OTHER RELATED AGENCY

## UNITED STATES HOLOCAUST MEMORIAL COUNCIL

## HOLOCAUST MEMORIAL COUNCIL

For an additional amount for “Holocaust Memorial Council”, \$2,000,000, to remain available until expended, for the Holocaust Museum to address security needs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## GENERAL PROVISION, THIS CHAPTER

Alaska.

16 USC 410hh-4  
note.

SEC. 501. GLACIER BAY. (a) DUNGENESS CRAB FISHERMEN.—Section 123(b) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277) is amended—

(1) in paragraph (1)—

(A) by striking “February 1, 1999” and inserting “August 1, 1999”; and

(B) by striking “1996” and inserting “1998”; and

(2)(A) by striking “of any Dungeness crab pots or other Dungeness crab gear, and of not more than one Dungeness crab fishing vessel,”; and

(B) by striking “the period January 1, 1999, through December 31, 2004, based on the individual’s net earnings from the Dungeness crab fishery during the period January 1, 1991, through December 31, 1996.” and inserting “for the period beginning January 1, 1999 that is equivalent in length to the period established by such individual under paragraph (1), based on the individual’s net earnings from the Dungeness crab fishery during such established period. In addition, such individual shall be eligible to receive from the United States fair market value for any Dungeness crab pots, related gear, and not more than one Dungeness crab fishing vessel if such individual chooses to relinquish to the United States such pots, related gear, or vessel.”.

(b) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105-277), as amended, is amended further by redesignating subsection (c) as subsection (d) and inserting immediately after subsection (b) the following new subsection:

“(c) OTHERS AFFECTED BY FISHERY CLOSURES AND RESTRICTIONS.—The Secretary of the Interior is authorized to provide \$23,000,000 for a program developed with the concurrence of the State of Alaska to fairly compensate United States fish processors, fishing vessel crew members, communities, and others negatively affected by restrictions on fishing in Glacier Bay National Park. For the purpose of receiving compensation under the program

required by this subsection, a potential recipient shall provide a sworn and notarized affidavit to establish the extent of such negative effect.”.

(c) IMPLEMENTATION.—Section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (section 101(e) of division A of Public Law 105–277), as amended, is amended further by inserting at the end the following new subsection:

16 USC 410hh–4  
note.

“(e) IMPLEMENTATION AND EFFECTIVE DATE.—The Secretary of the Interior shall publish an interim final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) and shall provide an opportunity for public comment of no less than 45 days on such interim final rule. The final rule for the Federal implementation of paragraphs (2) through (5) of subsection (a) shall be published in the Federal Register no later than September 30, 1999 and shall take effect on September 30, 1999, except that the limitations in paragraphs (3) through (5) of such subsection shall not apply with respect to halibut fishing until November 15, 1999 or salmon troll fishing until December 31, 1999. In the event that any individual eligible for compensation under subsection (b) has not received full compensation by June 15, 1999, the Secretary shall provide partial compensation on such date to such individual and shall expeditiously provide full compensation thereafter.”.

Publication.

Federal Register,  
publication.

(d) For the purposes of making the payments authorized in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as amended by this section, an additional \$26,000,000 is hereby appropriated to “Departmental Management, Department of the Interior”, to remain available until expended, of which \$3,000,000 shall be an additional amount for compensation authorized by section 123(b) of such Act, as amended, and of which \$23,000,000 shall be for compensation authorized by section 123(c) of such Act, as amended. The entire amount made available in this subsection is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)), and shall be available only if the President transmits to the Congress an official budget request that includes designation of the entire amount as an emergency requirement as defined in such Act.

## CHAPTER 6

### INDEPENDENT AGENCY

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### DISASTER RELIEF

For an additional amount for “Disaster relief” for tornado-related damage in Oklahoma, Kansas, Texas and Tennessee, and for other disasters, \$900,000,000 to remain available until expended, which shall be available only to the extent that the President designates an amount as an emergency requirement as defined in section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to such Act.

## DISASTER ASSISTANCE FOR UNMET NEEDS

For “Disaster assistance for unmet needs”, \$230,000,000, which shall remain available until September 30, 2001, for use by the Director of the Federal Emergency Management Agency (Director) only for disaster relief, buyout assistance, long-term recovery, and mitigation in communities affected by Presidentially-declared natural disasters designated during fiscal years 1998 and 1999, only to the extent funds are not made available for those activities by the Federal Emergency Management Agency (under its “Disaster relief” program), the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these funds the Director shall allocate these funds to States to be administered by each State in conjunction with its Federal Emergency Management Agency Disaster Relief program: *Provided further*, That each State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading: *Provided further*, That the Director shall allocate these funds based on the unmet needs arising from a Presidentially-declared disaster as identified by the Director as those which have not or will not be addressed by other Federal disaster assistance programs and for which it is deemed appropriate to supplement the efforts and available resources of States, local governments and disaster relief organizations: *Provided further*, That the Director shall establish review groups within FEMA to review each request by a State of its unmet needs and certify as to the actual costs associated with the unmet needs as well as the commitment and ability of each State to provide its match requirement: *Provided further*, That the Director shall implement all mitigation and buyout efforts in a manner consistent with the intent of the hazard mitigation grant program as authorized by section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended: *Provided further*, That the Director shall publish a notice in the Federal Register governing the allocation and use of the funds under this heading, including provisions for ensuring the compliance of the States with the requirements of this program: *Provided further*, That 10 days prior to distribution of funds, the Director shall submit a list to the House and Senate Committees on Appropriations, setting forth the proposed uses of funds and the most recent estimates of unmet needs: *Provided further*, That the Director shall submit quarterly reports to said Committees regarding the actual projects and needs for which funds have been provided under this heading: *Provided further*, That to the extent any funds under this heading are used in a manner inconsistent with the requirements of the program established under this heading and any rules issued pursuant thereto, the Director shall recapture an equivalent amount of funds from the State from any existing funds or future funds awarded to the State under this heading or any other program administered by the Federal Emergency Management Agency: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount

Establishment.

Federal Register, publication.

Records.

Reports.



is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## TITLE II—EMERGENCY NATIONAL SECURITY SUPPLEMENTAL APPROPRIATIONS

### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

For an additional amount for “Public Law 480 Program and Grant Accounts” for assistance under title II of Public Law 480, \$149,200,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request for \$149,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

### CHAPTER 2

#### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for “Diplomatic and Consular Programs”, \$17,071,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

##### SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for “Security and Maintenance of United States Missions”, \$50,500,000, to remain available until expended, of which \$45,500,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

Notwithstanding section 15 of the State Department Basic Authorities Act of 1956, an additional amount for “Emergencies in the Diplomatic and Consular Service”, \$2,929,000, to remain available until expended, of which \$500,000 shall be transferred to the Peace Corps and \$450,000 shall be transferred to the United States Information Agency, for evacuation and related costs: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CHAPTER 3

## DEPARTMENT OF DEFENSE—MILITARY

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$2,920,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$7,660,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$1,586,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$4,303,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## OPERATION AND MAINTENANCE

## OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Overseas Contingency Operations Transfer Fund”, \$5,007,300,000, to remain available until expended:

*Provided*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, \$1,100,000,000 shall be available only to the extent that the President transmits to the Congress an official budget request for a specific dollar amount that: (1) specifies items which meet a critical readiness or sustainability need, to include replacement of expended munitions to maintain adequate inventories for future operations; and (2) includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts, including Overseas Humanitarian, Disaster, and Civic Aid; procurement accounts; research, development, test and evaluation accounts; the Defense Health Program appropriation; the National Defense Sealift Fund; and working capital fund accounts: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That such funds may be used to execute projects or programs that were deferred in order to carry out military operations in and around Kosovo and in Southwest Asia, including efforts associated with the displaced Kosovar population: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

#### PROCUREMENT

##### WEAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, \$431,100,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$431,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

##### AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, \$40,000,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$40,000,000, that includes designation of the entire amount of the

request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, \$178,200,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$178,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for “Procurement of Ammunition, Air Force”, \$35,000,000, to remain available for obligation until September 30, 2000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$35,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### OPERATIONAL RAPID RESPONSE TRANSFER FUND

##### (INCLUDING TRANSFER OF FUNDS)

In addition to the amounts appropriated or otherwise made available in this Act and the Department of Defense Appropriations Act, 1999 (Public Law 105–262), \$300,000,000, to remain available for obligation until September 30, 2000, is hereby made available only for the accelerated acquisition and deployment of military technologies and systems needed for the conduct of Operation Allied Force, or to provide accelerated acquisition and deployment of military technologies and systems as substitute or replacement systems for other United States regional commands which have had assets diverted as a result of Operation Allied Force: *Provided*, That funds under this heading may only be obligated after recommendations are made by the Joint Requirements Oversight Council to the Secretary of Defense and after the approval of the Secretary of Defense, or his designee: *Provided further*, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any amount in excess of \$10,000,000 to a specific program or project: *Provided further*, That the Secretary of Defense may transfer funds made available under this heading only to operation and maintenance accounts, procurement accounts, and research, development, test and evaluation accounts: *Provided further*, That the transfer authority provided under this section shall be in addition to the transfer authority

Notification.

provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$300,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## GENERAL PROVISIONS, THIS CHAPTER

### (TRANSFER OF FUNDS)

SEC. 2001. Section 8005 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262), is amended by striking “\$1,650,000,000” and inserting “\$2,000,000,000”. 112 Stat. 2297.

SEC. 2002. Notwithstanding the limitations set forth in section 1006 of Public Law 105–261, not to exceed \$10,000,000 of funds appropriated by this Act may be available for contributions to the common funded budgets of NATO (as defined in section 1006(c)(1) of Public Law 105–261) for costs related to NATO operations in and around Kosovo.

SEC. 2003. Funds appropriated by this Act and in Public Law 105–277, or made available by the transfer of funds in this Act and in Public Law 105–277, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2004. Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), the special authorities provided under section 5064(c) of such Act shall apply with respect to all contracts awarded or modifications executed for the Joint Direct Attack Munition (JDAM) program from October 1, 1998 through September 30, 2000: *Provided*, That the Secretary of Defense may award JDAM contracts and modifications on the same terms and conditions as contained in the JDAM contract F08626–94–C–0003.

SEC. 2005. (a) EFFORTS TO INCREASE BURDENSARING.—The President shall seek equitable reimbursement from the North Atlantic Treaty Organization (NATO), member nations of NATO, and other appropriate organizations and nations for the costs incurred by the United States Government in connection with Operation Allied Force. President. NATO.

(b) REPORT.—Not later than September 30, 1999, the President shall prepare and submit to the Congress a report on—

(1) all measures taken by the President pursuant to subsection (a);

(2) the amount of reimbursement received to date from each organization and nation pursuant to subsection (a), including a description of any commitments made by such organization or nation to provide reimbursement; and

(3) in the case of an organization or nation that has refused to provide, or to commit to provide, reimbursement pursuant to subsection (a), an explanation of the reasons therefor.

(c) OPERATION ALLIED FORCE.—In this section, the term “Operation Allied Force” means operations of the North Atlantic Treaty

President.  
Reports.

Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

SEC. 2006. (a) Not more than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a report, in both classified and unclassified form, on current United States participation in Operation Allied Force. The report should include information on the following matters:

(1) a statement of the national security objectives involved in United States participation in Operation Allied Force;

(2) an accounting of all current active duty personnel assigned to support Operation Allied Force and related humanitarian operations around Kosovo to include total number, service component and area of deployment (such accounting should also include total numbers of personnel from other NATO countries participating in the action);

(3) additional planned deployment of active duty units in the European Command area of operations to support Operation Allied Force, between the date of the enactment of this Act and the end of fiscal year 1999;

(4) additional planned Reserve component mobilization, including specific units to be called up between the date of the enactment of this Act and the end of fiscal year 1999, to support Operation Allied Force;

(5) an accounting by the Joint Chiefs of Staff on the transfer of personnel and materiel from other regional commands to the United States European Command to support Operation Allied Force and related humanitarian operations around Kosovo, and an assessment by the Joint Chiefs of Staff of the impact any such loss of assets has had on the war-fighting capabilities and deterrence value of these other commands;

(6) levels of humanitarian aid provided to the displaced Kosovar community from the United States, NATO member nations, and other nations (figures should be provided by country and the type of assistance provided whether financial or in-kind); and

(7) any significant revisions to the total cost estimate for the deployment of United States forces involved in Operation Allied Force through the end of fiscal year 1999.

(b) OPERATION ALLIED FORCE.—In this section, the term “Operation Allied Force” means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending on such date as NATO may designate, to resolve the conflict with respect to Kosovo.

(INCLUDING TRANSFER OF FUNDS)

Notification.

SEC. 2007. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, \$1,124,900,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for spare and repair parts and associated logistical support necessary for the maintenance of weapons systems and equipment: *Provided*, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the

transfer of any funds: *Provided further*, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts and procurement accounts: *Provided further*, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$1,124,900,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 2008. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, \$742,500,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for depot level maintenance and repair: *Provided*, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: *Provided further*, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: *Provided further*, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$742,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

Notification.

SEC. 2009. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, \$100,000,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military recruiting and advertising initiatives, as follows:

“Operation and Maintenance, Army”, \$31,000,000;

“Operation and Maintenance, Navy”, \$12,700,000;

“Operation and Maintenance, Air Force”, \$23,600,000;

“Operation and Maintenance, Army Reserve”, \$19,000,000;

“Operation and Maintenance, Navy Reserve”, \$1,000,000;

and

“Operation and Maintenance, Army National Guard”, \$12,700,000:

*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$100,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## (INCLUDING TRANSFER OF FUNDS)

Notification.

SEC. 2010. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, \$200,200,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for military training, equipment maintenance, and associated support costs required to meet assigned readiness levels of United States military forces: *Provided*, That the Secretary of Defense shall provide written notification to the congressional defense committees prior to the transfer of any funds: *Provided further*, That the Secretary of Defense may transfer funds made available in this section only to operation and maintenance accounts: *Provided further*, That the transfer authority provided in this section shall be in addition to the transfer authority provided to the Department of Defense in this Act or any other Act: *Provided further*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$200,200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2011. In addition to amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense or in the Department of Defense Appropriations Act, 1999, \$182,400,000, to remain available for obligation until September 30, 2000, is hereby appropriated to the Department of Defense only for base operations support costs at Department of Defense facilities, as follows:

- “Operation and Maintenance, Army”, \$60,300,000;
- “Operation and Maintenance, Navy”, \$23,800,000;
- “Operation and Maintenance, Marine Corps”, \$27,500,000;
- “Operation and Maintenance, Air Force”, \$47,700,000;
- “Operation and Maintenance, Army Reserve”, \$9,700,000;
- “Operation and Maintenance, Navy Reserve”, \$7,200,000;
- “Operation and Maintenance, Marine Corps Reserve”, \$100,000; and
- “Operation and Maintenance, Army National Guard”, \$6,100,000:

*Provided*, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That



the entire amount shall be available only to the extent that an official budget request for \$182,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

SEC. 2012. (a) In addition to amounts appropriated or otherwise made available to the Department of Defense in other provisions of this Act, there is appropriated to the Department of Defense, to remain available for obligation until September 30, 2000, and to be used only for increases during fiscal year 2000 in rates of military basic pay and for increased payments during fiscal year 2000 to the Department of Defense Military Retirement Fund, \$1,838,426,000, to be available as follows:

“Military Personnel, Army”, \$559,533,000;  
“Military Personnel, Navy”, \$436,773,000;  
“Military Personnel, Marine Corps”, \$177,980,000;  
“Military Personnel, Air Force”, \$471,892,000;  
“Reserve Personnel, Army”, \$40,574,000;  
“Reserve Personnel, Navy”, \$29,833,000;  
“Reserve Personnel, Marine Corps”, \$7,820,000;  
“Reserve Personnel, Air Force”, \$13,143,000;  
“National Guard Personnel, Army”, \$70,416,000; and  
“National Guard Personnel, Air Force”, \$30,462,000.

(b) The entire amount made available in this section—

(1) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended (2 U.S.C. 901(b)(2)(A)); and

(2) shall be available only if the President transmits to the Congress an official budget request for \$1,838,426,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) The amounts provided in this section may be obligated only to the extent required for increases in rates of military basic pay, and for increased payments to the Department of Defense Military Retirement Fund, that become effective during fiscal year 2000 pursuant to provisions of law subsequently enacted in authorizing legislation.

## CHAPTER 4

### BILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

#### INTERNATIONAL DISASTER ASSISTANCE

For an additional amount for “International Disaster Assistance”, \$163,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency

Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$105,000,000, to remain available until September 30, 2000, for assistance for Albania, Macedonia, Bosnia-Herzegovina, Bulgaria, Montenegro, and Romania, and for investigations and related activities in Kosovo and in adjacent entities and countries regarding war crimes: *Provided*, That these funds shall be available notwithstanding any other provision of law except section 533 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)): *Provided further*, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in subsection (b)(3) of section 533 shall be deemed to be satisfied if the Committees on Appropriations are notified at least 10 days prior to the obligation of such funds.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for “Assistance for Eastern Europe and the Baltic States”, \$120,000,000, to remain available until September 30, 2000, of which up to \$1,000,000 may be used for administrative costs of the United States Agency for International Development: *Provided*, That funds appropriated under this heading shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for “Migration and Refugee Assistance”, \$266,000,000, to remain available until September 30, 2000, of which not more than \$500,000 is for administrative expenses: *Provided*, That funds appropriated under this heading that are made available for the Office of the United Nations High Commissioner for Refugees shall be obligated and expended subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the requirement for a notification through the regular notification procedures of the Committees on Appropriations contained in the preceding proviso shall be deemed to be satisfied if the Committees are notified at least 10 days prior to the obligation of such funds: *Provided further*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE  
FUND

For an additional amount for the “United States Emergency Refugee and Migration Assistance Fund”, and subject to the terms and conditions under that heading, \$165,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## GENERAL PROVISIONS, THIS CHAPTER

SEC. 2013. The funds appropriated in this chapter are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 2014. The value of commodities and services authorized by the President through March 31, 1999, to be drawn down under the authority of section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, to support international relief efforts relating to the Kosovo conflict shall not be counted against the ceiling limitation of that section: *Provided*, That such assistance relating to the Kosovo conflict provided pursuant to section 552(a)(2) may be made available notwithstanding any other provision of law.

## CHAPTER 5

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## ADMINISTRATION FOR CHILDREN AND FAMILIES

## REFUGEE AND ENTRANT ASSISTANCE

For an additional amount for “Refugee and Entrant Assistance”, such sums as necessary to assist in the temporary resettlement of displaced Kosovar Albanians, not to exceed \$100,000,000, which shall remain available through September 30, 2001: *Provided*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## CHAPTER 6

## MILITARY CONSTRUCTION TRANSFER FUND

## (INCLUDING TRANSFER OF FUNDS)

For emergency expenses incurred by United States military forces in support of overseas operations; \$475,000,000, to remain available for transfer until September 30, 2003: *Provided*, That the Secretary of Defense may transfer these funds only to military

construction accounts: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this or any other Act: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out military construction projects not otherwise authorized by law: *Provided further*, That the entire amount made available under this heading is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That this amount shall be available only to the extent that the President transmits to the Congress an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## CHAPTER 7

## DEPARTMENT OF TRANSPORTATION

## COAST GUARD

## OPERATING EXPENSES

For an additional amount for “Operating expenses”, \$200,000,000, to remain available until September 30, 2000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for \$200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

## TITLE III—SUPPLEMENTAL APPROPRIATIONS

## CHAPTER 1

## DEPARTMENT OF COMMERCE AND RELATED AGENCIES

## RELATED AGENCIES

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,300,000.

## DEPARTMENT OF COMMERCE

## BUREAU OF THE CENSUS

## PERIODIC CENSUSES AND PROGRAMS

For an additional amount for expenses necessary to conduct the decennial census, \$44,900,000, to remain available until

expended: *Provided*, That of this amount \$10,900,000 is for costs associated with establishing 520 Local Census Offices; \$4,200,000 is for preparation of training and field deployment kits for census enumerators; \$2,000,000 is for costs associated with the Telephone Questionnaire Assistance program infrastructure; \$9,100,000 is for automated data processing and telecommunications to support increased field enumeration activities; \$3,700,000 is for administrative systems to support increased field enumeration activities; and \$15,000,000 is for advertising and promotion programs: *Provided further*, That not later than June 1, 1999, the President shall submit to the Congress a revised budget request for fiscal year 2000 for the decennial census.

Deadline.  
President.  
Budget.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For the necessary expenses of additional research, management, and enforcement activities in the Northeast Multispecies fishery, \$1,880,000, to remain available until expended.

#### THE JUDICIARY

##### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$921,000, to remain available until expended.

#### CHAPTER 2

##### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$1,500,000, to remain available until expended, under authority of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) to purchase water in accordance with such Act from the Central Arizona Project (or if no water is available for purchase from the Central Arizona Project from any other appropriate source) to maintain an appropriate pool of stored water for fish and wildlife purposes at the San Carlos Lake in Arizona.

#### CHAPTER 3

##### DEPARTMENT OF STATE

##### NATIONAL COMMISSION ON TERRORISM

For necessary expenses for the National Commission on Terrorism, as authorized by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999

(Public Law 105–277)), \$839,500, to remain available until expended.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS  
FREEDOM

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), \$3,000,000, to remain available until expended.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for “Department of the Treasury, International affairs technical assistance”, \$1,500,000, to remain available until September 30, 2000, for the operation and expenses of the International Financial Institution Advisory Commission and the International Monetary Fund Advisory Committee as authorized by sections 603 and 610(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)).

CHAPTER 4

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Of the funds provided under this heading in prior appropriations Acts for the Automated Land and Mineral Record System, \$1,000,000 shall be available until expended to meet increased workload requirements stemming from the anticipated higher volume of coalbed methane Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is a written agreement in place between the coal mining operator and the gas producer, the funds made available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease. Nothing in this paragraph shall be construed or operate as a restriction on current resources appropriated to the Department of the Interior.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(TRANSFER OF FUNDS)

For an additional amount for “Operation of Indian Programs”, \$1,136,000, to remain available until expended for suppression of western spruce budworm: *Provided*, That such funds shall be

derived by transfer of funds provided in previous appropriations Acts under the heading “Forest Service, National Forest System”.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For an additional amount for “Federal Trust Programs”, \$21,800,000, to remain available until expended, of which \$6,800,000 is for activities pursuant to the Trust Management Improvement Project High Level Implementation Plan and \$15,000,000 is to support litigation involving individual Indian trust accounts: *Provided*, That litigation support funds may, as needed, be transferred to and merged with the “Operation of Indian Programs” account in the Bureau of Indian Affairs, the “Salaries and Expenses” account in the Office of the Solicitor, the “Salaries and Expenses” account in Departmental Management, the “Royalty and Offshore Minerals Management” account in the Minerals Management Service and the “Management of Lands and Resources” account in the Bureau of Land Management.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

Of the funds made available under this heading for fire operations in previous Acts of appropriation (exclusive of amounts for hazardous fuels reduction), \$100,000,000 shall be transferred to the Knutson-Vandenberg fund established pursuant to section 3 of Public Law 71-319 (16 U.S.C. 576 et seq.) within 10 days of the enactment of this Act.

GENERAL PROVISIONS, THIS CHAPTER

SEC. 3001. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended under the heading “Forest Service, Reconstruction and Construction” by inserting before the final period the following: “: *Provided further*, That notwithstanding any other provision of law, funds appropriated for Forest Service construction of a new forestry research facility at Auburn University, Auburn, Alabama, shall be available for a direct payment to Auburn University for this purpose: *Provided further*, That if within the life of the facility the USDA Forest Service needs additional space for collaborative laboratory activities on the Auburn University campus, Auburn University shall provide such laboratory space within the new facility constructed with these funds, free of any charge for rent”.

SEC. 3002. None of the funds made available under this or any other Act may be used by the Secretary of the Interior to issue and finalize the rule to revise 43 CFR Part 3809, published on February 9, 1999 at 64 Fed. Reg. 6421 or the Draft Environmental Impact Statement on Surface Management Regulations for Locatable Mineral Operations, published in February, 1999, unless the Secretary has provided a period of not less than 120 days

112 Stat.  
2681-270.  
Auburn  
University.  
Alabama.

for accepting public comment on the proposed rule after the report of the National Academy of Sciences' Committee on Hardrock Mining on Federal Lands, authorized and required by the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is submitted to the appropriate Federal agencies, the Congress, and the Governors of the affected States in accordance with the requirements of that Act.

SEC. 3003. None of the funds in this or any other Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes, including a rulemaking derived from proposed rules published in 63 Federal Register 6113 (1998), 62 Federal Register 36030, and 62 Federal Register 3742 (1997) until October 1, 1999, or until there is a negotiated agreement on the rule.

112 Stat.  
2681-291.  
  
Alaska.

SEC. 3004. Section 328 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (Public Law 105-277, division A, section 1(e), title III) is amended by striking "none of the funds in this Act" and inserting "none of the funds provided in this Act to the Indian Health Service or Bureau of Indian Affairs".

SEC. 3005. A payment of \$800,000 from the total amount of \$1,000,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-337, accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1998, Public Law 105-83, and payments of \$2,000,000 for the Borough of Ketchikan to participate in a study of the feasibility and dynamics of manufacturing veneer products in Southeast Alaska and \$200,000 for construction of the Pike's Peak Summit House, as specified in Conference Report 105-825 accompanying the Department of the Interior and Related Agencies Appropriations Act for fiscal year 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)), shall be paid in lump sum and shall be considered direct payments, for the purposes of all applicable law except that these direct grants may not be used for lobbying activities.

Washington.

SEC. 3006. MILLSITES OPINION. (a) PROHIBITION ON MILLSITE LIMITATIONS.—Notwithstanding the opinion dated November 7, 1997, by the Solicitor of the Department of the Interior concerning millsites under the general mining law (referred to in this section as the "opinion"), in accordance with the millsite provisions of the Bureau of Land Management Handbook for Mineral Examiners H-3890-1, page III-8 (dated 1989), and section 2811.33 of the Forest Service Manual (dated 1990), the Department of the Interior and the Department of Agriculture shall not limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to the Crown Jewel project, Okanogan County, Washington for any fiscal year.

(b) EFFECT ON PRIOR APPROVALS AND RECORDS OF DECISION.—As soon as practicable after the date of the enactment of this Act, the Departments of the Interior and Agriculture shall approve the plan of operations and reinstate the record of decision for the Crown Jewel project.



(c) No patent application or plan of operations submitted prior to the date of the enactment of this Act shall be denied pursuant to the opinion of the Solicitor of the Department of the Interior dated November 7, 1997.

## CHAPTER 5

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### OFFICE OF THE SECRETARY

##### GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for “General departmental management”, \$1,000,000, to reduce the backlog of pending nursing home appeals before the Departmental Appeals Board.

### DEPARTMENT OF EDUCATION

#### EDUCATION FOR THE DISADVANTAGED

For additional amounts to carry out subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965, \$56,377,000, which shall be allocated, notwithstanding any other provision of law, only to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 1999: *Provided*, That the Secretary of Education shall use the funds appropriated under this paragraph to provide each such local educational agency an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that local educational agencies receiving funds under this supplemental appropriation receive no greater share of their hold-harmless amounts than is received by other local educational agencies: *Provided further*, That the funds appropriated under this paragraph shall become available on October 1, 1999 and shall remain available through September 30, 2000, for the academic year 1999–2000: *Provided further*, That the Secretary shall not take into account the funds appropriated under this paragraph in determining State allocations under any other program administered by the Secretary in any fiscal year.

#### HIGHER EDUCATION

##### (TRANSFER OF FUNDS)

Of the funds made available for the Education Research, Statistics, and Improvement account in section 101(f) of Public Law 105–277, \$1,500,000 are transferred to the Higher Education account to provide additional funds to carry out part B of title III of the Higher Education Act.

### RELATED AGENCY

#### CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for the Corporation for Public Broadcasting, to remain available until expended, \$30,700,000 to be available for fiscal year 1999, and \$17,300,000 to be available for fiscal

year 2000: *Provided*, That such funds be made available to National Public Radio, as the designated manager of the Public Radio Satellite System, for acquisition of satellite capacity.

#### GENERAL PROVISION, THIS CHAPTER

South Dakota.

SEC. 3007. WHITE RIVER SCHOOL DISTRICT #47-1. From any unobligated funds that are available to the Secretary of Education to carry out section 306(a)(1) of the Department of Education Appropriations Act, 1996, the Secretary shall provide not more than \$239,000, under such terms and conditions as the Secretary determines appropriate, to the White River School District #47-1, White River, South Dakota, to be used to repair damage caused by water infiltration at the White River High School, which shall remain available until expended.

### CHAPTER 6

#### CONGRESSIONAL OPERATIONS

#### HOUSE OF REPRESENTATIVES

#### SALARIES AND EXPENSES

#### SALARIES, OFFICERS AND EMPLOYEES

#### (RESCISSION)

Immediately upon the enactment of this Act, \$3,521,000, appropriated under this heading in Public Law 105-275, are rescinded: *Provided*, That for replacement of the existing House of Representatives payroll system, \$3,521,000 for the Chief Administrative Officer, to remain available until expended.

#### ARCHITECT OF THE CAPITOL

#### CAPITOL BUILDINGS AND GROUNDS

#### HOUSE OFFICE BUILDINGS

#### HOUSE PAGE DORMITORY

For necessary expenses for a House Page Dormitory, \$3,760,000, to remain available until expended: *Provided*, That the Architect of the Capitol shall transfer to the Chief Administrative Officer of the House of Representatives such portion of the funds made available under this paragraph as may be required for expenses incurred by the Chief Administrative Officer, subject to the approval of the Committee on Appropriations of the House of Representatives: *Provided further*, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

#### O'NEILL HOUSE OFFICE BUILDING

For necessary expenses for life safety renovations to the O'Neill House Office Building, \$1,800,000, to remain available until expended: *Provided*, That section 3709 of the Revised Statutes of the United States (41 U.S.C. 5) shall not apply to the funds made available under this paragraph.

## ADMINISTRATIVE PROVISIONS—THIS CHAPTER

SEC. 3008. (a) The aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Minority Leader of the House of Representatives and the aggregate amount otherwise authorized to be appropriated for a fiscal year for the lump-sum allowance for the Office of the Majority Whip of the House of Representatives shall each be increased by \$333,000. 2 USC 74a–10.

(b) This section shall apply with respect to fiscal year 2000 and each succeeding fiscal year. Applicability.

SEC. 3009. (a) Each office described under the heading “HOUSE LEADERSHIP OFFICES” in the Act making appropriations for the legislative branch for a fiscal year may transfer any amounts appropriated for the office under such heading among the various categories of allowances and expenses for the office under such heading. 2 USC 74a–11.

(b) Subsection (a) shall not apply with respect to any amounts appropriated for official expenses.

(c) This section shall apply with respect to fiscal year 1999 and each succeeding fiscal year. Applicability.

SEC. 3010. Effective on the date of the enactment of this Act, the lump sum allowance authorization amount for certain offices shall be adjusted as follows: Effective date.

(1) The allowance for the Chief Deputy Majority Whips is increased by \$25,000.

(2) The allowance for the Chief Deputy Minority Whips is increased by \$25,000.

SEC. 3011. RUSSIAN LEADERSHIP PROGRAM. (a) PURPOSE.—It is the purpose of this section to establish, in accordance with the provisions of this section— 22 USC 2452a note.

(1) a pilot program within the Library of Congress for fiscal year 1999; and

(2) a permanent program within the Executive agency designated by the President of the United States for fiscal years 2000 and thereafter,

to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(b) GRANTS.—

(1) IN GENERAL.—The head of the administering agency shall annually award grants to government or community organizations in the United States that seek to establish programs under which those organizations will host eligible Russians for the purpose described in subsection (a).

(2) DURATION.—The period of stay in the United States for any eligible Russian supported with grant funds under this section shall not exceed 30 days.

(3) LIMITATION.—The number of eligible Russians supported with grant funds under this section shall not exceed 3,000 in any fiscal year.

(4) ADMINISTRATION.—

(A) IN GENERAL.—Subject to the availability of appropriations, the head of the administering agency—

(i) may contract with nongovernmental organizations having expertise in carrying out the activities described in subsection (a) for the purpose of carrying out the administrative functions of the program (other than the awarding of grants); and

(ii) may, without regard to the civil service laws and regulations (or, in the case of the Librarian of Congress, any requirement for competition in hiring), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the administering agency to perform its duties under this section.

(B) WAIVER OF COMPETITIVE BIDDING.—The Librarian of Congress, after consultation with the Joint Committee on the Library of Congress, may enter into contracts under subparagraph (A)(i) to carry out the pilot program during fiscal year 1999 without regard to section 3709 of the Revised Statutes or any other requirement for competitive contracting or the providing of notice of contracting opportunities.

(c) USE OF FUNDS.—Grants awarded under subsection (b) shall be used to pay—

(1) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(2) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(3) such additional administrative expenses incurred by organizations in carrying out the program as the head of the administering agency may prescribe.

(d) APPLICATION.—

(1) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the head of the administering agency at such time, in such manner, and accompanied by such information as such head may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) include the number of program participants to be supported;

(C) describe the qualifications of the individuals who will be participating in the program; and

(D) provide such additional assurances as the head of the administering agency determines to be essential to ensure compliance with the requirements of this section.

(3) WAIVER.—The Librarian of Congress may waive the requirement of this subsection in carrying out the pilot program during fiscal year 1999.

(e) ADVISORY BOARD.—

(1) IN GENERAL.—There is established a Russian Leadership Program Advisory Board which shall advise the head of the administering agency as to the carrying out of the permanent program during fiscal years 2000 and thereafter.

(2) MEMBERSHIP.—The Advisory Board under paragraph (1) shall consist of—

(A) two members appointed by the Speaker of the House of Representatives, of whom one shall be designated by the Majority Leader of the House of Representatives and one shall be designated by the Minority Leader of the House of Representatives;

(B) two members appointed by the President pro tempore of the Senate, of whom one shall be designated by the Majority Leader of the Senate and one shall be designated by the Minority Leader of the Senate;

(C) the Librarian of Congress;

(D) a private individual with expertise in international exchange programs, designated by the Librarian of Congress; and

(E) an officer or employee of the administering agency, designated by the head of the administering agency.

(3) TERMS.—Each member appointed under paragraph (2) shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term.

(f) REPORTING.—The head of the administering agency shall, not later than 3 months following the close of each fiscal year for which such agency administered the program, report to Congress with respect to the conduct of such program during such fiscal year. Such report shall include information with respect to the number of participants in the program and the cost of the program, and any recommendations on improvements necessary to enable the program to carry out the purposes of this section.

(g) FUNDING.—

(1) FISCAL YEAR 1999.—

(A) IN GENERAL.—Of funds made available under the heading “SENATE” under title I of the Legislative Appropriations Act, 1999 (Public Law 105-275; 112 Stat. 2430 et seq.), \$10,000,000 shall be made available, subject to the approval of the Committee on Appropriations of the Senate, to the administering agency to carry out the program.

(B) USE OF FUNDS AT CLOSE OF FISCAL YEAR.—Funds made available under this paragraph which are unexpended and unobligated as of the close of fiscal year 1999 shall no longer be available for such purpose and shall be available for the purpose originally appropriated.

(2) FISCAL YEAR 2000 AND SUBSEQUENT FISCAL YEARS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the administering agency for fiscal years 2000 and thereafter such sums as may be necessary to carry out the program.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(h) DEFINITIONS.—In this section:

(1) ADMINISTERING AGENCY.—The term “administering agency” means—

(A) for fiscal year 1999, the Library of Congress; and

(B) for fiscal year 2000, and subsequent fiscal years, the Executive agency designated by the President of the United States under subsection (a)(2).

(2) ELIGIBLE RUSSIAN.—The term “eligible Russian” means a Russian national who is an emerging political leader at any level of government.

(3) PROGRAM.—The term “program” means the grant program established under this section.

(4) PROGRAM PARTICIPANT.—The term “program participant” means an eligible Russian selected for participation in the program.

## CHAPTER 7

### DEPARTMENT OF DEFENSE

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard” to cover the incremental costs arising from the consequences of Hurricane Georges, \$6,400,000, as authorized by 10 U.S.C. 2854, to remain available until September 30, 2003.

#### FAMILY HOUSING, ARMY

Notwithstanding any other provision of law, for an additional amount for “Family Housing, Army”, to provide for the construction and renovation of family housing units at Fort Buchanan, Puerto Rico, \$25,000,000, to remain available until September 30, 2003: *Provided*, That none of the funds appropriated in this or any other Act may be used for family housing initiatives at Fort Buchanan, Puerto Rico pursuant to 10 U.S.C. 2883.

## CHAPTER 8

### DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

#### NATIONAL TRANSPORTATION SAFETY BOARD

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses” for necessary expenses resulting from the crash of TWA Flight 800, \$2,300,000: *Provided*, That the entire amount is available only for costs associated with rental of the facility in Calverton, New York.

## CHAPTER 9

### DEPARTMENT OF THE TREASURY

#### BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

##### SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, \$4,500,000 is appropriated for the expansion of the National Tracing Center, to remain available until expended.

## POSTAL SERVICE

## PAYMENTS TO THE POSTAL SERVICE FUND

For an additional amount for “Payments to the Postal Service Fund” for revenue forgone reimbursement pursuant to 39 U.S.C. 2401(d), \$29,000,000.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS  
APPROPRIATED TO THE PRESIDENT

## FEDERAL DRUG CONTROL PROGRAMS

## HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy’s High Intensity Drug Trafficking Areas Program, an additional \$2,500,000 is appropriated for drug control activities: of which \$750,000 shall be used specifically to expand the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico to include Rio Arriba County, Santa Fe County, and San Juan County, New Mexico, which are hereby designated as part of the Southwest Border High Intensity Drug Trafficking Area for the State of New Mexico; of which \$500,000 shall be used for national efforts related to methamphetamine reduction efforts; of which \$750,000 shall be used for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona, specifically to fund United States Border Patrol anti-drug assistance to border communities in Cochise County, Arizona; and of which \$500,000 shall be for the Washington-Baltimore High Intensity Drug Trafficking Area for support of the Cross-Border Initiative: *Provided*, That no funds may be obligated or expended for the Southwest Border High Intensity Drug Trafficking Area for the State of Arizona without prior approval of the Committees on Appropriations of the House and the Senate.

## CHAPTER 10

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

## COMMUNITY PLANNING AND DEVELOPMENT

## COMMUNITY DEVELOPMENT BLOCK GRANTS

Of any excess amounts appropriated for any fiscal year under this heading, \$3,446,000 shall be made available for grants for service coordinators and congregate services for the elderly and disabled: *Provided*, That in distributing such amount, the Secretary of Housing and Urban Development shall give priority to public housing agencies that submitted eligible applications for renewal of fiscal year 1995 elderly service coordinator grants pursuant to the Notice of Funding Availability for Service Coordinator Funds for fiscal year 1998, as published in the Federal Register on June 1, 1998.

## FEDERAL HOUSING ADMINISTRATION

## FHA-MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, is increased by an additional \$30,000,000,000.

## GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

## GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

The limitation on commitments to guarantee loans to carry out the purposes of section 306 of the National Housing Act, as amended, is increased by an additional \$50,000,000,000.

## MANAGEMENT AND ADMINISTRATION

## OFFICE OF INSPECTOR GENERAL

Under this heading in Public Law 105–276, add the words, “to remain available until September 30, 2000,” after “\$81,910,000,”.

## INDEPENDENT AGENCY

## NATIONAL CREDIT UNION ADMINISTRATION

## CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions shall not exceed the amount authorized by title III of the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795).

## GENERAL PROVISIONS, THIS CHAPTER

California.

SEC. 3012. Notwithstanding the sixth undesignated paragraph under the heading “Community planning and development—Community development block grants” in title II of Public Law 105–276 and the related provisions of the joint explanatory statement of the committee of conference to accompany such Act (House Report 105–769) for the Economic Development Initiative (EDI) grants for targeted economic investments for Project Restore of Los Angeles, California and for the Southeast Rio Vista Family YMCA shall, notwithstanding such provision, be made available as follows:

(1) \$250,000 shall be for a grant to the Los Angeles Civic Center Public Partnership, to revitalize and redevelop the Civic Center neighborhood; and

(2) \$100,000 shall be for a grant to the Southeast Rio Vista Family YMCA, for development of a child care center in the City of Huntington Park, California.

Maryland.

SEC. 3013. Notwithstanding section 202 of the Housing Act of 1959, of the amounts appropriated for fiscal year 1999 under the Housing for Special Populations heading in title II of Public Law 105–276, \$1,000,000 shall be made available to the Maryland Department of Housing and Community Development for work



associated with the building of Caritas House and for expansion of the St. Ann Adult Medical Day Care facility as directed by the Senate Report and Conference Report for such Act.

SEC. 3014. Notwithstanding any other provision of law or other requirement, the Township of North Union, Fayette County, Pennsylvania, is authorized to retain any land disposition proceeds or urban renewal grant funds remaining from the Industrial Park Number 1 Urban Renewal Project (PA–R–325 and B–78–UR–42–0204) and to use such funds in accordance with the requirements of the community development block grant program as provided in title I of the Housing and Community Development Act of 1974, as amended, with respect to eligibility and national objectives of section 105 of such Act. The Township of North Union shall retain such funds in a lump sum and shall be entitled to retain and use past and future earnings from such funds, including any interest.

Pennsylvania.

SEC. 3015. The \$2,200,000 appropriated in Public Law 105–276 to meet sewer infrastructure needs associated with the 2002 Winter Olympic Games in accordance with House Report 105–769 shall be awarded to Wasatch County, Utah, for both water and sewer.

Utah.

SEC. 3016. Of the amount appropriated under the heading “Environmental programs and management” in Public Law 105–276, \$1,300,000 shall be transferred to the “State and tribal assistance grants” account for a grant for water and wastewater infrastructure projects in the State of Idaho.

Idaho.

SEC. 3017. The \$3,045,000 appropriated in Public Law 105–276 for wastewater infrastructure needs for Grand Isle, Louisiana, in accordance with House Report 105–769, may also be used for drinking water supply needs for Grand Isle, Louisiana.

Louisiana.

## CHAPTER 11

### GENERAL PROVISIONS, THIS TITLE

SEC. 3018. Division A, section 101(a), title XI, section 1122(c) of Public Law 105–277 is amended by inserting after “basis” the following: “: *Provided*, That no administrative costs shall be charged against this program which would have been incurred otherwise”.

7 USC 1421 note.

SEC. 3019. (a) Section 339(b)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1989(b)(3)) is amended—

- (1) by striking the comma and the remainder of paragraph (3) following the comma; and
- (2) by inserting a period after “(1)”.

(b) Section 353(c)(3)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(c)(3)(C)) is amended by striking “100 percent” and inserting “110 percent”.

SEC. 3020. (a) LOAN DEFICIENCY PAYMENTS FOR CLUB WHEAT PRODUCERS.—In making loan deficiency payments available under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) to producers of club wheat, the Secretary of Agriculture may not assess a premium adjustment on the amount that would otherwise be computed for club wheat under the section to reflect the premium that is paid for club wheat to ensure its availability to create a blended specialty product known as western white wheat.

(b) RETROACTIVE APPLICATION.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall make a payment to each producer of club wheat who received a discounted loan deficiency payment under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) before that date as a result of the assessment of a premium adjustment against club wheat. The amount of the payment for a producer shall be equal to the difference between—

(1) the loan deficiency payment that would have been made to the producer in the absence of the premium adjustment; and

(2) the loan deficiency payment actually received by the producer.

(c) FUNDING SOURCE.—The Secretary shall use funds available to provide marketing assistance loans and loan deficiency payments under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) to make the payments required by subsection (b).

SEC. 3021. Notwithstanding 50 U.S.C. App. 1989b et seq. and in addition to any funds previously appropriated for this purpose, the Attorney General may make available from any funds available to the Department of Justice not more than \$4,300,000 for the purpose of paying restitution to individuals: (1) who are eligible for restitution under the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.) and who have filed timely claims for restitution; or (2) who are found eligible under the settlement agreement in the case of Carmen Mochizuki et al. v. United States (Case No. 97-294C, United States Court of Federal Claims) and filed timely claims covered by the agreement.

Alaska.  
Whales.

SEC. 3022. Notwithstanding any other provision of law, the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)) between the date of the enactment of this Act and October 1, 2000, shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the National Marine Fisheries Service and affected Alaska Native organizations.

112 Stat.  
2681-117.

SEC. 3023. Section 626 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277) is repealed.

SEC. 3024. Notwithstanding any other provision of law, the Director of the Office of Crime Victims of the Office of Justice Programs, Department of Justice, may make grants, as provided in the Victims of Crime Act of 1984, as amended, to victim service organizations and public agencies (including Federal, State, and local governments and non-profit organizations) that will provide emergency or on-going assistance to the victims of the bombing of Pan Am flight 103. These grants shall be used only to provide emergency relief (including compensation, assistance, and crisis response) and other related victim services.

16 USC 1851  
note.

SEC. 3025. Section 617 of the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as added by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) None of the funds made available in this Act or any other Act hereafter enacted may be used to issue or renew a fishing permit or authorization for any fishing vessel of the United States greater than 165 feet in registered length, of more than 750 gross registered tons, or that has an engine or engines capable of producing a total of more than 3,000 shaft horsepower as specified in the permit application required under part 648.4(a)(5) of title 50, Code of Federal Regulations, part 648.12 of title 50, Code of Federal Regulations, and the authorization required under part 648.80(d)(2) of title 50, Code of Federal Regulations, to engage in fishing for Atlantic mackerel or herring (or both) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), unless the regional fishery management council of jurisdiction recommends after October 21, 1998, and the Secretary of Commerce approves, conservation and management measures in accordance with such Act to allow such vessel to engage in fishing for Atlantic mackerel or herring (or both).”; and

(2) in subsection (b), by striking “subsection (a)(1)” and inserting “subsection (a)”.

SEC. 3026. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(b) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title I, under the heading “Legal Activities, Salaries and Expenses, General Legal Activities”, by inserting “and shall remain available until September 30, 2000” after “Holocaust Assets in the United States”; and

112 Stat.  
2681–52.

(b) in title IV, under the heading “Department of State, Administration of Foreign Affairs, Salaries and Expenses”, by inserting “and shall remain available until September 30, 2000” after “Holocaust Assets in the United States”.

112 Stat.  
2681–93.

SEC. 3027. (a) The American Fisheries Act (title II of division C of Public Law 105–277) is amended—

(1) in section 202(b) by inserting a comma after “United States Code”;

46 USC 31322.

(2) in section 207(d)(1)(A) by striking “Fishery Conservation and Management”;

16 USC 1851  
note.

(3) in section 208(b)(1) by striking “615085” and inserting “633219”;

16 USC 1851  
note.

(4) in section 209(4) by striking “Uoited” and inserting “United”;

16 USC 1851  
note.

(5) in section 210(g), by striking the first sentence and inserting “The violation of any of the requirements of this subtitle or any regulation or permit issued pursuant to this subtitle shall be considered the commission of an act prohibited by section 307 of the Magnuson-Stevens Act (16 U.S.C. 1857), and sections 308, 309, 310, and 311 of such Act (16 U.S.C. 1858, 1859, 1860, and 1861) shall apply to any such violation in the same manner as to the commission of an act prohibited by section 307 of such Act (16 U.S.C. 1857).”;

16 USC 1851  
note.

(6) in section 213(c)(1) by striking “title” and inserting “subtitle”; and

16 USC 1851  
note.

(7) in section 213(c)(2) by striking “title” and inserting “subtitle”.

(b) Section 12122(c) of title 46, United States Code, is amended by inserting a comma after “statement or representations”.

36 USC 12102  
note.

(c) The limitation on registered length contained in section 12102(c)(6) of title 46, United States Code, shall not apply to a vessel used solely in any menhaden fishery which is located in the Gulf of Mexico or along the Atlantic coast south of the area under the authority of the New England Fishery Management Council for so long as such vessel is used in such fishery.

112 Stat.  
2681-67.

SEC. 3028. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105-277) is amended by striking all after the second comma and inserting “the terms ‘tribe’, ‘Indian tribe’ or ‘tribal’ mean of or relating to an Indian tribe as that term is defined in section 4(e) of the Indian Self Determination and Education Assistance Act (Public Law 93-638, as amended; 25 U.S.C. 450b(e) (1998)).”.

Hunt Building  
Corporation.  
Ellsworth  
Housing Limited  
Partnership.  
South Dakota.

SEC. 3029. (a) AVAILABILITY OF SETTLEMENT AMOUNT.—Notwithstanding any other provision of law, the amount received by the United States in settlement of the claims described in subsection (b) shall be available as specified in subsection (c).

(b) COVERED CLAIMS.—The claims referred to in this subsection are the claims of the United States against Hunt Building Corporation and Ellsworth Housing Limited Partnership relating to the design and construction of an 828-unit family housing project at Ellsworth Air Force Base, South Dakota.

(c) SPECIFIED USES.—

(1) IN GENERAL.—Subject to paragraph (2), the amount referred to in subsection (a) shall be available as follows:

(A) Of the portion of such amount received in fiscal year 1999—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund for the civil debt collection litigation activities of the Department with respect to the claims referred to in subsection (b), as provided for in section 108 of Public Law 103-121 (107 Stat. 1164; 28 U.S.C. 527 note); and

(ii) of the balance of such portion—

(I) an amount equal to  $\frac{7}{8}$  of such balance shall be available to the Secretary of Transportation for purposes of construction of an access road on Interstate Route 90 at Box Elder, South Dakota (item 1741 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 320)); and

(II) an amount equal to  $\frac{1}{8}$  of such balance shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(B) Of the portion of such amount received in fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of Transportation for purposes of construction of the access road described in subparagraph (A)(ii)(I).

(C) Of any portion of such amount received in a fiscal year after fiscal year 2000—

(i) an amount equal to 3 percent of such portion shall be credited to the Department of Justice Working Capital Fund in accordance with subparagraph (A)(i); and

(ii) an amount equal to the balance of such portion shall be available to the Secretary of the Air Force for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(2) LIMITATION ON AVAILABILITY OF FUNDS FOR ACCESS ROAD.—

(A) LIMITATION.—The amounts referred to in subparagraphs (A)(ii)(I) and (B)(ii) of paragraph (1) shall be available as specified in such subparagraphs only if, not later than September 30, 2000, the South Dakota Department of Transportation enters into an agreement with the Federal Highway Administration providing for the construction of an interchange on Interstate Route 90 at Box Elder, South Dakota.

(B) ALTERNATIVE AVAILABILITY OF FUNDS.—If the agreement described in subparagraph (A) is not entered into by the date referred to in that subparagraph, the amounts described in that subparagraph shall be available to the Secretary of the Air Force as of that date for purposes of real property and facility maintenance projects at Ellsworth Air Force Base.

(3) AVAILABILITY OF AMOUNTS.—

(A) ACCESS ROAD.—Amounts available under this section for construction of the access road described in paragraph (1)(A)(ii)(I) are in addition to amounts available for the construction of that access road under any other provision of law.

(B) PROPERTY AND FACILITY MAINTENANCE PROJECTS.—Notwithstanding any other provision of law, amounts available under this section for property and facility maintenance projects at Ellsworth Air Force Base shall remain available for expenditure without fiscal year limitation.

SEC. 3030. The Corps of Engineers is directed to reprogram \$800,000 of the funds made available to that agency in fiscal year 1999 for the operation of the Pick-Sloan project to perform the preliminary work needed to transfer Federal lands to certain tribes and the State of South Dakota, and to protect invaluable Indian cultural sites, under the Cheyenne River Sioux Tribe, Lower Brule Sioux Tribe, and State of South Dakota Terrestrial Wildlife Habitat Restoration Act.

SEC. 3031. PROHIBITION ON TREATING ANY FUNDS RECOVERED FROM TOBACCO COMPANIES AS AN OVERPAYMENT FOR PURPOSES OF MEDICAID. (a) AMENDMENT TO SOCIAL SECURITY ACT.—Section 1903(d)(3) of the Social Security Act (42 U.S.C. 1396b(d)(3)) is amended—

(1) by inserting “(A)” after “(3)”; and

(2) by adding at the end the following:

“(B)(i) Subparagraph (A) and paragraph (2)(B) shall not apply to any amount recovered or paid to a State as part of the comprehensive settlement of November 1998 between manufacturers of tobacco products, as defined in section 5702(d)

of the Internal Revenue Code of 1986, and State Attorneys General, or as part of any individual State settlement or judgment reached in litigation initiated or pursued by a State against one or more such manufacturers.

“(ii) Except as provided in subsection (i)(19), a State may use amounts recovered or paid to the State as part of a comprehensive or individual settlement, or a judgment, described in clause (i) for any expenditures determined appropriate by the State.”.

(b) PROHIBITION ON PAYMENT FOR ADMINISTRATIVE EXPENSES INCURRED IN PURSUING TOBACCO LITIGATION.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (18), by striking the period and inserting “; or”; and

(2) by inserting after paragraph (18) the following new paragraph:

“(19) with respect to any amount expended on administrative costs to initiate or pursue litigation described in subsection (d)(3)(B).”.

42 USC 1396b  
note.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to amounts paid to a State prior to, on, or after the date of the enactment of this Act.

5 USC 5545b  
note.

SEC. 3032. (a) The treatment provided to firefighters under section 628(f) of the Treasury and General Government Appropriations Act, 1999 (as included in section 101(h) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) shall be provided to any firefighter who—

(1) on the effective date of section 5545b of title 5, United States Code—

(A) was subject to such section; and

(B) had a regular tour of duty that averaged more than 60 hours per week; and

(2) before December 31, 1999, is involuntarily moved without a break in service from the regular tour of duty under paragraph (1) to a regular tour of duty that—

(A) averages 60 hours or less per week; and

(B) does not include a basic 40-hour workweek.

Applicability.

(b) Subsection (a) shall apply to firefighters described under that subsection as of the effective date of section 5545b of title 5, United States Code.

(c) The Office of Personnel Management may prescribe regulations necessary to implement this section.

Alabama.

SEC. 3033. HOWELL T. HEFLIN POST OFFICE BUILDING. (a) DESIGNATION.—The facility of the United States Postal Service under construction at Tuscumbia, Alabama is designated as the “Howell T. Heflin Post Office Building”.

(b) LEGAL REFERENCES.—Any reference in a law, regulation, document, record, map, or other paper of the United States to the facility referred to in subsection (a) is deemed to be a reference to the “Howell T. Heflin Post Office Building”.

SEC. 3034. (a) CONSIDERATION FOR LAND CONVEYANCE, SAN JOAQUIN COUNTY, CALIFORNIA.—Subsection (c) of section 140 of division C of Public Law 105–277 is amended—

112 Stat.  
2681–599.

(1) by inserting “(1)” before “The purpose”; and

(2) by adding at the end the following new paragraph:

“(2) Notwithstanding subsection (a), the conveyance of the approximately 150-acre parcel described in paragraph (1) shall be without consideration. As consideration for the approximately 50-acre parcel intended for economic development, which shall be selected by the City, the City shall pay to the United States an amount equal to the fair market value of the parcel, as determined by an appraisal satisfactory to the Attorney General and the City.”.

(b) CONDITIONS ON USE.—Subsection (d) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(c) REVERSION.—Subsection (e) of such section is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(d) TIME FOR CONVEYANCE.—Subsection (a) of such section is amended by striking “120 days after the date of the enactment of this Act” and inserting “August 21, 1999”.

SEC. 3035. Notwithstanding any other provision of law, the Administrator of General Services is directed to utilize resources in the Federal Buildings Fund to purchase, at fair market value, not to exceed \$700,000, the United States Post Office and Federal Courthouse Building located on Mill Street in Fergus Falls, Minnesota: *Provided*, That such sums necessary to effect this provision are appropriated from the Federal Buildings Fund.

#### TITLE IV—RESCISSIONS AND OFFSETS

##### DEPARTMENT OF AGRICULTURE

###### FOOD AND NUTRITION SERVICE

###### FOOD STAMP PROGRAM

###### (RESCISSION)

Of the amounts made available under this heading in division A, section 101(a), title IV of Public Law 105-277, \$1,250,000,000 are rescinded.

##### DEPARTMENT OF STATE AND RELATED AGENCIES

###### RELATED AGENCIES

###### UNITED STATES INFORMATION AGENCY

###### BUYING POWER MAINTENANCE

###### (RESCISSION)

Of the unobligated balances available under this heading, \$20,000,000 are rescinded.

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL BANK FOR RECONSTRUCTION  
AND DEVELOPMENT

GLOBAL ENVIRONMENT FACILITY

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277, \$25,000,000 are rescinded.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(RESCISSION)

Of the funds appropriated under this heading in Public Law 105–277 and in prior Acts making appropriations for foreign operations, export financing, and related programs, \$5,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the amounts appropriated under this heading in previous appropriations Acts, \$6,800,000 are rescinded.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE  
OPERATIONS

Under this heading in section 101(f) of Public Law 105–277, strike “\$3,132,076,000” and insert “\$3,109,676,000” and strike “\$180,933,000” and insert “\$163,533,000”.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

FEDERAL CAPITAL LOAN PROGRAM FOR NURSING

(RESCISSION)

Of the funds made available under the Federal Capital Loan Program for Nursing appropriation account, \$2,800,000 are rescinded.



## DEPARTMENT OF EDUCATION

## EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

## (RESCISSION)

Of the funds made available under this heading in section 101(f) of Public Law 105–277, \$6,500,000 are rescinded.

## DEPARTMENT OF DEFENSE

## MILITARY CONSTRUCTION

## (RESCISSIONS)

Of the funds provided in the Military Construction Appropriations Act, 1999, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts in the specified amounts:

- “Military Construction, Army”, \$3,000,000;
- “Military Construction, Navy”, \$2,000,000;
- “Military Construction, Air Force”, \$3,000,000;
- “Military Construction, Defense-Wide”, \$2,000,000;
- “Family Housing, Army” for Construction, \$1,000,000; for Operations and Maintenance, \$7,000,000;
- “Family Housing, Navy” for Construction, \$1,000,000; for Operations and Maintenance, \$2,000,000;
- “Family Housing, Air Force” for Construction, \$1,000,000; for Operations and Maintenance, \$3,000,000; and
- “Base Realignment and Closure Account, Part IV”, \$6,400,000.

## DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

## PAYMENTS TO AIR CARRIERS

## (AIRPORT AND AIRWAY TRUST FUND)

## (RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for “Small Community Air Service” by Public Law 101–508 for fiscal years prior to fiscal year 1998, \$815,000 are rescinded.

## FEDERAL HIGHWAY ADMINISTRATION

## STATE INFRASTRUCTURE BANKS

## (RESCISSION)

Of the available balances under this heading, \$6,500,000 are rescinded.

PUBLIC LAW 106–31—MAY 21, 1999

FEDERAL TRANSIT ADMINISTRATION

TRUST FUND SHARE OF TRANSIT PROGRAMS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the budgetary resources provided for “Trust fund share of transit programs” in Public Law 102–240 under 49 U.S.C. 5338(a)(1), \$665,000 are rescinded.

INTERSTATE TRANSFER GRANTS—TRANSIT

Of the available balances under this heading, \$600,000 are rescinded.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in division A of the Omnibus Consolidated and Emergency Supplemental Appropriations, 1999 (Public Law 105–277) \$4,500,000 for the expansion of the National Tracing Center are rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

(RESCISSION)

Of the funds made available under this heading in Public Law 101–130, the Fiscal Year 1990 Dire Emergency Supplemental to Meet the Needs of Natural Disasters of National Significance, \$10,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the amounts recaptured from funds appropriated under this heading during fiscal year 1999 and prior years, \$350,000,000 are rescinded.

## COMMUNITY PLANNING AND DEVELOPMENT

## COMMUNITY DEVELOPMENT BLOCK GRANTS

## (RESCISSION)

Of the unobligated balances available under this heading in division B, of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), \$230,000,000 are rescinded.

## GENERAL PROVISION, THIS TITLE

SEC. 4001. Of the amount made available under division B, title V, chapter 1 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) \$22,466,000 are rescinded.

## TITLE V—TECHNICAL CORRECTIONS

SEC. 5001. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(a) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended:

(a) in title III, under the heading “Rural Community Advancement Program (Including Transfer of Funds)”, by inserting “1926d,” after “1926c,”; by inserting “, 306C(a)(2), and 306D” after “381E(d)(2)” the first time it appears in the paragraph; and by striking “, as provided in 7 U.S.C. 1926(a) and 7 U.S.C. 1926C”;

112 Stat.  
2681–15.

(b) in title VII, in section 718 by striking “this Act” and inserting “annual appropriations Acts”;

7 USC 5623 note.

(c) in title VII, in section 747 by striking “302” and inserting “203”; and

7 USC 1622 note.

(d) in title VII, in section 763(b)(3) by striking “section 402(d) of Public Law 94–265” and inserting “section 116(a) of Public Law 104–297”.

112 Stat.  
2681–36.

SEC. 5002. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999 (as contained in division A, section 101(d) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is amended—

(a) in title II under the heading “Burma” by striking “headings ‘Economic Support Fund’ and” and inserting “headings ‘Child Survival and Disease Programs Fund’, ‘Economic Support Fund’ and”;

112 Stat.  
2681–156.

(b) in title V in section 587 by striking “199–339” and inserting “99–399”;

22 USC 2381  
note.

(c) in title V in subsection 594(a) by striking “subparagraph (C)” and inserting “subsection (c)”;

22 USC 2753  
note.

(d) in title V in subsection 594(b) by striking “subparagraph (a)” and inserting “subsection (a)”;

(e) in title V in subsection 594(c) by striking “521 of the annual appropriations Act for Foreign Operations, Export Financing, and Related Programs” and inserting “520 of this Act”.

22 USC 262r-5. SEC. 5003. Subsection 1706(b) of title XVII of the International Financial Institutions Act (22 U.S.C. 262r-262r-2), as added by section 614 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, is amended by striking “June 30” and inserting “September 30”.

SEC. 5004. The Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(e) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended:

16 USC 1374. (1) in the last proviso under the heading “United States Fish and Wildlife Service, Administrative Provisions” by striking “section 104(c)(50)(B) of the Marine Mammal Protection Act (16 U.S.C. 1361-1407)” and inserting “section 104(c)(5)(B) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407)”.

112 Stat. 2681-245. (2) under the heading “Bureau of Indian Affairs, Operation of Indian Programs”, by striking “\$94,010,000” and inserting “\$94,046,000”, by striking “\$114,871,000” and inserting “\$114,891,000”, by striking “\$387,365,000” and inserting “\$389,307,000”, and by striking “\$52,889,000” and inserting “\$53,039,000”.

16 USC 544b. (3) in section 354(a) by striking “16 U.S.C. 544(a)(2))” and inserting “16 U.S.C. 544b(a)(2))”.

Effective date. 16 USC 544b note. (4) The amendments made by paragraphs (1), (2), and (3) of this section shall take effect as if included in Public Law 105-277 on the date of its enactment.

SEC. 5005. The Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(f) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended—

112 Stat. 2681-339. (a) in title I, under the heading “Federal Unemployment Benefits and Allowances”, by striking “during the current fiscal year” and inserting “from October 1, 1998, through September 30, 1999”;

112 Stat. 2681-357. (b) in title II under the heading “Office of the Secretary, General Departmental Management” by striking “\$180,051,000” and inserting “\$188,051,000”;

112 Stat. 2681-355. (c) in title II under the heading “Children and Families Services Programs, (Including Rescissions)” by striking “notwithstanding section 640(a)(6), of the funds made available for the Head Start Act, \$337,500,000 shall be set aside for the Head Start Program for Families with Infants and Toddlers (Early Head Start): *Provided further*, That”;

(d) in title II under the heading “Office of the Secretary, General Departmental Management” by inserting after the first proviso the following: “*Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$10,831,000 shall be for activities specified under section 2003(b)(2), of which \$9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX.”;

112 Stat. 2681-368. (e) in title III under the heading “Special Education” by inserting before the period at the end of the paragraph the following: “: *Provided further*, That \$1,500,000 shall be for

the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities”;

(f) in title II under the heading “Public Health and Social Services Emergency Fund” by striking “\$322,000” and inserting “\$180,000”; 112 Stat. 2681–358.

(g) in title III under the heading “Education Reform” by striking “\$491,000,000” and inserting “\$459,500,000”; 112 Stat. 2681–363.

(h) in title III under the heading “Vocational and Adult Education” by striking “\$6,000,000” the first time that it appears and inserting “\$14,000,000”, and by inserting before the period at the end of the paragraph the following: “: *Provided further*, That of the amounts made available for the Perkins Act, \$4,100,000 shall be for tribally controlled postsecondary vocational institutions under section 117”; 112 Stat. 2681–369.

(i) in title III under the heading “Higher Education” by inserting after the first proviso the following: “*Provided further*, That funds available for part A, subpart 2 of title VII of the Higher Education Act shall be available to fund awards for academic year 1999–2000 for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1.”; 112 Stat. 2681–370.

(j) in title III under the heading “Education Research, Statistics, and Improvement” by inserting after the third proviso the following: “*Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$1,000,000 shall be used to conduct a violence prevention demonstration program.”; 112 Stat. 2681–372.

(k) in title III under the heading “Reading Excellence” by inserting before the period at the end of the paragraph the following: “: *Provided*, That up to 1 percent of the amount appropriated shall be available October 1, 1998 for peer review of applications”; 112 Stat. 2681–368.

(l) in title V in section 510(3) by inserting after “Act” the following: “or subsequent Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Acts”; and 31 USC 1301 note.

(m)(1) in title VIII in section 405 by striking subsection (e) and inserting the following: 112 Stat. 2681–428.

“(e) OTHER REFERENCES TO TITLE VII OF THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—The table of contents of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) is amended—

“(1) by striking the items relating to title VII of such Act, except the item relating to the title heading and the items relating to subtitles B and C of such title; and

“(2) by striking the item relating to the title heading for title VII and inserting the following:

“‘TITLE VII—EDUCATION AND TRAINING.’”.

(2) The amendments made by subsection (m)(1) of this section shall take effect as if included in Public Law 105–277 on the date of its enactment.

Effective date.

SEC. 5006. The last sentence of section 5595(b) of title 5, United States Code (as added by section 309(a)(2) of the Legislative Branch Appropriations Act, 1999; Public Law 105–275), is amended by striking “(a)(1)(G)” and inserting “(a)(1)(C)”.

112 Stat.  
2681–570.

SEC. 5007. Division B, title II, chapter 5 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading “Capitol Police Board, Security Enhancements” by inserting before the period at the end of the paragraph “: *Provided further*, That for purposes of carrying out the plan or plans described under this heading and consistent with the approval of such plan or plans pursuant to this heading, the Capitol Police Board shall transfer the portion of the funds made available under this heading which are to be used for personnel and overtime increases for the United States Capitol Police to the heading “Capitol Police Board, Capitol Police, Salaries” under the Act making appropriations for the legislative branch for the fiscal year involved, and shall allocate such portion between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate in such amounts as may be approved by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate”.

112 Stat.  
2681–562.

SEC. 5008. Division B, title 1, chapter 3 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) is amended under the heading “Family Housing, Navy and Marine Corps” by striking the word “Hurricane” and inserting “Hurricanes Georges and”.

112 Stat.  
2681–453.

SEC. 5009. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading “Capital Investment Grants (Including Transfer of Funds)” within the project description of project number 127, by inserting the words “and bus facilities” after the word “replacements”, and within the project description of project number 261 by striking the words “Multimodal Center” and inserting “buses and bus related facilities”.

112 Stat.  
2681–446.

SEC. 5010. The Department of Transportation and Related Agencies Appropriations Act, 1999, as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended in title I under the heading “Federal-Aid Highways (Limitation on Obligations) (Highway Trust Fund)” by striking “not more than \$38,000,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program”, and inserting “not more than \$59,290,000 shall be available for the implementation and execution of the Ferry Boat and Ferry Terminal Facility Program”.

SEC. 5011. Section 3347(b) of title 5, United States Code, as added by the Federal Vacancies Reform Act of 1998, is amended by striking “provision to which subsection (a)(2) applies” and inserting “provision to which subsection (a)(1) applies”.

#### TITLE VI—GENERAL PROVISIONS, THIS ACT

Effective date.

SEC. 6001. Effective October 1, 1999, section 234 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194) is amended by—

(1) striking the paragraph within subsection 234(g) that is currently designated as 234(c);

(2) in paragraph (g)(2), changing the title to read “Equity Authority Limited to Projects in Sub-Saharan Africa and Caribbean Basin and Marine Transportation Projects Globally” and inserting after the words “Caribbean Basin Economic Recovery Act” the following: “and in marine transportation projects in countries and areas eligible for OPIC support worldwide using United States commercial maritime expertise”; and

(3) inserting a new paragraph (g)(5) to read:

“IMPLEMENTATION.—To the extent provided in advance in appropriations Acts, the Corporation is authorized to create such legal vehicles as may be necessary for implementation of its authorities, which legal vehicles may be deemed non-Federal borrowers for purposes of the Federal Credit Reform Act of 1990. Income and proceeds of investments made pursuant to this section 234(g) may be used to purchase equity or quasi-equity securities in accordance with the provisions of this section: *Provided, however*, That such purchases shall not be limited to the 4-year period of the pilot program: *Provided further*, That the limitations contained in section 234(g)(2) shall not apply to such purchases.”

SEC. 6002. (a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 of title 49, United States Code, is amended by striking “\$1,607,000,000 for the 8-month period beginning October 1, 1998.” and inserting “\$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.”

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) of such title is amended by striking “May 31, 1999,” and inserting “August 6, 1999,”.

(c) LIQUIDATION OF CONTRACT AUTHORIZATION.—The Department of Transportation and Related Agencies Appropriations Act, 1999, as amended, is further amended as follows: Strike the last proviso under the heading “Grants-in-Aid for Airports, (Liquidation of Contract Authorization), (Airport and Airway Trust Fund)” and insert “*Provided further*, That not more than \$1,660,000,000 of funds limited under this heading may be obligated before the enactment of a law extending contract authorization for the Grants-in-Aid for Airports Program beyond August 6, 1999.”

112 Stat.  
2681–445.

(d) MILITARY AIRPORT PROGRAM.—Section 47117(e)(1)(B) of title 49, United States Code, is amended by striking “for each of fiscal years 1997 and 1998”.

(e) RELEASE OF MWAA FUNDING.—Section 9(a) of the Interim Federal Aviation Administration Authorization Act (Public Law 106-6) is amended by striking “(an application that is pending at the Department of Transportation on March 17, 1999) for expenditure or obligation of up to \$30,000,000” and inserting “for expenditure or obligation of up to \$60,000,000”.

*Ante*, p. 11.

(f) EXTENSION OF AVIATION INSURANCE PROGRAM.—Section 44310 of title 49, United States Code, is amended by striking “May 31, 1999” and inserting “August 6, 1999”.

SEC. 6003. TITLE 49 RECODIFICATION CORRECTION.—Effective December 31, 1998, section 4(k) of the Act of July 5, 1994 (Public Law 103-272; 108 Stat. 1370), as amended by section 7(a)(3)(D) of the Act of October 31, 1994 (Public Law 103-429; 108 Stat. 4329), is repealed.

Effective date.

SEC. 6004. Section 3027(d)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 366) as added

49 USC 41107  
and note,  
41901–41903.

by section 360 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (as contained in division A, section 101(g) of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)) is redesignated as section 3027(c)(3).

SEC. 6005. It is the sense of the Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

This Act may be cited as the “1999 Emergency Supplemental Appropriations Act”.

Approved May 21, 1999.

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LEGISLATIVE HISTORY—H.R. 1141 (S. 544):

HOUSE REPORTS: Nos. 106–64 (Comm. on Appropriations) and 106–143 (Comm. of Conference).

SENATE REPORTS: No. 106–8 accompanying S. 544 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 24, considered and passed House.

Mar. 25, considered and passed Senate, amended, in lieu of S. 544.

May 18, House agreed to conference report.

May 20, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

May 21, Presidential statement.





Public Law 106–32  
106th Congress

An Act

To declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

June 1, 1999  
[H.R. 1034]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

33 USC 59ii note.

The Congress finds the following:

(1) The canal known as the James River and Kanawha Canal played an important part in the economic development of the Commonwealth of Virginia and the City of Richmond.

(2) The canal ceased to operate as a functioning waterway in the conduct of commerce in the late 1800s.

(3) Portions of the canal have been found by a Federal district court to be nonnavigable.

(4) The restored portion of the canal will be utilized to provide entertainment and education to visitors and will play an important part in the economic development of downtown Richmond.

(5) The restored portion of the canal will not be utilized for general public boating, and will be restricted to activities similar to those conducted on similar waters in San Antonio, Texas.

(6) The continued classification of the canal as a navigable waterway based upon historic usage that ceased more than 100 years ago does not serve the public interest and is unnecessary to protect public safety.

(7) Congressional action is required to clarify that the canal is no longer to be considered a navigable waterway for purposes of subtitle II of title 46, United States Code.

**SEC. 2. DECLARATION OF NONNAVIGABILITY OF A PORTION OF THE CANAL KNOWN AS THE JAMES RIVER AND KANAWHA CANAL IN RICHMOND, VIRGINIA.**

33 USC 59ii.

(a) CANAL DECLARED NONNAVIGABLE.—The portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia, located between the Great Ship Lock on the east and the limits of the City of Richmond on the west is hereby declared to be a nonnavigable waterway of the United States for purposes of subtitle II of title 46, United States Code.

(b) ENSURING PUBLIC SAFETY.—The Secretary of Transportation shall provide such technical advice, information, and assistance as the City of Richmond, Virginia, or its designee may request

to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

(c) TERMINATION OF DECLARATION.—

(1) IN GENERAL.—The Secretary of Transportation may terminate the effectiveness of the declaration made by subsection (a) by publishing a determination that vessels operating on the waters declared nonnavigable by subsection (a) have not been built, maintained, and operated in a manner consistent with protecting public safety.

(2) PUBLIC INPUT.—Before making a determination under this subsection, the Secretary of Transportation shall—

(A) consult with appropriate State and local government officials regarding whether such a determination is necessary to protect public safety and will serve the public interest; and

(B) provide to persons who might be adversely affected by the determination the opportunity for comment and a hearing on whether such action is necessary to protect public safety and will serve the public interest.

Approved June 1, 1999.

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LEGISLATIVE HISTORY—H.R. 1034:

HOUSE REPORTS: No. 106–107 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 27, considered and passed House.

May 26, considered and passed Senate.



Public Law 106–33  
106th Congress

An Act

To designate the Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, as the “Lewis R. Morgan Federal Building and United States Courthouse”.

June 7, 1999  
[H.R. 1121]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 18 Greenville Street in Newnan, Georgia, shall be known and designated as the “Lewis R. Morgan Federal Building and United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “Lewis R. Morgan Federal Building and United States Courthouse”.

Approved June 7, 1999.

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**LEGISLATIVE HISTORY—H.R. 1121 (S. 858):**

HOUSE REPORTS: No. 106–111 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 4, considered and passed House.

May 26, considered and passed Senate.



Public Law 106–34  
106th Congress

An Act

June 8, 1999  
[H.R. 1183]

Fastener Quality  
Act Amendments  
Act of 1999.  
15 USC 5401  
note.

To amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fastener Quality Act Amendments Act of 1999”.

**SEC. 2. FINDINGS AND PURPOSE.**

Section 2 of the Fastener Quality Act (15 U.S.C. 5401) is amended to read as follows:

**“SEC. 2. FINDINGS.**

“The Congress finds that—

“(1) the United States fastener industry is a significant contributor to the global economy, employing thousands of workers in hundreds of communities;

“(2) the American economy uses billions of fasteners each year;

“(3) state-of-the-art manufacturing and improved quality assurance systems have dramatically improved fastener quality, so virtually all fasteners sold in commerce meet or exceed the consensus standards for the uses to which they are applied;

“(4) a small number of mismarked, misrepresented, and counterfeit fasteners do enter commerce in the United States; and

“(5) multiple criteria for the identification of fasteners exist, including grade identification markings and manufacturer’s insignia, to enable purchasers and users of fasteners to accurately evaluate the characteristics of individual fasteners.”.

**SEC. 3. DEFINITIONS.**

Section 3 of the Fastener Quality Act (15 U.S.C. 5402) is amended to read as follows:

**“SEC. 3. DEFINITIONS.**

“As used in this Act, the term—

“(1) ‘accredited laboratory’ means a fastener testing facility used to perform end-of-line testing required by a consensus standard or standards to verify that a lot of fasteners conforms to the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured, and which—

“(A) meets the requirements of ISO/IEC Guide 25 (or another document approved by the Director under section 10(c)), including revisions from time-to-time; and

“(B) has been accredited by a laboratory accreditation body that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under section 10(d)), including revisions from time-to-time;

“(2) ‘consensus standard’ means the provisions of a document that describes fastener characteristics published by a consensus standards organization or a Federal agency, and does not include a proprietary standard;

“(3) ‘consensus standards organization’ means the American Society for Testing and Materials, the American National Standards Institute, the American Society of Mechanical Engineers, the Society of Automotive Engineers, the International Organization for Standardization, any other organization identified as a United States consensus standards organization or a foreign and international consensus standards organization in the Federal Register at 61 Fed. Reg. 50582-83 (September 26, 1996), and any successor organizations thereto;

“(4) ‘Director’ means the Director of the National Institute of Standards and Technology;

“(5) ‘distributor’ means a person who purchases fasteners for the purpose of reselling them at wholesale to unaffiliated persons within the United States (an original equipment manufacturer and its dealers shall be considered affiliated persons for purposes of this Act);

“(6) ‘fastener’ means a metallic screw, nut, bolt, or stud having internal or external threads, with a nominal diameter of 6 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, or a load-indicating washer, that is through-hardened or represented as meeting a consensus standard that calls for through-hardening, and that is grade identification marked or represented as meeting a consensus standard that requires grade identification marking, except that such term does not include any screw, nut, bolt, stud, or load-indicating washer that is—

“(A) part of an assembly;

“(B) a part that is ordered for use as a spare, substitute, service, or replacement part, unless that part is in a package containing more than 75 of any such part at the time of sale, or a part that is contained in an assembly kit;

“(C) produced and marked as ASTM A 307 Grade A, or a successor standard thereto;

“(D) produced in accordance with ASTM F 432, or a successor standard thereto;

“(E) specifically manufactured for use on an aircraft if the quality and suitability of those fasteners for that use has been approved—

“(i) by the Federal Aviation Administration; or

“(ii) by a foreign airworthiness authority as described in part 21.29, 21.500, 21.502, or 21.617 of title 14 of the Code of Federal Regulations;

“(F) manufactured in accordance with a fastener quality assurance system; or

“(G) manufactured to a proprietary standard, whether or not such proprietary standard directly or indirectly references a consensus standard or any portion thereof;

“(7) ‘fastener quality assurance system’ means—

“(A) a system that meets the requirements, including revisions from time-to-time, of—

“(i) International Organization for Standardization (ISO) Standard 9000, 9001, 9002, or TS16949;

“(ii) Quality System (QS) 9000 Standard;

“(iii) Verband der Automobilindustrie e. V. (VDA) 6.1 Standard; or

“(iv) Aerospace Basic Quality System Standard AS9000; or

“(B) any fastener manufacturing system—

“(i) that has as a stated goal the prevention of defects through continuous improvement;

“(ii) that seeks to attain the goal stated in clause (i) by incorporating—

“(I) advanced quality planning;

“(II) monitoring and control of the manufacturing process;

“(III) product verification embodied in a comprehensive written control plan for product and process characteristics, and process controls (including process influence factors and statistical process control), tests, and measurement systems to be used in production; and

“(IV) the creation, maintenance, and retention of electronic, photographic, or paper records required by the control plan regarding the inspections, tests, and measurements performed pursuant to the control plan; and

“(iii) that—

“(I) is subject to certification in accordance with the requirements of ISO/IEC Guide 62 (or another document approved by the Director under section 10(a)), including revisions from time-to-time, by a third party who is accredited by an accreditation body in accordance with the requirements of ISO/IEC Guide 61 (or another document approved by the Director under section 10(b)), including revisions from time-to-time; or

“(II) undergoes regular or random evaluation and assessment by the end user or end users of the screws, nuts, bolts, studs, or load-indicating washers produced under such fastener manufacturing system to ensure that such system meets the requirements of clauses (i) and (ii);

“(8) ‘grade identification marking’ means any grade-mark or property class symbol appearing on a fastener purporting to indicate that the lot of fasteners conforms to a specific consensus standard, but such term does not include a manufacturer’s insignia or part number;

“(9) ‘importer’ means a distributor located within the United States who contracts for the initial purchase of fasteners manufactured outside the United States;

“(10) ‘lot’ means a quantity of fasteners of one part number fabricated by the same production process from the same coil or heat number of metal as provided by the metal manufacturer;

“(11) ‘manufacturer’ means a person who fabricates fasteners for sale in commerce;

“(12) ‘proprietary standard’ means the provisions of a document that describes characteristics of a screw, nut, bolt, stud, or load-indicating washer and is issued by a person who—

“(A) uses screws, nuts, bolts, studs, or load-indicating washers in the manufacture, assembly, or servicing of its products; and

“(B) with respect to such screws, nuts, bolts, studs, or washers, is a developer and issuer of descriptions that have characteristics similar to consensus standards and that bear such user’s identification;

“(13) ‘record of conformance’ means a record or records for each lot of fasteners sold or offered for sale that contains—

“(A) the name and address of the manufacturer;

“(B) a description of the type of fastener;

“(C) the lot number;

“(D) the nominal dimensions of the fastener (including diameter and length of bolts or screws), thread form, and class of fit;

“(E) the consensus standard or specifications to which the lot of fasteners has been manufactured, including the date, number, revision, and other information sufficient to identify the particular consensus standard or specifications being referenced;

“(F) the chemistry and grade of material;

“(G) the coating material and characteristics and the applicable consensus standard or specifications for such coating; and

“(H) the results or a summary of results of any tests performed for the purpose of verifying that a lot of fasteners conforms to its grade identification marking or to the grade identification marking the lot of fasteners is represented to meet;

“(14) ‘represent’ means to describe one or more of a fastener’s purported characteristics in a document or statement that is transmitted to a purchaser through any medium;

“(15) ‘Secretary’ means the Secretary of Commerce;

“(16) ‘specifications’ means the required characteristics identified in the contractual agreement with the manufacturer or to which a fastener is otherwise produced, except that the term does not include proprietary standards; and

“(17) ‘through-harden’ means heating above the transformation temperature followed by quenching and tempering for the purpose of achieving uniform hardness.”.

#### SEC. 4. SALE OF FASTENERS.

(a) AMENDMENT.—Sections 5 through 7 of the Fastener Quality Act (15 U.S.C. 5404–6) are repealed, and the following new section is inserted after section 3 of such Act:

15 USC  
5404–5406.

#### “SEC. 4. SALE OF FASTENERS.

15 USC 5403.

“(a) GENERAL RULE.—It shall be unlawful for a manufacturer or distributor, in conjunction with the sale or offer for sale of fasteners from a single lot, to knowingly misrepresent or falsify—

“(1) the record of conformance for the lot of fasteners;

“(2) the identification, characteristics, properties, mechanical or performance marks, chemistry, or strength of the lot of fasteners; or

“(3) the manufacturer’s insignia.

“(b) REPRESENTATIONS.—A direct or indirect reference to a consensus standard to represent that a fastener conforms to particular requirements of the consensus standard shall not be construed as a representation that the fastener meets all the requirements of the consensus standard.

“(c) SPECIFICATIONS.—A direct or indirect contractual reference to a consensus standard for the purpose of identifying particular requirements of the consensus standard that serve as specifications shall not be construed to require that the fastener meet all the requirements of the consensus standard.

“(d) USE OF ACCREDITED LABORATORIES.—In the case of fasteners manufactured solely to a consensus standard or standards, end-of-line testing required by the consensus standard or standards, if any, for the purpose of verifying that a lot of fasteners conforms with the grade identification marking called for in the consensus standard or standards to which the lot of fasteners has been manufactured shall be conducted by an accredited laboratory.”.

15 USC 5403  
note.

(b) EFFECTIVE DATE.—Subsection (d) of section 4 of the Fastener Quality Act, as added by subsection (a) of this section, shall take effect 2 years after the date of the enactment of this Act.

#### SEC. 5. MANUFACTURERS’ INSIGNIAS.

Section 8 of the Fastener Quality Act (15 U.S.C. 5407) is redesignated as section 5 and is amended—

(1) by amending subsection (a) to read as follows:

“(a) GENERAL RULE.—Unless the specifications provide otherwise, fasteners that are required by the applicable consensus standard or standards to bear an insignia identifying their manufacturer shall not be offered for sale or sold in commerce unless—

“(1) the fasteners bear such insignia; and

“(2) the manufacturer has complied with the insignia recordation requirements established under subsection (b).”; and

(2) in subsection (b), by striking “and private label” and all that follows and inserting “described in subsection (a).”.

#### SEC. 6. REMEDIES AND PENALTIES.

Section 9 of the Fastener Quality Act (15 U.S.C. 5408) is redesignated as section 6 and is amended—

(1) in subsection (b)(3), by striking “of this section” and inserting “of this subsection”;

(2) in subsection (b)(4), by inserting “arbitrate,” after “Secretary may”; and

(3) in subsection (d)—

(A) by inserting “(1)” after “ENFORCEMENT.—”; and

(B) by adding at the end the following new paragraph:

Establishment.

“(2) The Secretary shall establish and maintain a hotline system to facilitate the reporting of alleged violations of this Act, and the Secretary shall evaluate allegations reported through that system and report any credible allegations to the Attorney General.”.



**SEC. 7. RECORDKEEPING REQUIREMENTS.**

Section 10 of the Fastener Quality Act (15 U.S.C. 5409) is redesignated as section 7 and is amended by striking subsections (a) and (b) and inserting the following:

“Manufacturers and importers shall retain the record of conformance for fasteners for 5 years, on paper or in photographic or electronic format in a manner that allows for verification of authenticity. Upon request of a distributor who has purchased a fastener, or a person who has purchased a fastener for use in the production of a commercial product, the manufacturer or importer of the fastener shall make available information in the record of conformance to the requester.”.

Exports and  
imports.

**SEC. 8. RELATIONSHIP TO STATE LAWS.**

Section 11 of the Fastener Quality Act (15 U.S.C. 5410) is redesignated as section 8.

**SEC. 9. CONSTRUCTION.**

Section 12 of the Fastener Quality Act (15 U.S.C. 5411) is redesignated as section 9 and is amended by striking “in effect on the date of enactment of this Act”.

**SEC. 10. CERTIFICATION AND ACCREDITATION.**

Sections 13 and 15 of the Fastener Quality Act (15 U.S.C. 5412 and 14) are repealed, and the following new section is inserted at the end of that Act:

15 USC 5412,  
5414.

**“SEC. 10. CERTIFICATION AND ACCREDITATION.**

15 USC 5411a.

“(a) **CERTIFICATION.**—A person publishing a document setting forth guidance or requirements for the certification of manufacturing systems as fastener quality assurance systems by an accredited third party may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 62.

“(b) **ACCREDITATION.**—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit third parties described in subsection (a) may petition the Director to approve such document for use as described in section 3(7)(B)(iii)(I). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 61.

“(c) **LABORATORY ACCREDITATION.**—A person publishing a document setting forth guidance or requirements for the accreditation of laboratories may petition the Director to approve such document for use as described in section 3(1)(A). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/IEC Guide 25.

“(d) **APPROVAL OF ACCREDITATION BODIES.**—A person publishing a document setting forth guidance or requirements for the approval of accreditation bodies to accredit laboratories may petition the Director to approve such document for use as described in section 3(1)(B). The Director shall act upon a petition within 180 days after its filing, and shall approve such petition if the document provides equal or greater rigor and reliability as compared to ISO/

IEC Guide 58. In addition to any other voluntary laboratory accreditation programs that may be established by private sector persons, the Director shall establish a National Voluntary Laboratory Accreditation Program, for the accreditation of laboratories as described in section 3(1)(B), that meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under this subsection), including revisions from time-to-time.

“(e) AFFIRMATION.—(1) An accreditation body accrediting third parties who certify manufacturing systems as fastener quality assurance systems as described in section 3(7)(B)(iii)(I) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 61 (or another document approved by the Director under subsection (b)), including revisions from time-to-time.

“(2) An accreditation body accrediting laboratories as described in section 3(1)(B) shall affirm to the Director that it meets the requirements of ISO/IEC Guide 58 (or another document approved by the Director under subsection (d)), including revisions from time-to-time.

“(3) An affirmation required under paragraph (1) or (2) shall take the form of a self-declaration that the accreditation body meets the requirements of the applicable Guide, signed by an authorized representative of the accreditation body, without requirement for accompanying documentation. Any such affirmation shall be considered to be a continuous affirmation that the accreditation body meets the requirements of the applicable Guide, unless and until the affirmation is withdrawn by the accreditation body.”.

#### **SEC. 11. APPLICABILITY.**

At the end of the Fastener Quality Act, insert the following new section:

15 USC 5411b.

#### **“SEC. 11. APPLICABILITY.**

“The requirements of this Act shall be applicable only to fasteners fabricated 180 days or more after the date of the enactment of the Fastener Quality Act Amendments Act of 1999, except that if a manufacturer or distributor of fasteners fabricated before that date prepares a record of conformance for such fasteners, representations about such fasteners shall be subject to the requirements of this Act.”.

**SEC. 12. COMPTROLLER GENERAL REPORT.**15 USC 5402  
note.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Congress a report describing any changes in industry practice resulting from or apparently resulting from the enactment of section 3(6)(B) of the Fastener Quality Act, as added by section 3 of this Act.

Approved June 8, 1999.

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**LEGISLATIVE HISTORY—H.R. 1183:**

HOUSE REPORTS: No. 106–121, Pt. 1 (Comm. on Science).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 11, considered and passed House.

May 25, considered and passed Senate.



Public Law 106–35  
106th Congress

An Act

June 15, 1999  
[H.R. 1379]

To amend the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, to make a technical correction relating to international narcotics control assistance.

Western  
Hemisphere  
Drug Elimination  
Technical  
Corrections Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Western Hemisphere Drug Elimination Technical Corrections Act”.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS RELATING TO RESOURCES FOR ILLICIT NARCOTICS IN CERTAIN FOREIGN COUNTRIES.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Subtitle B of title VIII of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), is amended by adding at the end the following:

**“SEC. 826. FURTHER MISCELLANEOUS ADDITIONAL RESOURCES.**

“(a) **IN GENERAL.**—There are authorized to be appropriated for the Department of State for fiscal year 1999 such sums as may be necessary to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

“(b) **RULE OF CONSTRUCTION.**—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) are in addition to amounts made available to carry out section 481 of such Act under any other provision of law.”.

(b) **CONFORMING AMENDMENT.**—Title VIII of division C of such Act (Public Law 105–277) is amended in the table of contents in section 801(b) by adding at the end of the item relating to subtitle B the following:

“Sec. 826. Further miscellaneous additional resources.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in subtitle B of title VIII of division C of such Act (Public Law 105–277).

Approved June 15, 1999.

LEGISLATIVE HISTORY—H.R. 1379:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 20, considered and passed House.

May 27, considered and passed Senate.

112 Stat.  
2681–693.

Public Law 106–36  
106th Congress

An Act

To make miscellaneous and technical changes to various trade laws, and for other purposes.

June 25, 1999  
[H.R. 435]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Miscellaneous Trade and Technical Corrections Act of 1999”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—MISCELLANEOUS TRADE CORRECTIONS**

Sec. 1001. Clerical amendments.

Sec. 1002. Obsolete references to GATT.

Sec. 1003. Tariff classification of 13-inch televisions.

**TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS**

**Subtitle A—Temporary Duty Suspensions and Reductions**

**CHAPTER 1—REFERENCE**

Sec. 2001. Reference.

**CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS**

Sec. 2101. Diiodomethyl-*p*-tolylsulfone.

Sec. 2102. Racemic dl-menthol.

Sec. 2103. 2,4-Dichloro-5-hydrazinophenol monohydrochloride.

Sec. 2104. ACM.

Sec. 2105. Certain snowboard boots.

Sec. 2106. Ethofumesate singularly or in mixture with application adjuvants.

Sec. 2107. 3-Methoxycarbonylamino-phenyl-3'-methylcarbanilate (phenmedipham).

Sec. 2108. 3-Ethoxycarbonylamino-phenyl-N-phenylcarbamate (desmedipham).

Sec. 2109. 2-Amino-4-(4-aminobenzoylamino)benzenesulfonic acid, sodium salt.

Sec. 2110. 5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide.

Sec. 2111. 3-Amino-2'-(sulfatoethylsulfonyl) ethyl benzamide.

Sec. 2112. 4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt.

Sec. 2113. 2-Amino-5-nitrothiazole.

Sec. 2114. 4-Chloro-3-nitrobenzenesulfonic acid.

Sec. 2115. 6-Amino-1,3-naphthalenedisulfonic acid.

Sec. 2116. 4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2117. 2-Methyl-5-nitrobenzenesulfonic acid.

Sec. 2118. 6-Amino-1,3-naphthalenedisulfonic acid, disodium salt.

Sec. 2119. 2-Amino-*p*-cresol.

Sec. 2120. 6-Bromo-2,4-dinitroaniline.

Sec. 2121. 7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt.

Sec. 2122. Tannic acid.

Sec. 2123. 2-Amino-5-nitrobenzenesulfonic acid, monosodium salt.

Sec. 2124. 2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt.

Sec. 2125. 2-Amino-5-nitrobenzenesulfonic acid.

Sec. 2126. 3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid.

Miscellaneous  
Trade and  
Technical  
Corrections Act  
of 1999.  
19 USC 1654  
note.

- Sec. 2127. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid.  
 Sec. 2128. 4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt.  
 Sec. 2129. Pigment Yellow 154.  
 Sec. 2130. Pigment Yellow 175.  
 Sec. 2131. Pigment Red 187.  
 Sec. 2132. 2,6-Dimethyl-m-dioxan-4-ol acetate.  
 Sec. 2133.  $\beta$ -Bromo- $\beta$ -nitrostyrene.  
 Sec. 2134. Textile machinery.  
 Sec. 2135. Deltamethrin.  
 Sec. 2136. Diclofop-methyl.  
 Sec. 2137. Resmethrin.  
 Sec. 2138. N-phenyl-N'-1,2,3-thiadiazol-5-ylurea.  
 Sec. 2139. (1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)- $\alpha$ -cyano-3-phenoxybenzyl ester.  
 Sec. 2140. Pigment Red 177.  
 Sec. 2141. Textile printing machinery.  
 Sec. 2142. Substrates of synthetic quartz or synthetic fused silica.  
 Sec. 2143. 2-Methyl-4,6-bis[(octylthio)methyl]phenol.  
 Sec. 2144. 2-Methyl-4,6-bis[(octylthio)methyl]phenol; epoxidized triglyceride.  
 Sec. 2145. 4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol.  
 Sec. 2146. (2-Benzothiazolylthio)butanedioic acid.  
 Sec. 2147. Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate].  
 Sec. 2148. 4-Methyl- $\gamma$ -oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).  
 Sec. 2149. Weaving machines.  
 Sec. 2150. Certain weaving machines.  
 Sec. 2151. DGMT.  
 Sec. 2152. Benzenepropanal, 4-(1,1-dimethylethyl)- $\alpha$ -methyl-.  
 Sec. 2153. 2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)-.  
 Sec. 2154. Tebufenozide.  
 Sec. 2155. Halofenozide.  
 Sec. 2156. Certain organic pigments and dyes.  
 Sec. 2157. 4-Hexylresorcinol.  
 Sec. 2158. Certain sensitizing dyes.  
 Sec. 2159. Skating boots for use in the manufacture of in-line roller skates.  
 Sec. 2160. Dibutyl-naphthalenesulfonic acid, sodium salt.  
 Sec. 2161. O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octylcarbonothioate.  
 Sec. 2162. 4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine.  
 Sec. 2163. O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]-dithiophosphate.  
 Sec. 2164. Ethyl [2-(4-phenoxyphenoxy)ethyl]carbamate.  
 Sec. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole.  
 Sec. 2166. 2,4-Dichloro-3,5-dinitrobenzotrifluoride.  
 Sec. 2167. 2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine.  
 Sec. 2168. Chloroacetone.  
 Sec. 2169. Acetic acid, [(5-chloro-8-quinolinyloxy)-, 1-methylhexyl ester.  
 Sec. 2170. Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester.  
 Sec. 2171. Mucochloric acid.  
 Sec. 2172. Certain rocket engines.  
 Sec. 2173. Pigment Red 144.  
 Sec. 2174. (S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid, diethyl ester.  
 Sec. 2175. 4-Chloropyridine hydrochloride.  
 Sec. 2176. 4-Phenoxy-pyridine.  
 Sec. 2177. (3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid.  
 Sec. 2178. 2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone.  
 Sec. 2179. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone.  
 Sec. 2180. (S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-l-glutamic acid.  
 Sec. 2181. 2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride.  
 Sec. 2182. 3-(Acetyloxy)-2-methylbenzoic acid.  
 Sec. 2183. [R-(R\*,R\*)]-1,2,3,4-butanetetrol-1,4-dimethanesulfonate.  
 Sec. 2184. 9-[2-[[Bis[(pivaloyloxy)methoxy]phosphinyl]methoxy] ethyl]adenine (also known as Adefovir Dipivoxil).  
 Sec. 2185. 9-[2-(R)-[[Bis[(isopropoxycarbonyl)oxy-methoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1).

- Sec. 2186. (R)-9-(2-Phosphonomethoxypropyl)adenine.
- Sec. 2187. (R)-1,3-Dioxolan-2-one, 4-methyl-.
- Sec. 2188. 9-(2-Hydroxyethyl)adenine.
- Sec. 2189. (R)-9H-Purine-9-ethanol, 6-amino- $\alpha$ -methyl-.
- Sec. 2190. Chloromethyl-2-propyl carbonate.
- Sec. 2191. (R)-1,2-Propanediol, 3-chloro-.
- Sec. 2192. Oxirane, (S)-((triphenylmethoxy)methyl)-.
- Sec. 2193. Chloromethyl pivalate.
- Sec. 2194. Diethyl (((p-toluenesulfonyl)oxy)-methyl)phosphonate.
- Sec. 2195. Beta hydroxyalkylamide.
- Sec. 2196. Grilamid tr90.
- Sec. 2197. IN-W4280.
- Sec. 2198. KL540.
- Sec. 2199. Methyl thioglycolate.
- Sec. 2200. DPX-E6758.
- Sec. 2201. Ethylene, tetrafluoro copolymer with ethylene (ETFE).
- Sec. 2202. 3-Mercapto-D-valine.
- Sec. 2203. p-Ethylphenol.
- Sec. 2204. Pantera.
- Sec. 2205. p-Nitrobenzoic acid.
- Sec. 2206. p-Toluenesulfonamide.
- Sec. 2207. Polymers of tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride.
- Sec. 2208. Methyl 2-[[[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]-carbonyl]amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl).
- Sec. 2209. Certain manufacturing equipment.
- Sec. 2210. Textured rolled glass sheets.
- Sec. 2211. Certain HIV drug substances.
- Sec. 2212. Rimsulfuron.
- Sec. 2213. Carbamic acid (V-9069).
- Sec. 2214. DPX-E9260.
- Sec. 2215. Ziram.
- Sec. 2216. Ferroboron.
- Sec. 2217. Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo[3,4-a]pyridazin-1-ylidene)amino]phenyl]-thio]-, methyl ester.
- Sec. 2218. Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate.
- Sec. 2219. Bentazon (3-isopropyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide).
- Sec. 2220. Certain high-performance loudspeakers not mounted in their enclosures.
- Sec. 2221. Parts for use in the manufacture of certain high-performance loudspeakers.
- Sec. 2222. 5-tert-Butyl-isophthalic acid.
- Sec. 2223. Certain polymer.
- Sec. 2224. 2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt.
- Sec. 2225. Pigment Red 185.
- Sec. 2226. Pigment Red 208.
- Sec. 2227. Pigment Yellow 95.
- Sec. 2228. Pigment Yellow 93.

## CHAPTER 3—EFFECTIVE DATE

- Sec. 2301. Effective date.

## Subtitle B—Other Trade Provisions

- Sec. 2401. Extension of United States insular possession program.
- Sec. 2402. Tariff treatment for certain components of scientific instruments and apparatus.
- Sec. 2403. Liquidation or reliquidation of certain entries.
- Sec. 2404. Drawback and refund on packaging material.
- Sec. 2405. Inclusion of commercial importation data from foreign-trade zones under the National Customs Automation Program.
- Sec. 2406. Large yachts imported for sale at United States boat shows.
- Sec. 2407. Review of protests against decisions of Customs Service.
- Sec. 2408. Entries of NAFTA-origin goods.
- Sec. 2409. Treatment of international travel merchandise held at customs-approved storage rooms.
- Sec. 2410. Exception to 5-year reviews of countervailing duty or antidumping duty orders.
- Sec. 2411. Water resistant wool trousers.
- Sec. 2412. Reimportation of certain goods.

- Sec. 2413. Treatment of personal effects of participants in certain world athletic events.
- Sec. 2414. Reliquidation of certain entries of thermal transfer multifunction machines.
- Sec. 2415. Reliquidation of certain drawback entries and refund of drawback payments.
- Sec. 2416. Clarification of additional U.S. note 4 to chapter 91 of the Harmonized Tariff Schedule of the United States.
- Sec. 2417. Duty-free sales enterprises.
- Sec. 2418. Customs user fees.
- Sec. 2419. Duty drawback for methyl tertiary-butyl ether (“MTBE”).
- Sec. 2420. Substitution of finished petroleum derivatives.
- Sec. 2421. Duty on certain importations of Mueslix cereals.
- Sec. 2422. Expansion of Foreign Trade Zone No. 143.
- Sec. 2423. Marking of certain silk products and containers.
- Sec. 2424. Extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia.
- Sec. 2425. Enhanced cargo inspection pilot program.
- Sec. 2426. Payment of education costs of dependents of certain Customs Service personnel.

#### TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

- Sec. 3001. Property subject to a liability treated in same manner as assumption of liability.

## TITLE I—MISCELLANEOUS TRADE CORRECTIONS

### SEC. 1001. CLERICAL AMENDMENTS.

(a) TRADE ACT OF 1974.—(1) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(A) by aligning the text of paragraph (2) that precedes subparagraph (A) with the text of paragraph (1); and

(B) by aligning the text of subparagraphs (A) and (B) of paragraph (2) with the text of subparagraphs (A) and (B) of paragraph (3).

(2) Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended—

(A) in paragraph (3) by striking “LIMITATION ON APPOINTMENTS.—”; and

(B) by aligning the text of paragraph (3) with the text of paragraph (2).

(3) The item relating to section 410 in the table of contents for the Trade Act of 1974 is repealed.

(4) Section 411 of the Trade Act of 1974 (19 U.S.C. 2441), and the item relating to section 411 in the table of contents for that Act, are repealed.

(5) Section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)) is amended by striking “For purposes of” and all that follows through “90-day period” and inserting “For purposes of sections 203(c) and 407(c)(2), the 90-day period”.

(6) Section 406(e)(2) of the Trade Act of 1974 (19 U.S.C. 2436(e)(2)) is amended by moving subparagraphs (B) and (C) 2 ems to the left.

(7) Section 503(a)(2)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2463(a)(2)(A)(ii)) is amended by striking subclause (II) and inserting the following:

“(II) the direct costs of processing operations performed in such beneficiary developing country or such member countries,



is not less than 35 percent of the appraised value of such article at the time it is entered.”.

(8) Section 802(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2492(b)(1)(A)) is amended—

- (A) by striking “481(e)” and inserting “489”; and
- (B) by inserting “(22 U.S.C. 2291h)” after “1961”.

(9) Section 804 of the Trade Act of 1974 (19 U.S.C. 2494) is amended by striking “481(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(1))” and inserting “489 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h)”.

(10) Section 805(2) of the Trade Act of 1974 (19 U.S.C. 2495(2)) is amended by striking “and” after the semicolon.

(11) The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

“TITLE VIII—TARIFF TREATMENT OF PRODUCTS OF, AND OTHER SANCTIONS AGAINST, UNCOOPERATIVE MAJOR DRUG PRODUCING OR DRUG-TRANSIT COUNTRIES

“Sec. 801. Short title.

“Sec. 802. Tariff treatment of products of uncooperative major drug producing or drug-transit countries.

“Sec. 803. Sugar quota.

“Sec. 804. Progress reports.

“Sec. 805. Definitions.”.

(b) OTHER TRADE LAWS.—(1) Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

(A) in subsection (e) by aligning the text of paragraph

(1) with the text of paragraph (2); and

(B) in subsection (f)(3)—

(i) in subparagraph (A)(ii) by striking “subsection (a)(1) through (a)(8)” and inserting “paragraphs (1) through (8) of subsection (a)”;

(ii) in subparagraph (C)(ii)(I) by striking “paragraph (A)(i)” and inserting “subparagraph (A)(i)”.

(2) Section 3(a) of the Act of June 18, 1934 (commonly referred to as the “Foreign Trade Zones Act”) (19 U.S.C. 81c(a)) is amended by striking the second period at the end of the last sentence.

(3) Section 9 of the Act of June 18, 1934 (commonly referred to as the “Foreign Trade Zones Act”) (19 U.S.C. 81i) is amended by striking “Post Office Department, the Public Health Service, the Bureau of Immigration” and inserting “United States Postal Service, the Public Health Service, the Immigration and Naturalization Service”.

(4) The table of contents for the Trade Agreements Act of 1979 is amended—

(A) in the item relating to section 411 by striking “Special Representative” and inserting “Trade Representative”; and

(B) by inserting after the items relating to subtitle D of title IV the following:

“Subtitle E—Standards and Measures Under the North American Free Trade Agreement

“CHAPTER 1—SANITARY AND PHYTOSANITARY MEASURES

“Sec. 461. General.

“Sec. 462. Inquiry point.

“Sec. 463. Chapter definitions.

“CHAPTER 2—STANDARDS-RELATED MEASURES

“Sec. 471. General.

“Sec. 472. Inquiry point.

“Sec. 473. Chapter definitions.

“CHAPTER 3—SUBTITLE DEFINITIONS

“Sec. 481. Definitions.

“Subtitle F—International Standard-Setting Activities

“Sec. 491. Notice of United States participation in international standard-setting activities.

“Sec. 492. Equivalence determinations.

“Sec. 493. Definitions.”.

19 USC 1631. (5)(A) Section 3(a)(9) of the Miscellaneous Trade and Technical Corrections Act of 1996 is amended by striking “631(a)” and “1631(a)” and inserting “631” and “1631”, respectively.

110 Stat. 3551. (B) Section 50(c)(2) of such Act is amended by striking “applied to entry” and inserting “applied to such entry”.

(6) Section 8 of the Act of August 5, 1935 (19 U.S.C. 1708) is repealed.

(7) Section 584(a) of the Tariff Act of 1930 (19 U.S.C. 1584(a)) is amended—

(A) in the last sentence of paragraph (2), by striking “102(17) and 102(15), respectively, of the Controlled Substances Act” and inserting “102(18) and 102(16), respectively, of the Controlled Substances Act (21 U.S.C. 802(18) and 802(16))”; and

(B) in paragraph (3)—

(i) by striking “or which consists of any spirits,” and all that follows through “be not shown,”; and

(ii) by striking “, and, if any manifested merchandise” and all that follows through the end and inserting a period.

19 USC 1592. (8) Section 621(4)(A) of the North American Free Trade Agreement Implementation Act, as amended by section 21(d)(12) of the Miscellaneous Trade and Technical Amendments Act of 1996, is amended by striking “disclosure within 30 days” and inserting “disclosure, or within 30 days”.

(9) Section 558(b) of the Tariff Act of 1930 (19 U.S.C. 1558(b)) is amended by striking “(c)” each place it appears and inserting “(h)”.

(10) Section 441 of the Tariff Act of 1930 (19 U.S.C. 1441) is amended by striking paragraph (6).

(11) General note 3(a)(ii) to the Harmonized Tariff Schedule of the United States is amended by striking “general most-favored-nation (MFN)” and by inserting in lieu thereof “general or normal trade relations (NTR)”.

**SEC. 1002. OBSOLETE REFERENCES TO GATT.**

(a) FOREST RESOURCES CONSERVATION AND SHORTAGE RELIEF ACT OF 1990.—(1) Section 488(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 U.S.C. 620(b)) is amended—

(A) in paragraph (3) by striking “General Agreement on Tariffs and Trade” and inserting “GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act)”; and

(B) in paragraph (5) by striking “General Agreement on Tariffs and Trade” and inserting “WTO Agreement and the multilateral trade agreements (as such terms are defined in paragraphs (9) and (4), respectively, of section 2 of the Uruguay Round Agreements Act)”.

(2) Section 491(g) of that Act (16 U.S.C. 620c(g)) is amended by striking “Contracting Parties to the General Agreement on Tariffs and Trade” and inserting “Dispute Settlement Body of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(8) of the Uruguay Round Agreements Act)”.

(b) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 1403(b) of the International Financial Institutions Act (22 U.S.C. 262n-2(b)) is amended—

(1) in paragraph (1)(A) by striking “General Agreement on Tariffs and Trade or Article 10” and all that follows through “Trade” and inserting “GATT 1994 as defined in section 2(1)(B) of the Uruguay Round Agreements Act, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of that Act”; and

(2) in paragraph (2)(B) by striking “Article 6” and all that follows through “Trade” and inserting “Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)”.

(c) BRETTON WOODS AGREEMENTS ACT.—Section 49(a)(3) of the Bretton Woods Agreements Act (22 U.S.C. 286gg(a)(3)) is amended by striking “GATT Secretariat” and inserting “Secretariat of the World Trade Organization (as the term ‘World Trade Organization’ is defined in section 2(8) of the Uruguay Round Agreements Act)”.

(d) FISHERMEN’S PROTECTIVE ACT OF 1967.—Section 8(a)(4) of the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978(a)(4)) is amended by striking “General Agreement on Tariffs and Trade” and inserting “World Trade Organization (as defined in section 2(8) of the Uruguay Round Agreements Act) or the multilateral trade agreements (as defined in section 2(4) of that Act)”.

(e) UNITED STATES-HONG KONG POLICY ACT OF 1992.—Section 102(3) of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5712(3)) is amended—

(1) by striking “contracting party to the General Agreement on Tariffs and Trade” and inserting “WTO member country (as defined in section 2(10) of the Uruguay Round Agreements Act)”; and

(2) by striking “latter organization” and inserting “World Trade Organization (as defined in section 2(8) of that Act)”.

(f) NOAA FLEET MODERNIZATION ACT.—Section 607(b)(8) of the NOAA Fleet Modernization Act (33 U.S.C. 891e(b)(8)) is amended by striking “Agreement on Interpretation” and all that follows through “trade negotiations” and inserting “Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreements Act, or any other export subsidy prohibited by that agreement”.

(g) ENERGY POLICY ACT OF 1992.—(1) Section 1011(b) of the Energy Policy Act of 1992 (42 U.S.C. 2296b(b)) is amended—

(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”; and

(B) by striking “United States-Canada Free Trade Agreement” and inserting “North American Free Trade Agreement”.

(2) Section 1017(c) of such Act (42 U.S.C. 2296b-6(c)) is amended—

(A) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”; and

(B) by striking “United States-Canada Free Trade Agreement” and inserting “North American Free Trade Agreement”.

(h) ENERGY POLICY CONSERVATION ACT.—Section 400AA(a)(3) of the Energy Policy Conservation Act (42 U.S.C. 6374(a)(3)) is amended in subparagraphs (F) and (G) by striking “General Agreement on Tariffs and Trade” each place it appears and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”.

(i) TITLE 49, UNITED STATES CODE.—Section 50103 of title 49, United States Code, is amended in subsections (c)(2) and (e)(2) by striking “General Agreement on Tariffs and Trade” and inserting “multilateral trade agreements (as defined in section 2(4) of the Uruguay Round Agreements Act)”.

**SEC. 1003. TARIFF CLASSIFICATION OF 13-INCH TELEVISIONS.**

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking “33.02 cm” in the article description and inserting “34.29 cm”:

- (1) Subheading 8528.12.12.
- (2) Subheading 8528.12.20.
- (3) Subheading 8528.12.62.
- (4) Subheading 8528.12.68.
- (5) Subheading 8528.12.76.
- (6) Subheading 8528.12.84.
- (7) Subheading 8528.21.16.
- (8) Subheading 8528.21.24.
- (9) Subheading 8528.21.55.
- (10) Subheading 8528.21.65.
- (11) Subheading 8528.21.75.
- (12) Subheading 8528.21.85.
- (13) Subheading 8528.30.62.
- (14) Subheading 8528.30.66.
- (15) Subheading 8540.11.24.
- (16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of the enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of the enactment of this Act;

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry; and

(C) that is—

- (i) unliquidated;
- (ii) under protest; or
- (iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

## TITLE II—TEMPORARY DUTY SUSPENSIONS AND REDUCTIONS; OTHER TRADE PROVISIONS

### Subtitle A—Temporary Duty Suspensions and Reductions

#### CHAPTER 1—REFERENCE

##### SEC. 2001. REFERENCE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

#### CHAPTER 2—DUTY SUSPENSIONS AND REDUCTIONS

##### SEC. 2101. DIIDOMETHYL-*p*-TOLYLSULFONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.90	Diiodomethyl- <i>p</i> -tolylsulfone (CAS No. 20018–09–1) (provided for in subheading 2930.90.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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##### SEC. 2102. RACEMIC dl-MENTHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.06	Racemic dl-menthol (intermediate (E) for use in producing menthol) (CAS No. 15356–70–4) (provided for in subheading 2906.11.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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##### SEC. 2103. 2,4-DICHLORO-5-HYDRAZINOPHENOL MONOHYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.28	2,4-Dichloro-5-hydrazinophenol monohydrochloride (CAS No. 189573–21–5) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2104. ACM.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.95	Phosphinic acid, [3-(acetyloxy)-3-cyanopropyl]methyl-, butyl ester (CAS No. 167004–78–6) (provided for in subheading 2931.00.90)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2105. CERTAIN SNOWBOARD BOOTS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.04	Snowboard boots with uppers of textile materials (provided for in subheading 6404.11.90)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2106. ETHOFUMESATE SINGULARLY OR IN MIXTURE WITH APPLICATION ADJUVANTS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.12	2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2107. 3-METHOXYCARBONYLAMINOPHENYL-3'-METHYL-CARBANILATE (PHENMEDIPHAM).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.13	3-Methoxycarbonyl-amino-phenyl-3'-methylcarbanilate (phenmedipham) (CAS No. 13684–63–4) (provided for in subheading 2924.29.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2108. 3-ETHOXYCARBONYLAMINOPHENYL-N-PHENYL-CARBAMATE (DESMEDIPHAM).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.14	3-Ethoxycarbonyl-amino-phenyl-N-phenylcarbamate (desmedipham) (CAS No. 13684–56–5) (provided for in subheading 2924.29.41) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2109. 2-AMINO-4-(4-AMINO BENZOYLAMINO) BENZENE-SULFONIC ACID, SODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.91	2-Amino-4-(4-aminobenzoyl-amino) benzenesulfonic acid, sodium salt (CAS No. 167614–37–1) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2110. 5-AMINO-N-(2-HYDROXYETHYL)-2,3-XYLENESULFONAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.31	5-Amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide (CAS No. 25797–78–8) (provided for in subheading 2935.00.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2111. 3-AMINO-2'-(SULFATOETHYLSULFONYL) ETHYL BENZAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.90	3-Amino-2'-(sulfatoethylsulfonyl) ethyl benzamide (CAS No. 121315–20–6) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2112. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOPOTASSIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.92	4-Chloro-3-nitrobenzenesulfonic acid, monopotassium salt (CAS No. 6671-49-4) (provided for in subheading 2904.90.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2113. 2-AMINO-5-NITROTHIAZOLE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.46	2-Amino-5-nitrothiazole (CAS No. 121-66-4) (provided for in subheading 2934.10.90)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2114. 4-CHLORO-3-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.04	4-Chloro-3-nitrobenzenesulfonic acid (CAS No. 121-18-6) (provided for in subheading 2904.90.47)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2115. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.21	6-Amino-1,3-naphthalenedisulfonic acid (CAS No. 118-33-2) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2116. 4-CHLORO-3-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.24	4-Chloro-3-nitrobenzenesulfonic acid, monosodium salt (CAS No. 17691-19-9) (provided for in subheading 2904.90.40)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2117. 2-METHYL-5-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:



“	9902.29.23	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2118. 6-AMINO-1,3-NAPHTHALENEDISULFONIC ACID, DISODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.45	6-Amino-1,3-naphthalenedisulfonic acid, disodium salt (CAS No. 50976–35–7) (provided for in subheading 2921.45.90)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2119. 2-AMINO-P-CRESOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.20	2-Amino-p-cresol (CAS No. 95–84–1) (provided for in subheading 2922.29.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2120. 6-BROMO-2,4-DINITROANILINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.43	6-Bromo-2,4-dinitroaniline (CAS No. 1817–73–8) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2121. 7-ACETYLAMINO-4-HYDROXY-2-NAPHTHALENE-SULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.29	7-Acetylamino-4-hydroxy-2-naphthalenesulfonic acid, monosodium salt (CAS No. 42360–29–2) (provided for in subheading 2924.29.70)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2122. TANNIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.01	Tannic acid (CAS No. 1401-55-4) (provided for in subheading 3201.90.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2123. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.53	2-Amino-5-nitrobenzenesulfonic acid, monosodium salt (CAS No. 30693-53-9) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2124. 2-AMINO-5-NITROBENZENESULFONIC ACID, MONOAMMONIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.44	2-Amino-5-nitrobenzenesulfonic acid, monoammonium salt (CAS No. 4346-51-4) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2125. 2-AMINO-5-NITROBENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.54	2-Amino-5-nitrobenzenesulfonic acid (CAS No. 96-75-3) (provided for in subheading 2921.42.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2126. 3-(4,5-DIHYDRO-3-METHYL-5-OXO-1H-PYRAZOL-1-YL) BENZENESULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.19	3-(4,5-Dihydro-3-methyl-5-oxo-1H-pyrazol-1-yl)benzenesulfonic acid (CAS No. 119-17-5) (provided for in subheading 2933.19.43) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2127. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA- LENE DISULFONIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.65	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid (CAS No. 117–46–4) (provided for in subheading 2924.29.75)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2128. 4-BENZOYLAMINO-5-HYDROXY-2,7-NAPHTHA-LENEDISULFONIC ACID, MONOSODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.72	4-Benzoylamino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (CAS No. 79873–39–5) (provided for in subheading 2924.29.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2129. PIGMENT YELLOW 154.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.18	Pigment Yellow 154 (CAS No. 068134–22–5) (provided for in subheading 3204.17.60) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2130. PIGMENT YELLOW 175.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.19	Pigment Yellow 175 (CAS No. 035636–63–6) (provided for in subheading 3204.17.60) to be used in the coloring of motor vehicles and tractors .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2131. PIGMENT RED 187.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.22	Pigment Red 187 (CAS No. 59487–23–9) (provided for in subheading 3204.17.60) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2132. 2,6-DIMETHYL-M-DIOXAN-4-OL ACETATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.94	2,6-Dimethyl-m-dioxan-4-ol acetate (CAS No. 000828-00-2) (provided for in subheading 2932.99.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2133.  $\beta$ -BROMO- $\beta$ -NITROSTYRENE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.92	$\beta$ -Bromo- $\beta$ -nitrostyrene (CAS No. 7166-19-0) (provided for in subheading 2904.90.47) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2134. TEXTILE MACHINERY.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.43	Ink-jet textile printing machinery (provided for in subheading 8443.51.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2135. DELTAMETHRIN.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.18	(S)- $\alpha$ -Cyano-3-phenoxybenzyl (1R,3R)-3-(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxylate (deltamethrin) in bulk or in forms or packings for retail sale (CAS No. 52918-63-5) (provided for in subheading 2926.90.30 or 3808.10.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2136. DICLOFOP-METHYL.**

Subchapter II of chapter 99 is amended by striking heading 9902.30.16 and inserting the following:

“	9902.30.16	Methyl 2-[4-(2,4-dichlorophenoxy)phenoxy] propionate (diclofop-methyl) in bulk or in forms or packages for retail sale containing no other pesticide products (CAS No. 51338-27-3) (provided for in subheading 2918.90.20 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2137. RESMETHRIN.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.29	([5-(Phenylmethyl)-3-furanyl] methyl 2,2-dimethyl-3-(2-methyl-1-propenyl) cyclopropanecarboxylate (resmethrin) (CAS No. 10453–86–8) (provided for in subheading 2932.19.10) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2138. N-PHENYL-N'-1,2,3-THIADIAZOL-5-YLUREA.**

Subchapter II of chapter 99 is amended by striking heading 9902.30.17 and inserting the following:

“	9902.30.17	N-phenyl-N'-1,2,3-thiadiazol-5-ylurea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.90.15 or 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2139. (1R,3S)3[(1'RS)(1',2',2',2',-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID, (S)- $\alpha$ -CYANO-3-PHENOXYBENZYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.19	(1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid, (S)- $\alpha$ -cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2140. PIGMENT RED 177.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.58	Pigment Red 177 (CAS No. 4051–63–2) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2141. TEXTILE PRINTING MACHINERY.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.20	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2142. SUBSTRATES OF SYNTHETIC QUARTZ OR SYNTHETIC FUSED SILICA.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.70.06	Substrates of synthetic quartz or synthetic fused silica imported in bulk or in forms or packages for retail sale (provided for in subheading 7006.00.40) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2143. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.14	2-Methyl-4,6-bis[(octylthio) methyl]phenol (CAS No. 110553–27–0) (provided for in subheading 2930.90.29) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2144. 2-METHYL-4,6-BIS[(OCTYLTHIO)METHYL]PHENOL; EPOXIDIZED TRIGLYCERIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.12	2-Methyl-4,6-bis[(octylthio) methyl]phenol; epoxidized triglyceride (provided for in subheading 3812.30.60)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2145. 4-[[4,6-BIS(OCTYLTHIO)-1,3,5-TRIAZIN-2-YL]AMINO] -2,6-BIS(1,1-DIMETHYLETHYL)PHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.30	4-[[4,6-Bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol (CAS No. 991–84–4) (provided for in subheading 2933.69.60)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2146. (2-BENZOTHAZOLYLTHIO)BUTANEDIOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.31	(2-Benzothiazolylthio)butane-dioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2147. CALCIUM BIS[MONOETHYL(3,5-DI-TERT-BUTYL-4-HYDROXY-BENZYL) PHOSPHONATE].**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	Calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate] (CAS No. 65140–91–2) (provided for in subheading 2931.00.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2148. 4-METHYL- $\gamma$ -OXO-BENZENE BUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.26	4-Methyl- $\gamma$ -oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2149. WEAVING MACHINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.46	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m (provided for in subheading 8446.30.50), entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams ...	3.3%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2150. CERTAIN WEAVING MACHINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.10	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9m (provided for in subheading 8446.21.50), if entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames or beams ....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2151. DENT.**

Subchapter II of chapter 99 is amended by striking heading 9902.32.12 and inserting the following:

“	9902.32.12	N,N-Diethyl-m-toluidine (DEMT) (CAS No. 91-67-8) (provided for in subheading 2921.43.80)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2152. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.57	Benzenepropenal, 4-(1,1-dimethylethyl)-alpha-methyl- (CAS No. 80-54-6) (provided for in subheading 2912.29.60)	6%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2153. 2H-3,1-BENZOXAZIN-2-ONE, 6-CHLORO-4-(CYCLO-PROPYLETHYNYL)-1,4-DIHYDRO-4-(TRIFLUOROMETHYL)-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.56	2H-3,1-Benzoxazin-2-one, 6-chloro-4-(cyclopropylethynyl)-1,4-dihydro-4-(trifluoromethyl)- (CAS No. 154598-52-4) (provided for in subheading 2934.90.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2154. TEBUFENOZIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:



“	9902.29.32	N-tert-Butyl-N'-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2155. HALOFENOZIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.36	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl)hydrazide (Halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2156. CERTAIN ORGANIC PIGMENTS AND DYES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.07	Organic luminescent pigments and dyes for security applications excluding daylight fluorescent pigments and dyes (provided for in subheading 3204.90.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2157. 4-HEXYLRESORCINOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2158. CERTAIN SENSITIZING DYES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.37	Polymethine photosensitizing dyes (provided for in subheadings 2933.19.30, 2933.19.90, 2933.90.24, 2934.10.90, 2934.20.40, 2934.90.20, and 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2159. SKATING BOOTS FOR USE IN THE MANUFACTURE OF IN-LINE ROLLER SKATES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.64.05	Boots for use in the manufacture of in-line roller skates (provided for in subheadings 6402.19.90, 6403.19.40, 6403.19.70, and 6404.11.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2160. DIBUTYLNAPHTHALENESULFONIC ACID, SODIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.34.02	Surface active preparation containing 30 percent or more by weight of dibutyl-naphthalenesulfonic acid, sodium salt (CAS No. 25638-17-9) (provided for in subheading 3402.90.30)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2161. O-(6-CHLORO-3-PHENYL-4-PYRIDAZINYL)-S-OCTYLCARBONOTHIOATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.08	O-(6-Chloro-3-phenyl-4-pyridazinyl)-S-octyl-carbonothioate (CAS No. 55512-33-9) (provided for in subheading 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2162. 4-CYCLOPROPYL-6-METHYL-2-PHENYLAMINOPYRIMIDINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.50	4-Cyclopropyl-6-methyl-2-phenylaminopyrimidine (CAS No. 121552-61-2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2163. O,O-DIMETHYL-S-[5-METHOXY-2-OXO-1,3,4-THIADIAZOL-3(2H)-YL-METHYL]DITHIOPHOSPHATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.51	O,O-Dimethyl-S-[5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl]dithiophosphate (CAS No. 950–37–8) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2164. ETHYL [2-(4-PHENOXY-PHENOXY) ETHYL] CARBAMATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.52	Ethyl [2-(4-phenoxyphenoxy)-ethyl]carbamate (CAS No. 79127–80–3) (provided for in subheading 2924.10.80) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2165. [(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-CHLORO-PHENOXY)-2-CHLOROPHENYL]-4-METHYL-1,3-DIOXOLAN-2-YLMETHYL]-1H-1,2,4-TRIAZOLE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.74	[(2S,4R)/(2R,4S)]/[(2R,4R)/(2S,4S)]-1-[2-[4-(4-Chlorophenoxy)-2-chlorophenyl]-4-methyl-1,3-dioxolan-2-yl-methyl]-1H-1,2,4-triazole (CAS No. 119446–68–3) (provided for in subheading 2934.90.12) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2166. 2,4-DICHLORO-3,5-DINITROBENZOTRIFLUORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.12	2,4-Dichloro-3,5-dinitrobenzotrifluoride (CAS No. 29091–09–6) (provided for in subheading 2910.90.20) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2167. 2-CHLORO-N-[2,6-DINITRO-4-(TRIFLUOROMETHYL) PHENYL]-N-ETHYL-6-FLUOROBENZENEMETHANAMINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.15	2-Chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924-70-3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2168. CHLOROACETONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.11	Chloroacetone (CAS No. 78-95-5) (provided for in subheading 2914.19.00)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2169. ACETIC ACID, [(5-CHLORO-8-QUINOLINYL)OXY]-, 1-METHYLHEXYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.60	Acetic acid, [(5-chloro-8-quinolyl)oxy]-, 1-methylhexyl ester (CAS No. 99607-70-2) (provided for in subheading 2933.40.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2170. PROPANOIC ACID, 2-[4-[(5-CHLORO-3-FLUORO-2-PYRIDINYL)OXY]PHENOXY]-, 2-PROPYNYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.19	Propanoic acid, 2-[4-[(5-chloro-3-fluoro-2-pyridinyl)oxy]phenoxy]-, 2-propynyl ester (CAS No. 105512-06-9) (provided for in subheading 2933.39.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2171. MUCOCHLORIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.18	Mucochloric acid (CAS No. 87-56-9) (provided for in subheading 2918.30.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2172. CERTAIN ROCKET ENGINES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.12	Dual thrust chamber rocket engines each having a maximum static sea level thrust exceeding 3,550 kN and nozzle exit diameter exceeding 127 cm (provided for in subheading 8412.10.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2173. PIGMENT RED 144.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.11	Pigment Red 144 (CAS No. 5280–78–4) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2174. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID, DIETHYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.33	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid, diethyl ester (CAS No. 177575–19–8) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2175. 4-CHLOROPYRIDINE HYDROCHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.34	4-Chloropyridine hydrochloride (CAS No. 7379–35–3) (provided for in subheading 2933.39.61) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2176. 4-PHENOXYPYRIDINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.35	4-Phenoxy pyridine (CAS No. 4783–86–2) (provided for in subheading 2933.39.61) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2177. (3S)-2,2-DIMETHYL-3-THIOMORPHOLINE CARBOXYLIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.36	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915-43-5) (provided for in subheading 2934.90.90) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2178. 2-AMINO-5-BROMO-6-METHYL-4-(1H)-QUINAZOLINONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.37	2-Amino-5-bromo-6-methyl-4-(1H)-quinazolinone (CAS No. 147149-89-1) (provided for in subheading 2933.59.70) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2179. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHTIO)-4(1H)-QUINAZOLINONE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.38	2-Amino-6-methyl-5-(4-pyridinythio)-4(1H)-quinazolinone (CAS No. 147149-76-6) (provided for in subheading 2933.59.70) .....	Free	No Change	No Change	On or before 12/31/2001	”.
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**SEC. 2180. (S)-N-[[5-[2-(2-AMINO-4,6,7,8-TETRAHYDRO-4-OXO-1H-PYRIMIDO[5,4-B][1,4]THIAZIN-6-YL)ETHYL]-2-THIENYL]CARBONYL]-L-GLUTAMIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.39	(S)-N-[[5-[2-(2-Amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2181. 2-AMINO-6-METHYL-5-(4-PYRIDINYLTHTIO)-4(1H)-QUINAZOLINONE DIHYDROCHLORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.40	2-Amino-6-methyl-5-(4-pyridinylthio)-4-(1H)-quinazolinone dihydrochloride (CAS No. 152946–68–4) (provided for in subheading 2933.59.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2182. 3-(ACETYLOXY)-2-METHYLBENZOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.41	3-(Acetyloxy)-2-methylbenzoic acid (CAS No. 168899–58–9) (provided for in subheading 2918.29.65) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2183. [R-(R\*,R\*)]-1,2,3,4-BUTANETETROL-1,4-DIMETHANESULFONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.42	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947–62–2) (provided for in subheading 2905.49.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2184. 9-[2-[[BIS[(PIVALOYLOXY)METHOXY]PHOSPHINYL]METHOXY]ETHYL]ADENINE (ALSO KNOWN AS ADEFOVIR DIPIVOXIL).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.01	9-[2-[[Bis[(pivaloyloxy)-methoxy]phosphinyl]-methoxy]ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340–99–6) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2185. 9-[2-(R)-[[BIS[(ISOPROPOXYCARBONYLOXY)METHOXY]PHOSPHINOYL]METHOXY]-PROPYL]ADENINE FUMARATE (1:1).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.02	9-[2-(R)-[[Bis[(isopropoxy-carbonyl)oxymethoxy]-phosphinoyl]methoxy]-propyl]adenine fumarate (1:1) (CAS No. 202138–50–9) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2186. (R)-9-(2-PHOSPHONOMETHOXYPROPYL)ADE- NINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.03	(R)-9-(2-Phosphonomethoxypropyl)adenine (CAS No. 147127–20–6) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2187. (R)-1,3-DIOXOLAN-2-ONE, 4-METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.04	(R)-1,3-Dioxolan-2-one, 4-methyl- (CAS No. 16606–55–6) (provided for in subheading 2920.90.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2188. 9-(2-HYDROXYETHYL)ADENINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.05	9-(2-Hydroxyethyl)adenine (CAS No. 707–99–3) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2189. (R)-9H-PURINE-9-ETHANOL, 6-AMINO- $\alpha$ -METHYL-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.06	(R)-9H-Purine-9-ethanol, 6-amino- $\alpha$ -methyl- (CAS No. 14047–28–0) (provided for in subheading 2933.59.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2190. CHLOROMETHYL-2-PROPYL CARBONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:



“	9902.33.07	Chloromethyl-2-propyl carbonate (CAS No. 35180–01–9) (provided for in subheading 2920.90.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2191. (R)-1,2-PROPANEDIOL, 3-CHLORO-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.08	(R)-1,2-Propanediol, 3-chloro- (CAS No. 57090–45–6) (provided for in subheading 2905.50.60)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2192. OXIRANE, (S)-((TRIPHENYLMETHOXY)METHYL)-.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.09	Oxirane, (S)-((triphenylmethoxy)methyl)- (CAS No. 129940–50–7) (provided for in subheading 2910.90.20)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2193. CHLOROMETHYL PIVALATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.10	Chloromethyl pivalate (CAS No. 18997–19–8) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2194. DIETHYL ((P-TOLUENESULFONYL)OXY)-METHYL) PHOSPHONATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.11	Diethyl ((p-toluenesulfonyl)oxy)-methyl)phosphonate (CAS No. 31618–90–3) (provided for in subheading 2931.00.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2195. BETA HYDROXYALKYLAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.25	N,N,N',N'-Tetrakis-(2-hydroxyethyl)-hexane diamide (beta hydroxyalkylamide) (CAS No. 6334-25-4) (provided for in subheading 3824.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2196. GRILAMID TR90.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.12	Dodecanedioic acid, polymer with 4,4'-methylenebis (2-methylcyclohexanamine) (CAS No. 163800-66-6) (provided for in subheading 3908.90.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2197. IN-W4280.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.51	2,4-Dichloro-5-hydroxy-phenylhydrazine (CAS No. 39807-21-1) (provided for in subheading 2928.00.25) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2198. KL540.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.54	Methyl 4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate (CAS No. 173903-15-6) (provided for in subheading 2924.29.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2199. METHYL THIOGLYCOLATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.55	Methyl thioglycolate (CAS No. 2365-48-2) (provided for in subheading 2930.90.90) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2200. DPX-E6758.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.59	Phenyl (4,6-dimethoxy-pyrimidin-2-yl) carbamate (CAS No. 89392–03–0) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2201. ETHYLENE, TETRAFLUORO COPOLYMER WITH ETHYLENE (ETFE).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.68	Ethylene-tetrafluoro ethylene copolymer (ETFE) (provided for in subheading 3904.69.50) .....	3.3%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2202. 3-MERCAPTO-D-VALINE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.66	3-Mercapto-D-valine (CAS No. 52–67–5) (provided for in subheading 2930.90.45) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2203. P-ETHYLPHENOL.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.21	p-Ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2204. PANTERA.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.09	(+/-)-Tetrahydrofurfuryl (R)-2[4-(6-chloroquinoxalin-2-yloxy)phenoxy]propanoate (CAS No. 119738–06–6) (provided for in subheading 2909.30.40) and any mixtures containing such compound (provided for in subheading 3808.30) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2205. P-NITROBENZOIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.70	p-Nitrobenzoic acid (CAS No. 62-23-7) (provided for in subheading 2916.39.45) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2206. P-TOLUENESULFONAMIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.95	p-Toluenesulfonamide (CAS No. 70-55-3) (provided for in subheading 2935.00.95) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2207. POLYMERS OF TETRAFLUOROETHYLENE, HEXAFLUOROPROPYLENE, AND VINYLIDENE FLUORIDE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.04	Polymers of tetrafluoroethylene (provided for in subheading 3904.61.00), hexafluoropropylene and vinylidene fluoride (provided for in subheading 3904.69.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2208. METHYL 2-[[[4-(DIMETHYLAMINO)-6-(2,2,2-TRIFLUOROETHOXY)-1,3,5-TRIAZIN-2-YL]AMINO]-CARBONYL]AMINO]SULFONYL]-3-METHYLBENZOATE (TRIFLUSULFURON METHYL).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.11	Methyl 2-[[[4-(dimethylamino)-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-yl]amino]carbonyl]amino]sulfonyl]-3-methylbenzoate (triflusulfuron methyl) in mixture with application adjuvants. (CAS No. 126535-15-7) (provided for in subheading 3808.30.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2209. CERTAIN MANUFACTURING EQUIPMENT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.84.79	Calendaring or other rolling machines for rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8420.10.90, 8420.91.90 or 8420.99.90) and material holding devices or similar attachments thereto .....	Free	No change	No change	On or before 12/31/2001
	9902.84.81	Shearing machines to be used to cut metallic tissue for use in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or subheading 8466.94.85)	Free	No change	No change	On or before 12/31/2001

9902.84.83	Machine tools for working wire of iron or steel to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85) .....	Free	No change	No change	On or before 12/31/2001
9902.84.85	Extruders to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85) .....	Free	No change	No change	On or before 12/31/2001
9902.84.87	Machinery for molding, retreading, or otherwise forming uncured, unvulcanized rubber to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85) .....	Free	No change	No change	On or before 12/31/2001

9902.84.89	Sector mold press machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or subheading 8477.90.85)	Free	No change	No change	On or before 12/31/2001	
9902.84.91	Sawing machines to be used in the production of radial tires designed for off-the-highway use and with a rim measuring 86 cm or more in diameter (provided for in subheading 4011.20.10 or subheading 4011.91.50 or subheading 4011.99.40), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or subheading 8466.92.50)	Free	No change	No change	On or before 12/31/2001	”.

**SEC. 2210. TEXTURED ROLLED GLASS SHEETS.**

Subchapter II of chapter 99 is amended by striking heading 9902.70.03 and inserting the following:

“	9902.70.03	Rolled glass in sheets, yellow-green in color, not finished or edged-worked, textured on one surface, suitable for incorporation in cooking stoves, ranges, or ovens described in subheadings 8516.60.40 (provided for in subheading 7003.12.00 or 7003.19.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2211. CERTAIN HIV DRUG SUBSTANCES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.32.43	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide hydrochloride salt (CAS No. 149057-17-0)(provided for in subheading 2933.40.60) .....	Free	No change	No change	On or before 6/30/99	”.
	9902.32.44	(S)-N-tert-Butyl-1,2,3,4-tetrahydro-3-isoquinoline carboxamide sulfate salt (CAS No. 186537-30-4)(provided for in subheading 2933.40.60) .....	Free	No change	No change	On or before 6/30/99	
	9902.32.45	(3S)-1,2,3,4-Tetrahydroisoquinoline-3-carboxylic acid (CAS No. 74163-81-8)(provided for in subheading 2933.40.60) .....	Free	No change	No change	On or before 6/30/99	

**SEC. 2212. RIMSULFURON.**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.60	N-[(4,6-Dimethoxy-2-pyrimidinyl)amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 122931-48-0) (provided for in subheading 2935.00.75) .....	7.3%	No change	No change	On or before 12/31/99	”.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.60, as added by subsection (a), is amended—

- (1) by striking “7.3%” and inserting “Free”; and
- (2) by striking “12/31/99” and inserting “12/31/2000”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2213. CARBAMIC ACID (V-9069).**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.61	((3-(Dimethylamino)carbonyl)-2-pyridinyl)sulfonyl carbamic acid, phenyl ester (CAS No. 112006-94-7) (provided for in subheading 2935.00.75) .....	8.3%	No change	No change	On or before 12/31/99	”.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.61, as added by subsection (a), is amended—

- (1) by striking “8.3%” and inserting “7.6%”; and
- (2) by striking “12/31/99” and inserting “12/31/2000”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2214. DPX-E9260.**

(a) IN GENERAL.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.63	3-(Ethylsulfonyl)-2-pyridinesulfonamide (CAS No. 117671-01-9) (provided for in subheading 2935.00.75) .....	6%	No change	No change	On or before 12/31/99	”.
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(b) RATE ADJUSTMENT FOR 2000.—Heading 9902.33.63, as added by subsection (a), is amended—

- (1) by striking “6%” and inserting “5.3%”; and
- (2) by striking “12/31/99” and inserting “12/31/2000”.

(c) EFFECTIVE DATE FOR ADJUSTMENT.—The amendments made by subsection (b) apply to goods entered, or withdrawn from warehouse for consumption, after December 31, 1999.

**SEC. 2215. ZIRAM.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.28	Ziram (provided for in subheading 3808.20.28) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2216. FERROBORON.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.72.02	Ferroboration to be used for manufacturing amorphous metal strip (provided for in subheading 7202.99.50) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2217. ACETIC ACID, [[2-CHLORO-4-FLUORO-5-[(TETRA-HYDRO-3-OXO-1H,3H-[1,3,4]THIADIAZOLO[3,4-a]PYRIDAZIN-1-YLIDENE)AMINO]PHENYL]- THIO]-, METHYL ESTER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.66	Acetic acid, [[2-chloro-4-fluoro-5-[(tetrahydro-3-oxo-1H,3H-[1,3,4]thiadiazolo-[3,4-a] pyridazin-1-ylidene) aminolphenyl]thio]-, methyl ester (CAS No. 117337-19-6) (provided for in subheading 2934.90.15) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2218. PENTYL[2-CHLORO-5-(CYCLOHEX-1-ENE-1,2-DI-CARBOXYMIDO)-4-FLUOROPHENOXY]ACETATE.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.66	Pentyl[2-chloro-5-(cyclohex-1-ene-1,2-dicarboximido)-4-fluorophenoxy]acetate (CAS No. 87546-18-7) (provided for in subheading 2925.19.40)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2219. BENTAZON (3-ISOPROPYL)-1H-2,1,3-BENZO-THIADIAZIN-4(3H)-ONE-2,2-DIOXIDE).**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.29.67	Bentazon (3-Iso-propyl)-1H-2,1,3-benzothiadiazin-4(3H)-one-2,2-dioxide) (CAS No. 50723-80-3) (provided for in subheading 2934.90.11)	5.0%	No change	No change	On or before 12/31/2001	”.
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**SEC. 2220. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2221. PARTS FOR USE IN THE MANUFACTURE OF CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.21	Parts for use in the manufacture of loudspeakers of a type described in subheading 9902.85.20 (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2222. 5-TERT-BUTYL-ISOPHTHALIC ACID.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.12	5-tert-Butyl-isophthalic acid (CAS No. 2359-09-3) (provided for in subheading 2917.39.70) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2223. CERTAIN POLYMER.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.39.07	A polymer of the following monomers: 1,4-benzenedicarboxylic acid, dimethyl ester (dimethyl terephthalate) (CAS No. 120-61-6); 1,3-Benzenedicarboxylic acid, 5-sulfo-, 1,3-dimethyl ester, sodium salt (sodium dimethyl sulfoisophthalate) (CAS No. 3965-55-7); 1,2-ethanediol (ethylene glycol) (CAS No. 107-21-1); and 1,2-propanediol (propylene glycol) (CAS No. 57-55-6); with terminal units from 2-(2-hydroxyethoxy) ethanesulfonic acid, sodium salt (CAS No. 53211-00-0) (provided for in subheading 3907.99.00) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2224. 2-(4-CHLOROPHENYL)-3-ETHYL-2, 5-DIHYDRO-5-OXO-4-PYRIDAZINE CARBOXYLIC ACID, POTASSIUM SALT.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.33.16	2-(4-Chlorophenyl)-3-ethyl-2, 5-dihydro-5-oxo-4-pyridazine carboxylic acid, potassium salt (CAS No. 82697–71–0) (provided for in subheading 2933.90.79) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2225. PIGMENT RED 185.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.32.26	Pigment Red 185 (CAS No. 51920–12–8) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2226. PIGMENT RED 208.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.27	Pigment Red 208 (CAS No. 31778–10–6) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2002	”.
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**SEC. 2227. PIGMENT YELLOW 95.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.08	Pigment Yellow 95 (CAS No. 5280–80–8) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**SEC. 2228. PIGMENT YELLOW 93.**

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.32.13	Pigment Yellow 93 (CAS No. 5580–57–4) (provided for in subheading 3204.17.04) .....	Free	No change	No change	On or before 12/31/2001	”.
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**CHAPTER 3—EFFECTIVE DATE****SEC. 2301. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this subtitle, the amendments made by this subtitle apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 15 days after the date of the enactment of this Act.

(b) RELIQUIDATION.—

(1) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper written

request filed with the Customs Service not later than 120 days after the date of the enactment of this Act, any entry of an article described in heading 9902.32.18, 9902.32.19, 9902.32.22, 9902.32.26, or 9902.32.27 of the Harmonized Tariff Schedule of the United States (as added by sections 2129, 2130, 2131, 2225, and 2226, respectively) that was made—

(A) after December 31, 1996; and

(B) before the date that is 15 days after the date of the enactment of this Act,

shall be liquidated or reliquidated as though such entry occurred after the date that is 15 days after the date of the enactment of this Act.

(2) REQUIREMENTS FOR REQUEST.—For purposes of paragraph (1), the request shall contain sufficient information to enable the Customs Service to—

(A) locate the entry relevant to the request; or

(B) if the entry cannot be located, reconstruct the entry.

## Subtitle B—Other Trade Provisions

### SEC. 2401. EXTENSION OF UNITED STATES INSULAR POSSESSION PROGRAM.

(a) IN GENERAL.—The additional U.S. notes to chapter 71 of the Harmonized Tariff Schedule of the United States are amended by adding at the end the following new note:

“3.(a) Notwithstanding any provision in additional U.S. note 5 to chapter 91, any article of jewelry provided for in heading 7113 which is the product of the Virgin Islands, Guam, or American Samoa (including any such article which contains any foreign component) shall be eligible for the benefits provided in paragraph (h) of additional U.S. note 5 to chapter 91, subject to the provisions and limitations of that note and of paragraphs (b), (c), and (d) of this note.

“(b) Nothing in this note shall result in an increase or a decrease in the aggregate amount referred to in paragraph (h)(iii) of, or the quantitative limitation otherwise established pursuant to the requirements of, additional U.S. note 5 to chapter 91.

“(c) Nothing in this note shall be construed to permit a reduction in the amount available to watch producers under paragraph (h)(iv) of additional U.S. note 5 to chapter 91.

“(d) The Secretary of Commerce and the Secretary of the Interior shall issue such regulations, not inconsistent with the provisions of this note and additional U.S. note 5 to chapter 91, as the Secretaries determine necessary to carry out their respective duties under this note. Such regulations shall not be inconsistent with substantial transformation requirements but may define the circumstances under which articles of jewelry shall be deemed to be ‘units’ for purposes of the benefits, provisions, and limitations of additional U.S. note 5 to chapter 91.

Regulations.

“(e) Notwithstanding any other provision of law, during the 2-year period beginning 45 days after the date of the enactment of this note, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule.”.

(b) CONFORMING AMENDMENT.—General Note 3(a)(iv)(A) of the Harmonized Tariff Schedule of the United States is amended by inserting “and additional U.S. note 3(e) of chapter 71,” after “Tax Reform Act of 1986,”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect 45 days after the date of the enactment of this Act.

**SEC. 2402. TARIFF TREATMENT FOR CERTAIN COMPONENTS OF SCIENTIFIC INSTRUMENTS AND APPARATUS.**

(a) IN GENERAL.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended in subdivision (a) by adding at the end the following new sentence: “The term ‘instruments and apparatus’ under subheading 9810.00.60 includes separable components of an instrument or apparatus listed in this subdivision that are imported for assembly in the United States in such instrument or apparatus where the instrument or apparatus, due to its size, cannot be feasibly imported in its assembled state.”.

(b) APPLICATION OF DOMESTIC EQUIVALENCY TEST TO COMPONENTS.—U.S. note 6 of subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by redesignating subdivisions (d) through (f) as subdivisions (e) through (g), respectively; and

(2) by inserting after subdivision (c) the following:

“(d)(i) If the Secretary of Commerce determines under this U.S. note that an instrument or apparatus is being manufactured in the United States that is of equivalent scientific value to a foreign-origin instrument or apparatus for which application is made (but which, due to its size, cannot be feasibly imported in its assembled state), the Secretary shall report the findings to the Secretary of the Treasury and to the applicant institution, and all components of such foreign-origin instrument or apparatus shall remain dutiable.

“(ii) If the Secretary of Commerce determines that the instrument or apparatus for which application is made is not being manufactured in the United States, the Secretary is authorized to determine further whether any component of such instrument or apparatus of a type that may be purchased, obtained, or imported separately is being manufactured in the United States and shall report the findings to the Secretary of the Treasury and to the applicant institution, and any component found to be domestically available shall remain dutiable.

“(iii) Any decision by the Secretary of the Treasury which allows for duty-free entry of a component of an instrument or apparatus which, due to its size cannot be feasibly imported in its assembled state, shall be effective for a specified maximum period, to be determined in consultation with the Secretary of Commerce, taking into account both the scientific needs of the importing institution and the potential for development of comparable domestic manufacturing capacity.”.

(c) MODIFICATIONS OF REGULATIONS.—The Secretary of the Treasury and the Secretary of Commerce shall make such modifications to their joint regulations as are necessary to carry out the amendments made by this section.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 120 days after the date of the enactment of this Act.

**SEC. 2403. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.**California.  
Louisiana.  
Deadline.

(a) **LIQUIDATION OR RELIQUIDATION OF ENTRIES.**—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate those entries made at Los Angeles, California, and New Orleans, Louisiana, which are listed in subsection (c), in accordance with the final decision of the International Trade Administration of the Department of Commerce for shipments entered between October 1, 1984, and December 14, 1987 (case number A-274-001).

(b) **PAYMENT OF AMOUNTS OWED.**—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) **ENTRY LIST.**—The entries referred to in subsection (a) are the following:

Entry number	Date of entry	Port
322 00298563	12/11/86	Los Angeles, California
322 00300567	12/11/86	Los Angeles, California
86-2909242	9/2/86	New Orleans, Louisiana
87-05457388	1/9/87	New Orleans, Louisiana

**SEC. 2404. DRAWBACK AND REFUND ON PACKAGING MATERIAL.**

(a) **IN GENERAL.**—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)) is further amended—

(1) by striking “Packaging material” and inserting the following:

“(1) **IN GENERAL.**—Packaging material”;

(2) by moving the remaining text 2 ems to the right; and

(3) by adding at the end the following:

“(2) **ADDITIONAL ELIGIBILITY.**—Packaging material produced in the United States, which is used by the manufacturer or any other person on or for articles which are exported or destroyed under subsection (a) or (b), shall be eligible under such subsection for refund, as drawback, of 99 percent of any duty, tax, or fee imposed on the importation of such material used to manufacture or produce the packaging material.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

19 USC 1313  
note.**SEC. 2405. INCLUSION OF COMMERCIAL IMPORTATION DATA FROM FOREIGN-TRADE ZONES UNDER THE NATIONAL CUSTOMS AUTOMATION PROGRAM.**

Section 411 of the Tariff Act of 1930 (19 U.S.C. 1411) is amended by adding at the end the following:

“(c) **FOREIGN-TRADE ZONES.**—Not later than January 1, 2000, the Secretary shall provide for the inclusion of commercial importation data from foreign-trade zones under the Program.”.

Deadline.

**SEC. 2406. LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.**

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1304 et seq.) is amended by inserting after section 484a the following:

19 USC 1484b.

**“SEC. 484b. DEFERRAL OF DUTY ON LARGE YACHTS IMPORTED FOR SALE AT UNITED STATES BOAT SHOWS.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any vessel meeting the definition of a large yacht as provided in subsection (b) and which is otherwise dutiable may be imported without the payment of duty if imported with the intention to offer for sale at a boat show in the United States. Payment of duty shall be deferred, in accordance with this section, until such large yacht is sold.

“(b) DEFINITION.—As used in this section, the term ‘large yacht’ means a vessel that exceeds 79 feet in length, is used primarily for recreation or pleasure, and has been previously sold by a manufacturer or dealer to a retail consumer.

“(c) DEFERRAL OF DUTY.—At the time of importation of any large yacht, if such large yacht is imported for sale at a boat show in the United States and is otherwise dutiable, duties shall not be assessed and collected if the importer of record—

“(1) certifies to the Customs Service that the large yacht is imported pursuant to this section for sale at a boat show in the United States; and

“(2) posts a bond, which shall have a duration of 6 months after the date of importation, in an amount equal to twice the amount of duty on the large yacht that would otherwise be imposed under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States.

“(d) PROCEDURES UPON SALE.—

“(1) DEPOSIT OF DUTY.—If any large yacht (which has been imported for sale at a boat show in the United States with the deferral of duties as provided in this section) is sold within the 6-month period after importation—

“(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

“(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

“(e) PROCEDURES UPON EXPIRATION OF BOND PERIOD.—

“(1) IN GENERAL.—If the large yacht entered with deferral of duties is neither sold nor exported within the 6-month period after importation—

“(A) entry shall be completed and duty (calculated at the applicable rates provided for under subheading 8903.91.00 or 8903.92.00 of the Harmonized Tariff Schedule of the United States and based upon the value of the large yacht at the time of importation) shall be deposited with the Customs Service; and

“(B) the bond posted as required by subsection (c)(2) shall be returned to the importer.

“(2) ADDITIONAL REQUIREMENTS.—No extensions of the bond period shall be allowed. Any large yacht exported in compliance



with the bond period may not be reentered for purposes of sale at a boat show in the United States (in order to receive duty deferral benefits) for a period of 3 months after such exportation.

“(f) REGULATIONS.—The Secretary of the Treasury is authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any large yacht imported into the United States after the date that is 15 days after the date of the enactment of this Act.

19 USC 1484b  
note.

#### **SEC. 2407. REVIEW OF PROTESTS AGAINST DECISIONS OF CUSTOMS SERVICE.**

Section 515(a) of the Tariff Act of 1930 (19 U.S.C. 1515(a)) is amended by inserting after the third sentence the following: “Within 30 days from the date an application for further review is filed, the appropriate customs officer shall allow or deny the application and, if allowed, the protest shall be forwarded to the customs officer who will be conducting the further review.”.

#### **SEC. 2408. ENTRIES OF NAFTA-ORIGIN GOODS.**

(a) REFUND OF MERCHANDISE PROCESSING FEES.—Section 520(d) of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended in the matter preceding paragraph (1) by inserting “(including any merchandise processing fees)” after “excess duties”.

(b) PROTEST AGAINST DECISION OF CUSTOMS SERVICE RELATING TO NAFTA CLAIMS.—Section 514(a)(7) of such Act (19 U.S.C. 1514(a)(7)) is amended by striking “section 520(c)” and inserting “subsection (c) or (d) of section 520”.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

19 USC 1514  
note.

#### **SEC. 2409. TREATMENT OF INTERNATIONAL TRAVEL MERCHANDISE HELD AT CUSTOMS-APPROVED STORAGE ROOMS.**

Section 557(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1557(a)(1)) is amended in the first sentence by inserting “(including international travel merchandise)” after “Any merchandise subject to duty”.

#### **SEC. 2410. EXCEPTION TO 5-YEAR REVIEWS OF COUNTERVAILING DUTY OR ANTIDUMPING DUTY ORDERS.**

Section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) is amended by adding at the end the following:

“(7) EXCLUSIONS FROM COMPUTATIONS.—

“(A) IN GENERAL.—Subject to subparagraph (B), there shall be excluded from the computation of the 5-year period described in paragraph (1) and the periods described in paragraph (6) any period during which the importation of the subject merchandise is prohibited on account of the imposition, under the International Emergency Economic Powers Act or other provision of law, of sanctions by the United States against the country in which the subject merchandise originates.

“(B) APPLICATION OF EXCLUSION.—Subparagraph (A) shall apply only with respect to subject merchandise which originates in a country that is not a WTO member.”.

**SEC. 2411. WATER RESISTANT WOOL TROUSERS.**

Deadline.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service within 180 days after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption—

(1) that was made after December 31, 1988, and before January 1, 1995; and

(2) that would have been classifiable under subheading 6203.41.05 or 6204.61.10 of the Harmonized Tariff Schedule of the United States and would have had a lower rate of duty, if such entry or withdrawal had been made on January 1, 1995,

shall be liquidated or reliquidated as if such entry or withdrawal had been made on January 1, 1995.

**SEC. 2412. REIMPORTATION OF CERTAIN GOODS.**

(a) IN GENERAL.—Subchapter I of chapter 98 is amended by inserting in numerical sequence the following new heading:

“	9801.00.26	Articles, previously imported, with respect to which the duty was paid upon such previous importation, if: (1) exported within 3 years after the date of such previous importation; (2) sold for exportation and exported to individuals for personal use; (3) reimported without having been advanced in value or improved in condition by any process of manufacture or other means while abroad; (4) reimported as personal returns from those individuals, whether or not consolidated with other personal returns prior to reimportation; and (5) reimported by or for the account of the person who exported them from the United States within 1 year of such exportation .....	Free		Free	”.
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(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies to goods described in heading 9801.00.26 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that are reimported into the United States on or after the date that is 15 days after the date of the enactment of this Act.

**SEC. 2413. TREATMENT OF PERSONAL EFFECTS OF PARTICIPANTS IN CERTAIN WORLD ATHLETIC EVENTS.**

(a) **IN GENERAL.**—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.98.08	Any of the following articles not intended for sale or distribution to the public: personal effects of aliens who are participants in, officials of, or accredited members of delegations to, the 1999 International Special Olympics, the 1999 Women's World Cup Soccer, the 2001 International Special Olympics, the 2002 Salt Lake City Winter Olympics, and the 2002 Winter Paralympic Games, and of persons who are immediate family members of or servants to any of the foregoing persons; equipment and materials imported in connection with the foregoing events by or on behalf of the foregoing persons or the organizing committees of such events; articles to be used in exhibitions depicting the culture of a country participating in any such event; and, if consistent with the foregoing, such other articles as the Secretary of Treasury may allow .....	Free	No change	Free	On or before 12/31/2002	”.
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(b) **TAXES AND FEES NOT TO APPLY.**—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall be free of taxes and fees which may be otherwise applicable.

(c) **NO EXEMPTION FROM CUSTOMS INSPECTIONS.**—The articles described in heading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) shall not be

free or otherwise exempt or excluded from routine or other inspections as may be required by the Customs Service.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

(2) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in subheading 9902.98.08 of the Harmonized Tariff Schedule of the United States (as added by subsection (a)) that was made—

(A) after May 15, 1999; and

(B) before the date of the enactment of this Act, shall be liquidated or reliquidated as though such entry or withdrawal occurred on the date of the enactment of this Act.

California.  
Deadlines.

**SEC. 2414. RELIQUIDATION OF CERTAIN ENTRIES OF THERMAL TRANSFER MULTIFUNCTION MACHINES.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 8517.21.00 of the Harmonized Tariff Schedule of the United States (relating to indirect electrostatic copiers) or subheading 9009.12.00 of such Schedule (relating to indirect electrostatic copiers), at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 8471.60.65 of the Harmonized Tariff Schedule of the United States (relating to other automated data processing (ADP) thermal transfer printer units) on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), filed at the port of Los Angeles, are as follows:

Date of entry	Entry number	Liquidation date
01/17/97	112–9638417–3	02/21/97
01/10/97	112–9637684–9	03/07/97
01/03/97	112–9636723–6	04/18/97
01/10/97	112–9637686–4	03/07/97
02/21/97	112–9642157–9	09/12/97
02/14/97	112–9641619–9	06/06/97
02/14/97	112–9641693–4	06/06/97
02/21/97	112–9642156–1	09/12/97
02/28/97	112–9643326–9	09/12/97
03/18/97	112–9645336–6	09/19/97
03/21/97	112–9645682–3	09/19/97
03/21/97	112–9645681–5	09/19/97
03/21/97	112–9645698–9	09/19/97
03/14/97	112–9645026–3	09/19/97
03/14/97	112–9645041–2	09/19/97
03/20/97	112–9646075–9	09/19/97
04/04/97	112–9647309–1	09/19/97
04/04/97	112–9647312–5	09/19/97
04/04/97	112–9647316–6	09/19/97
04/11/97	112–9300151–5	10/31/97
04/11/97	112–9300287–7	09/26/97
04/11/97	112–9300308–1	02/20/98
04/10/97	112–9300356–0	09/26/97
04/16/97	112–9301387–4	09/26/97
04/22/97	112–9301602–6	09/26/97
04/18/97	112–9301627–3	09/26/97
04/25/97	112–9301615–8	09/26/97
04/25/97	112–9302445–9	10/31/97
04/25/97	112–9302298–2	09/26/97
04/04/97	112–9302371–7	09/26/97
05/30/97	112–9306718–5	09/26/97
05/19/97	112–9304958–9	09/26/97
05/16/97	112–9305030–6	09/26/97
05/09/97	112–9303707–1	09/26/97
05/31/97	112–9306470–3	09/26/97
05/02/97	112–9302717–1	09/19/97
06/20/97	112–9308793–6	09/26/97

**SEC. 2415. RELIQUIDATION OF CERTAIN DRAWBACK ENTRIES AND REFUND OF DRAWBACK PAYMENTS.**

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, the Customs Service shall, not later than 180 days after the date of the enactment of this Act, liquidate or reliquidate the entries described in subsection (b) and any amounts owed by the United States pursuant to the liquidation or reliquidation shall be refunded with interest, subject to the provisions of Treasury Decision 86–126(M) and Customs Service Ruling No. 224697, dated November 17, 1994. Deadline.

(b) ENTRIES DESCRIBED.—The entries described in this subsection are the following:

<b>Entry number:</b>	<b>Date of entry:</b>
855218319 .....	July 18, 1985
855218429 .....	August 15, 1985
855218649 .....	September 13, 1985
866000134 .....	October 4, 1985
866000257 .....	November 14, 1985
866000299 .....	December 9, 1985
866000451 .....	January 14, 1986
866001052 .....	February 13, 1986
866001133 .....	March 7, 1986
866001269 .....	April 9, 1986
866001366 .....	May 9, 1986
866001463 .....	June 6, 1986
866001573 .....	July 7, 1986
866001586 .....	July 7, 1986
866001599 .....	July 7, 1986
866001913 .....	August 8, 1986
866002255 .....	September 10, 1986
866002297 .....	September 23, 1986
03200000010 .....	October 3, 1986
03200000028 .....	November 13, 1986
03200000036 .....	November 26, 1986.

**SEC. 2416. CLARIFICATION OF ADDITIONAL U.S. NOTE 4 TO CHAPTER 91 OF THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES.**

Additional U.S. note 4 of chapter 91 of the Harmonized Tariff Schedule of the United States is amended in the matter preceding subdivision (a), by striking the comma after “stamping” and inserting “(including by means of indelible ink),”.

**SEC. 2417. DUTY-FREE SALES ENTERPRISES.**

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(2) by adding at the end the following new subparagraph:

“(C) a port of entry, as established under section 1 of the Act of August 24, 1912 (37 Stat. 434), or within 25 statute miles of a staffed port of entry if reasonable assurance can be provided that duty-free merchandise sold by the enterprise will be exported by individuals departing from the customs territory through an international airport located within the customs territory.”.

**SEC. 2418. CUSTOMS USER FEES.**

(a) **ADDITIONAL PRECLEARANCE ACTIVITIES.**—Section 13031(f)(3)(A)(iii) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)(A)(iii)) is amended to read as follows:

“(iii) to the extent funds remain available after making reimbursements under clause (ii), in providing salaries for up to 50 full-time equivalent inspectional positions to provide preclearance services.”.

(b) **COLLECTION OF FEES FOR PASSENGERS ABOARD COMMERCIAL VESSELS.**—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended—

Air carriers.

(1) in subsection (a), by amending paragraph (5) to read as follows:

“(5)(A) Subject to subparagraph (B), for the arrival of each passenger aboard a commercial vessel or commercial aircraft from a place outside the United States (other than a place referred to in subsection (b)(1)(A)(i) of this section), \$5.

“(B) For the arrival of each passenger aboard a commercial vessel from a place referred to in subsection (b)(1)(A)(i) of this section, \$1.75”; and

(2) in subsection (b)(1)(A), by striking “(A) No fee” and inserting “(A) Except as provided in subsection (a)(5)(B) of this section, no fee”.

(c) **USE OF MERCHANDISE PROCESSING FEES FOR AUTOMATED COMMERCIAL SYSTEMS.**—Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended by adding at the end the following:

“(6) Of the amounts collected in fiscal year 1999 under paragraphs (9) and (10) of subsection (a), \$50,000,000 shall be available to the Customs Service, subject to appropriations Acts, for automated commercial systems. Amounts made available under this paragraph shall remain available until expended.”.

(d) **ADVISORY COMMITTEE.**—Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) is amended by adding at the end the following:

“(k) **ADVISORY COMMITTEE.**—The Commissioner of Customs shall establish an advisory committee whose membership shall consist of representatives from the airline, cruise ship, and other transportation industries who may be subject to fees under subsection (a). The advisory committee shall not be subject to termination under section 14 of the Federal Advisory Committee Act. The advisory committee shall meet on a periodic basis and shall advise the Commissioner on issues related to the performance of the inspectional services of the United States Customs Service. Such advice shall include, but not be limited to, such issues as the time periods during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. The Commissioner shall give consideration to the views of the advisory committee in the exercise of his or her duties.”.

Establishment.

(e) **NATIONAL CUSTOMS AUTOMATION TEST REGARDING RECONCILIATION.**—Section 505(c) of the Tariff Act of 1930 (19 U.S.C. 1505(c)) is amended by adding at the end the following: “For the period beginning on October 1, 1998, and ending on the date on which the ‘Revised National Customs Automation Test Regarding Reconciliation’ of the Customs Service is terminated, or October 1, 2000, whichever occurs earlier, the Secretary may prescribe an alternative mid-point interest accounting methodology, which may be employed by the importer, based upon aggregate data in lieu of accounting for such interest from each deposit data provided in this subsection.”.

(f) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 30 days after the date of the enactment of this Act.

19 USC 58c note.

**SEC. 2419. DUTY DRAWBACK FOR METHYL TERTIARY-BUTYL ETHER (“MTBE”).**

(a) **IN GENERAL.**—Section 313(p)(3)(A)(i)(I) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(3)(A)(i)(I)) is amended by striking “and 2902” and inserting “2902, and 2909.19.14”.

19 USC 1313  
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply to drawback claims filed on and after such date.

**SEC. 2420. SUBSTITUTION OF FINISHED PETROLEUM DERIVATIVES.**

(a) **IN GENERAL.**—Section 313(p)(1) of the Tariff Act of 1930 (19 U.S.C. 1313(p)(1)) is amended in the matter following subparagraph (C) by striking “the amount of the duties paid on, or attributable to, such qualified article shall be refunded as drawback to the drawback claimant.” and inserting “drawback shall be allowed as described in paragraph (4).”.

(b) **REQUIREMENTS.**—Section 313(p)(2) of such Act (19 U.S.C. 1313(p)(2)) is amended—

(1) in subparagraph (A)—

(A) in clauses (i), (ii), and (iii), by striking “the qualified article” each place it appears and inserting “a qualified article”; and

(B) in clause (iv), by striking “an imported” and inserting “a”; and

(2) in subparagraph (G), by inserting “transferor,” after “importer,”.

(c) **QUALIFIED ARTICLE DEFINED, ETC.**—Section 313(p)(3) of such Act (19 U.S.C. 1313(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(II), by striking “liquids, pastes, powders, granules, and flakes” and inserting “the primary forms provided under Note 6 to chapter 39 of the Harmonized Tariff Schedule of the United States”; and

(B) in clause (ii)—

(i) in subclause (I) by striking “or” at the end;

(ii) in subclause (II) by striking the period and inserting “, or”; and

(iii) by adding after subclause (II) the following:

“(III) an article of the same kind and quality as described in subparagraph (B), or any combination thereof, that is transferred, as so certified in a certificate of delivery or certificate of manufacture and delivery in a quantity not greater than the quantity of articles purchased or exchanged.

The transferred merchandise described in subclause (III), regardless of its origin, so designated on the certificate of delivery or certificate of manufacture and delivery shall be the qualified article for purposes of this section. A party who issues a certificate of delivery, or certificate of manufacture and delivery, shall also certify to the Commissioner of Customs that it has not, and will not, issue such certificates for a quantity greater than the amount eligible for drawback and that appropriate records will be maintained to demonstrate that fact.”;

Certification.  
Records.



(2) in subparagraph (B), by striking “exported article” and inserting “article, including an imported, manufactured, substituted, or exported article,”; and

(3) in the first sentence of subparagraph (C), by striking “such article.” and inserting “either the qualified article or the exported article.”.

(d) **LIMITATION ON DRAWBACK.**—Section 313(p)(4)(B) of such Act (19 U.S.C. 1313(p)(4)(B)) is amended by inserting before the period at the end the following: “had the claim qualified for drawback under subsection (j)”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if included in the amendment made by section 632(a)(6) of the North American Free Trade Agreement Implementation Act. For purposes of section 632(b) of that Act, the 3-year requirement set forth in section 313(r) of the Tariff Act of 1930 shall not apply to any drawback claim filed within 6 months after the date of the enactment of this Act for which that 3-year period would have expired.

19 USC 1313  
note.

**SEC. 2421. DUTY ON CERTAIN IMPORTATIONS OF MUESLIX CEREALS.**

Canada.  
Deadline.

(a) **BEFORE JANUARY 1, 1996.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1991, and before January 1, 1996, of Mueslix cereal, which was classified in subheading 2008.92.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such Mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

(b) **AFTER DECEMBER 31, 1995.**—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the Customs Service before the 90th day after the date of the enactment of this Act, any entry or withdrawal from warehouse for consumption made after December 31, 1995, and before January 1, 1998, of Mueslix cereal, which was classified in subheading 1904.20.10 of the Harmonized Tariff Schedule of the United States and to which the column 1 special rate of duty applicable for goods of special column rate applicable for Canada applied—

(1) shall be liquidated or reliquidated as if the column 1 special rate of duty applicable for goods of Canada in subheading 1904.10.00 of such Schedule applied to such Mueslix cereal at the time of such entry or withdrawal; and

(2) any excess duties paid as a result of such liquidation or reliquidation shall be refunded, including interest at the appropriate applicable rate.

**SEC. 2422. EXPANSION OF FOREIGN TRADE ZONE NO. 143.**

California.

(a) **EXPANSION OF FOREIGN TRADE ZONE.**—The Foreign Trade Zones Board shall expand Foreign Trade Zone No. 143 to include areas in the vicinity of the Chico Municipal Airport in accordance

with the application submitted by the Sacramento-Yolo Port District of Sacramento, California, to the Board on March 11, 1997.

(b) OTHER REQUIREMENTS NOT AFFECTED.—The expansion of Foreign Trade Zone No. 143 under subsection (a) shall not relieve the Port of Sacramento of any requirement under the Foreign Trade Zones Act, or under regulations of the Foreign Trade Zones Board, relating to such expansion.

**SEC. 2423. MARKING OF CERTAIN SILK PRODUCTS AND CONTAINERS.**

(a) IN GENERAL.—Section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) is amended—

(1) by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k), and (l), respectively; and

(2) by inserting after subsection (g) the following new subsection:

“(h) MARKING OF CERTAIN SILK PRODUCTS.—The marking requirements of subsections (a) and (b) shall not apply either to—

“(1) articles provided for in subheading 6214.10.10 of the Harmonized Tariff Schedule of the United States, as in effect on January 1, 1997; or

“(2) articles provided for in heading 5007 of the Harmonized Tariff Schedule of the United States as in effect on January 1, 1997.”.

(b) CONFORMING AMENDMENT.—Section 304(j) of such Act, as redesignated by subsection (a)(1) of this section, is amended by striking “subsection (h)” and inserting “subsection (i)”.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

19 USC 1304  
note.

19 USC 2434  
note.

**SEC. 2424. EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO THE PRODUCTS OF MONGOLIA.**

(a) FINDINGS.—The Congress finds that Mongolia—

(1) has received normal trade relations treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974;

(2) has emerged from nearly 70 years of communism and dependence on the former Soviet Union, approving a new constitution in 1992 which has established a modern parliamentary democracy charged with guaranteeing fundamental human rights, freedom of expression, and an independent judiciary;

(3) has held four national elections under the new constitution, two presidential and two parliamentary, thereby solidifying the nation’s transition to democracy;

(4) has undertaken significant market-based economic reforms, including privatization, the reduction of government subsidies, the elimination of most price controls and virtually all import tariffs, and the closing of insolvent banks;

(5) has concluded a bilateral trade treaty with the United States in 1991, and a bilateral investment treaty in 1994;

(6) has acceded to the Agreement Establishing the World Trade Organization, and extension of unconditional normal trade relations treatment to the products of Mongolia would enable the United States to avail itself of all rights under the World Trade Organization with respect to Mongolia; and

(7) has demonstrated a strong desire to build friendly relationships and to cooperate fully with the United States on trade matters.

**(b) TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.—**

(1) **PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(A) determine that such title should no longer apply to Mongolia; and

(B) after making a determination under subparagraph

(A) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of that country.

(2) **TERMINATION OF APPLICATION OF TITLE IV.**—On or after the effective date of the extension under paragraph (1)(B) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

**SEC. 2425. ENHANCED CARGO INSPECTION PILOT PROGRAM.**

(a) **IN GENERAL.**—The Commissioner of Customs is authorized to establish a pilot program for fiscal year 1999 to provide 24-hour cargo inspection service on a fee-for-service basis at an international airport described in subsection (b). The Commissioner may extend the pilot program for fiscal years after fiscal year 1999 if the Commissioner determines that the extension is warranted.

(b) **AIRPORT DESCRIBED.**—The international airport described in this subsection is a multi-modal international airport that—

(1) is located near a seaport; and

(2) serviced more than 185,000 tons of air cargo in 1997.

**SEC. 2426. PAYMENT OF EDUCATION COSTS OF DEPENDENTS OF CERTAIN CUSTOMS SERVICE PERSONNEL.**

Pedro J.  
Rodriguez.

Notwithstanding section 2164 of title 10, United States Code, the Department of Defense shall permit the dependent children of deceased United States Customs Aviation Group Supervisor Pedro J. Rodriguez attending the Antilles Consolidated School System in Puerto Rico, to complete their primary and secondary education within this school system without cost to such children or any parent, relative, or guardian of such children. The United States Customs Service shall reimburse the Department of Defense for reasonable education expenses to cover these costs.

## **TITLE III—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986**

**SEC. 3001. PROPERTY SUBJECT TO A LIABILITY TREATED IN SAME MANNER AS ASSUMPTION OF LIABILITY.**

(a) **REPEAL OF PROPERTY SUBJECT TO A LIABILITY TEST.**—

(1) **SECTION 357.**—Section 357(a)(2) of the Internal Revenue Code of 1986 (relating to assumption of liability) is amended by striking “, or acquires from the taxpayer property subject to a liability”.

26 USC 357.

26 USC 358.

(2) SECTION 358.—Section 358(d)(1) of such Code (relating to assumption of liability) is amended by striking “or acquired from the taxpayer property subject to a liability”.

26 USC 368.

(3) SECTION 368.—

(A) Section 368(a)(1)(C) of such Code is amended by striking “, or the fact that property acquired is subject to a liability,”.

(B) The last sentence of section 368(a)(2)(B) of such Code is amended by striking “, and the amount of any liability to which any property acquired from the acquiring corporation is subject,”.

(b) CLARIFICATION OF ASSUMPTION OF LIABILITY.—

26 USC 357.

(1) IN GENERAL.—Section 357 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(d) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—

“(1) IN GENERAL.—For purposes of this section, section 358(d), section 362(d), section 368(a)(1)(C), and section 368(a)(2)(B), except as provided in regulations—

“(A) a recourse liability (or portion thereof) shall be treated as having been assumed if, as determined on the basis of all facts and circumstances, the transferee has agreed to, and is expected to, satisfy such liability (or portion), whether or not the transferor has been relieved of such liability; and

“(B) except to the extent provided in paragraph (2), a nonrecourse liability shall be treated as having been assumed by the transferee of any asset subject to such liability.

“(2) EXCEPTION FOR NONRECOURSE LIABILITY.—The amount of the nonrecourse liability treated as described in paragraph (1)(B) shall be reduced by the lesser of—

“(A) the amount of such liability which an owner of other assets not transferred to the transferee and also subject to such liability has agreed with the transferee to, and is expected to, satisfy; or

“(B) the fair market value of such other assets (determined without regard to section 7701(g)).

“(3) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection and section 362(d). The Secretary may also prescribe regulations which provide that the manner in which a liability is treated as assumed under this subsection is applied, where appropriate, elsewhere in this title.”.

26 USC 362.

(2) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—Section 362 of such Code is amended by adding at the end the following new subsection:

“(d) LIMITATION ON BASIS INCREASE ATTRIBUTABLE TO ASSUMPTION OF LIABILITY.—

“(1) IN GENERAL.—In no event shall the basis of any property be increased under subsection (a) or (b) above the fair market value of such property (determined without regard to section 7701(g)) by reason of any gain recognized to the transferor as a result of the assumption of a liability.

“(2) TREATMENT OF GAIN NOT SUBJECT TO TAX.—Except as provided in regulations, if—

“(A) gain is recognized to the transferor as a result of an assumption of a nonrecourse liability by a transferee which is also secured by assets not transferred to such transferee; and

“(B) no person is subject to tax under this title on such gain,

then, for purposes of determining basis under subsections (a) and (b), the amount of gain recognized by the transferor as a result of the assumption of the liability shall be determined as if the liability assumed by the transferee equaled such transferee’s ratable portion of such liability determined on the basis of the relative fair market values (determined without regard to section 7701(g)) of all of the assets subject to such liability.”.

(c) APPLICATION TO PROVISIONS OTHER THAN SUBCHAPTER C.—

(1) SECTION 584.—Section 584(h)(3) of the Internal Revenue Code of 1986 is amended—

26 USC 584.

(A) by striking “, and the fact that any property transferred by the common trust fund is subject to a liability,” in subparagraph (A); and

(B) by striking clause (ii) of subparagraph (B) and inserting:

“(ii) ASSUMED LIABILITIES.—For purposes of clause (i), the term ‘assumed liabilities’ means any liability of the common trust fund assumed by any regulated investment company in connection with the transfer referred to in paragraph (1)(A).

“(C) ASSUMPTION.—For purposes of this paragraph, in determining the amount of any liability assumed, the rules of section 357(d) shall apply.”.

(2) SECTION 1031.—The last sentence of section 1031(d) of such Code is amended—

26 USC 1031.

(A) by striking “assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability” and inserting “assumed (as determined under section 357(d)) a liability of the taxpayer”; and

(B) by striking “or acquisition (in the amount of the liability)”.

(d) CONFORMING AMENDMENTS.—

(1) Section 351(h)(1) of the Internal Revenue Code of 1986 is amended by striking “, or acquires property subject to a liability,”.

26 USC 351.

(2) Section 357 of such Code is amended by striking “or acquisition” each place it appears in subsection (a) or (b).

26 USC 357.

(3) Section 357(b)(1) of such Code is amended by striking “or acquired”.

(4) Section 357(c)(1) of such Code is amended by striking “, plus the amount of the liabilities to which the property is subject,”.

- 26 USC 357. (5) Section 357(c)(3) of such Code is amended by striking “or to which the property transferred is subject”.
- 26 USC 358. (6) Section 358(d)(1) of such Code is amended by striking “or acquisition (in the amount of the liability)”.
- 26 USC 351 note. (e) EFFECTIVE DATE.—The amendments made by this section shall apply to transfers after October 18, 1998.

Approved June 25, 1999.

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LEGISLATIVE HISTORY—H.R. 435 (S. 262):

SENATE REPORTS: No. 106–2 accompanying S. 262 (Comm. on Finance).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Feb. 9, considered and passed House.  
May 27, considered and passed Senate, amended.  
June 7, House concurred in Senate amendment.



Public Law 106–37  
106th Congress

An Act

To establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes.

July 20, 1999

[H.R. 775]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Y2K Act.

**SECTION 1. SHORT TITLE; TABLE OF SECTIONS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Y2K Act”.

15 USC 6601

(b) **TABLE OF SECTIONS.**—The table of sections for this Act is as follows:

note.

- Sec. 1. Short title; table of sections.
- Sec. 2. Findings and purposes.
- Sec. 3. Definitions.
- Sec. 4. Application of Act.
- Sec. 5. Punitive damages limitations.
- Sec. 6. Proportionate liability.
- Sec. 7. Prolitigation notice.
- Sec. 8. Pleading requirements.
- Sec. 9. Duty to mitigate.
- Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
- Sec. 11. Damages limitation by contract.
- Sec. 12. Damages in tort claims.
- Sec. 13. State of mind; bystander liability; control.
- Sec. 14. Appointment of special masters or magistrate judges for Y2K actions.
- Sec. 15. Y2K actions as class actions.
- Sec. 16. Applicability of State law.
- Sec. 17. Admissible evidence ultimate issue in State courts.
- Sec. 18. Suspension of penalties for certain year 2000 failures by small business concerns.

**SEC. 2. FINDINGS AND PURPOSES.**

15 USC 6601.

(a) **FINDINGS.**—The Congress finds the following:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address

any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that the year 2000 problems described in this section do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of such problems.

(5) Resorting to the legal system for resolution of year 2000 problems described in this section is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(7) A proliferation of frivolous lawsuits relating to year 2000 computer date-change problems by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(8) Congress encourages businesses to approach their disputes relating to year 2000 computer date-change problems responsibly, and to avoid unnecessary, time-consuming, and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is such a dispute, and, if necessary,



urges the parties to enter into voluntary, nonbinding mediation rather than litigation.

(b) **PURPOSES.**—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purposes of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve year 2000 computer date-change problems before they develop;

(2) to encourage continued remediation and testing efforts to solve such problems by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve disputes relating to year 2000 computer date-change problems by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of such problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

### **SEC. 3. DEFINITIONS.**

15 USC 6602.

In this Act:

(1) **Y2K ACTION.**—The term “Y2K action”—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff’s alleged harm or injury arises from or is related to an actual or potential Y2K failure, or a claim or defense arises from or is related to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a government entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a government entity acting in a regulatory, supervisory, or enforcement capacity.

(2) **Y2K FAILURE.**—The term “Y2K failure” means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000’s status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) **GOVERNMENT ENTITY.**—The term “government entity” means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) **MATERIAL DEFECT.**—The term “material defect” means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term “material defect” does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) **PERSONAL INJURY.**—The term “personal injury” means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) **CONTRACT.**—The term “contract” means a contract, tariff, license, or warranty.

(8) **ALTERNATIVE DISPUTE RESOLUTION.**—The term “alternative dispute resolution” means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

15 USC 6603.

#### **SEC. 4. APPLICATION OF ACT.**

(a) **GENERAL RULE.**—This Act applies to any Y2K action brought after January 1, 1999, for a Y2K failure occurring before January 1, 2003, or for a potential Y2K failure that could occur or has allegedly caused harm or injury before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) **NO NEW CAUSE OF ACTION CREATED.**—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) **CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.**—This Act does not apply to a claim for personal injury or for wrongful death.

(d) **WARRANTY AND CONTRACT PRESERVATION.**—

(1) **IN GENERAL.**—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(3) UNCONSCIONABILITY.—Nothing in paragraph (1) shall prevent enforcement of State law doctrines of unconscionability, including adhesion, recognized as of January 1, 1999, in controlling judicial precedent by the courts of the State whose law applies to the Y2K action.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

(f) APPLICATION WITH YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT.—Nothing in this Act supersedes any provision of the Year 2000 Information and Readiness Disclosure Act.

(g) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENT ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a government entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term “defendant” includes a State or local government.

(ii) STATE.—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term “local government” means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term “Y2K upset”—

(i) means an exceptional temporary noncompliance with applicable federally enforceable measurement, monitoring, or reporting requirements directly related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable measurement, monitoring, or reporting requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable measurement, monitoring, or reporting requirements that provide for the safety and soundness of the banking or monetary system, or

for the integrity of the national securities markets, including the protection of depositors and investors;

(III) noncompliance with applicable federally enforceable measurement, monitoring, or reporting requirements to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance;

(V) lack of preparedness for a Y2K failure; or

(VI) noncompliance with the underlying federally enforceable requirements to which the applicable federally enforceable measurement, monitoring, or reporting requirement relates.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a reasonable good faith effort to anticipate, prevent, and effectively remediate a potential Y2K failure;

(B) a Y2K upset occurred as a result of a Y2K failure or other emergency directly related to a Y2K failure;

(C) noncompliance with the applicable federally enforceable measurement, monitoring, or reporting requirement was unavoidable in the face of an emergency directly related to a Y2K failure and was necessary to prevent the disruption of critical functions or services that could result in harm to life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to correct any violation of federally enforceable measurement, monitoring, or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that the defendant became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to the imposition of a penalty in any action brought as a result of noncompliance with federally enforceable measurement, monitoring, or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless specific relief by the appropriate regulatory authority is granted.

(6) FRAUDULENT INVOCATION OF Y2K UPSET DEFENSE.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to the sanctions provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

(8) PRESERVATION OF AUTHORITY.—Nothing in this subsection shall affect the authority of a government entity to seek injunctive relief or require a defendant to correct a violation of a federally enforceable measurement, monitoring, or reporting requirement.

(h) CONSUMER PROTECTION FROM Y2K FAILURES.—

(1) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting residential mortgages shall cause or permit a foreclosure on any such mortgage against a consumer as a result of an actual Y2K failure that results in an inability to accurately or timely process any mortgage payment transaction.

(2) NOTICE.—A consumer who is affected by an inability described in paragraph (1) shall notify the servicer for the mortgage, in writing and within 7 business days from the time that the consumer becomes aware of the Y2K failure and the consumer's inability to accurately or timely fulfill his or her obligation to pay, of such failure and inability and shall provide to the servicer any available documentation with respect to the failure.

(3) ACTIONS MAY RESUME AFTER GRACE PERIOD.—Notwithstanding paragraph (1), an action prohibited under paragraph (1) may be resumed, if the consumer's mortgage obligation has not been paid and the servicer of the mortgage has not expressly and in writing granted the consumer an extension of time during which to pay the consumer's mortgage obligation, but only after the later of—

(A) four weeks after January 1, 2000; or

(B) four weeks after notification is made as required under paragraph (2), except that any notification made on or after March 15, 2000, shall not be effective for purposes of this subsection.

(4) APPLICABILITY.—This subsection does not apply to transactions upon which a default has occurred before December 15, 1999, or with respect to which an imminent default was foreseeable before December 15, 1999.

(5) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This subsection delays but does not prevent the enforcement of financial obligations, and does not otherwise affect or extinguish the obligation to pay.

(6) DEFINITION.—In this subsection—

(A) The term “consumer” means a natural person.

(B) The term “residential mortgage” has the meaning given the term “federally related mortgage loan” under section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602).

(C) The term “servicer” means the person, including any successor, responsible for receiving any scheduled periodic payments from a consumer pursuant to the terms of a residential mortgage, including amounts for any escrow account, and for making the payments of principal and interest and such other payments with respect to the amounts received from the borrower as may be required pursuant to the terms of the mortgage. Such term includes the person, including any successor, who makes or holds a loan if such person also services the loan.

(i) **APPLICABILITY TO SECURITIES LITIGATION.**—In any Y2K action in which the underlying claim arises under the securities laws (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)), the provisions of this Act, other than section 13(b) of this Act, shall not apply.

15 USC 6604.

**SEC. 5. PUNITIVE DAMAGES LIMITATIONS.**

(a) **IN GENERAL.**—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) **CAPS ON PUNITIVE DAMAGES.**—

(1) **IN GENERAL.**—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) three times the amount awarded for compensatory damages; or

(B) \$250,000.

(2) **DEFENDANT DESCRIBED.**—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed \$500,000;

or

(B) that is an unincorporated business, a partnership, corporation, association, or organization, with fewer than 50 full-time employees.

(3) **NO CAP IF INJURY SPECIFICALLY INTENDED.**—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) **GOVERNMENT ENTITIES.**—Punitive damages in a Y2K action may not be awarded against a government entity.

15 USC 6605.

**SEC. 6. PROPORTIONATE LIABILITY.**

(a) **IN GENERAL.**—Except in a Y2K action that is a contract action, and except as provided in subsections (b) through (g), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportionate responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) **PROPORTIONATE LIABILITY.**—

Courts.

(1) **DETERMINATION OF RESPONSIBILITY.**—In any Y2K action that is not a contract action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant (other than a defendant who has entered into a settlement agreement with the plaintiff)—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—

The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action that is not a contract action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action that is not a contract

action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) **PERCENTAGE OF NET WORTH.**—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than \$200,000.

(ii) **OTHER PLAINTIFFS.**—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant.

(iii) For a plaintiff not described in clause (i), in addition to the share identified in clause (ii), the defendant is liable for an additional portion of the uncollectible share in an amount equal to 50 percent of the amount determined under clause (ii) if the plaintiff demonstrates by a preponderance of the evidence that the defendant acted with reckless disregard for the likelihood that its acts would cause injury of the sort suffered by the plaintiff.

(B) **OVERALL LIMIT.**—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) **SUBJECT TO CONTRIBUTION.**—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(D) **SUITS BY CONSUMERS.**—

(i) Notwithstanding subparagraph (A), the other defendants are jointly and severally liable for the uncollectible share if—

(I) the plaintiff is a consumer whose suit alleges or arises out of a defect in a consumer product; and

(II) the plaintiff is suing as an individual and not as part of a class action.

(ii) In this subparagraph:

(I) The term “class action” means—

(aa) a single lawsuit in which: (1) damages are sought on behalf of more than 10 persons or prospective class members; or (2) one or more named parties seek to recover damages on a representative basis on behalf of themselves and other unnamed parties similarly situated; or

(bb) any group of lawsuits filed in or pending in the same court in which: (1) damages are sought on behalf of more than 10 persons; and (2) the lawsuits are joined,



consolidated, or otherwise proceed as a single action for any purpose.

(II) The term “consumer” means an individual who acquires a consumer product for purposes other than resale.

(III) The term “consumer product” means any personal property or service which is normally used for personal, family, or household purposes.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant’s proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action that is not a contract action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter an order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

Courts.

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action that is not a contract action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action that is not a contract action shall be brought not later than 6 months

after the entry of a final, nonappealable judgment in the Y2K action, except that an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section preempts or supersedes any provision of State law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

15 USC 6606.

#### SEC. 7. PRELITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff in a Y2K action shall send a written notice by certified mail (with either return receipt requested or other means of verification that the notice was sent) to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer if the prospective defendant is a corporation, to the managing partner if the prospective defendant is a partnership, to the proprietor if the prospective defendant is a sole proprietorship, or to a similarly-situated person if the prospective defendant is any other enterprise; or

(3) if the prospective defendant has designated a person to receive prelitigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

Deadline.

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this subsection is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(5) PRIORITY.—A prospective defendant receiving more than one notice under this section may give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,  
the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action or alternative dispute resolution before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff in its initial response to the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

Courts.

(g) **EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.**—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of nonperformance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) **STATE LAW CONTROLS ALTERNATIVE METHODS.**—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) **PROVISIONAL REMEDIES UNAFFECTED.**—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) **SPECIAL RULE FOR CLASS ACTIONS.**—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

15 USC 6607.

**SEC. 8. PLEADING REQUIREMENTS.**

(a) **APPLICATION WITH RULES OF CIVIL PROCEDURE.**—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) **NATURE AND AMOUNT OF DAMAGES.**—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) **MATERIAL DEFECTS.**—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) **REQUIRED STATE OF MIND.**—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

15 USC 6608.

**SEC. 9. DUTY TO MITIGATE.**

(a) **IN GENERAL.**—Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure involved in the action.

(b) **PRESERVATION OF EXISTING LAW.**—The duty imposed by this section is in addition to any duty to mitigate imposed by State law.

(c) **EXCEPTION FOR INTENTIONAL FRAUD.**—Subsection (a) does not apply to damages suffered by reason of the plaintiff’s justifiable reliance upon an affirmative material misrepresentation by the defendant, made by the defendant with actual knowledge of its falsity, concerning the potential for Y2K failure of the device or system used or sold by the defendant that experienced the Y2K failure alleged to have caused the plaintiff’s harm.

**SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.** 15 USC 6609.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party’s right to assert defenses based upon such doctrines.

**SEC. 11. DAMAGES LIMITATION BY CONTRACT.** 15 USC 6610.

In any Y2K action for breach or repudiation of contract, no party may claim, or be awarded, any category of damages unless such damages are allowed—

- (1) by the express terms of the contract; or
- (2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

**SEC. 12. DAMAGES IN TORT CLAIMS.** 15 USC 6611.

(a) **IN GENERAL.**—A party to a Y2K action making a tort claim, other than a claim of intentional tort arising independent of a contract, may not recover damages for economic loss unless—

- (1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or
- (2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure involved in the action (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable Federal or State law.

(b) **ECONOMIC LOSS.**—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term “economic loss” means amounts awarded to compensate an injured party for any loss, and includes amounts awarded for damages such as—

- (1) lost profits or sales;
- (2) business interruption;
- (3) losses indirectly suffered as a result of the defendant’s wrongful act or omission;
- (4) losses that arise because of the claims of third parties;
- (5) losses that must be pled as special damages; and

(6) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

15 USC 6612.

**SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.**

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by the standard of evidence under applicable State law in effect on the day before January 1, 1999.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law, the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves, by the standard of evidence under applicable State law in effect on the day before January 1, 1999, that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVACY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages

in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

(d) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT APPLY.—The protections for the exchanges of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) shall apply to any Y2K action.

**SEC. 14. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATE JUDGES FOR Y2K ACTIONS.** 15 USC 6613.

Any district court of the United States in which a Y2K action is pending may appoint a special master or a magistrate judge to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

**SEC. 15. Y2K ACTIONS AS CLASS ACTIONS.** 15 USC 6614.

(a) MATERIAL DEFECT REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), the district courts of the United States shall have original jurisdiction of any Y2K action that is brought as a class action.

(2) EXCEPTIONS.—The district courts of the United States shall not have original jurisdiction over a Y2K action brought as a class action if—

(A)(i) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(ii) the primary defendants are citizens of that State; and

(iii) the claims asserted will be governed primarily by the laws of that State;

(B) the primary defendants are States, State officials, or other governmental entities against whom the district courts of the United States may be foreclosed from ordering relief;

(C) the plaintiff class does not seek an award of punitive damages, and the amount in controversy is less than the sum of \$10,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action; or

(D) there are less than 100 members of the proposed plaintiff class.

A party urging that any exception described in subparagraph (A), (B), (C), or (D) applies to an action shall bear the full burden of demonstrating the applicability of the exception.

(3) PROCEDURE IF REQUIREMENTS NOT MET.—

(A) DISMISSAL OR REMAND.—A United States district court shall dismiss, or, if after removal, strike the class allegations and remand, any Y2K action brought or removed under this subsection as a class action if—

(i) the action is subject to the jurisdiction of the court solely under this subsection; and

(ii) the court determines the action may not proceed as a class action based on a failure to satisfy the conditions of Rule 23 of the Federal Rules of Civil Procedure.

(B) AMENDMENT; REMOVAL.—Nothing in paragraph (A) shall prohibit plaintiffs from filing an amended class action in Federal or State court. A defendant shall have the right to remove such an amended class action to a United States district court under this subsection.

(C) PERIOD OF LIMITATIONS TOLLED.—Upon dismissal or remand, the period of limitations for any claim that was asserted in an action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

(D) DISMISSAL WITHOUT PREJUDICE.—The dismissal of a Y2K action under subparagraph (A) shall be without prejudice.

(d) EFFECT ON RULES OF CIVIL PROCEDURE.—Except as otherwise provided in this section, nothing in this section supersedes any rule of Federal or State civil procedure applicable to class actions.

15 USC 6615.

**SEC. 16. APPLICABILITY OF STATE LAW.**

Nothing in this Act shall be construed to affect the applicability of any State law that provides stricter limits on damages and liabilities, affording greater protection to defendants in Y2K actions, than are provided in this Act.

15 USC 6616.

**SEC. 17. ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.**

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

15 USC 6617.

**SEC. 18. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.**

(a) DEFINITIONS.—In this section—

(1) the term “agency” means any executive agency, as defined in section 105 of title 5, United States Code, that



has the authority to impose civil penalties on small business concerns;

(2) the term “first-time violation” means a violation by a small business concern of a federally enforceable rule or regulation (other than a Federal rule or regulation that relates to the safety and soundness of the banking or monetary system or for the integrity of the National Securities markets, including protection of depositors and investors) caused by a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term “small business concern” has the same meaning as a defendant described in section 5(b)(2)(B).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of the enactment of this Act, each agency shall—

Deadline.

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

Federal Register, publication.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—An agency shall provide a waiver of civil money penalties for a first-time violation, provided that a small business concern demonstrates, and the agency determines, that—

(1) the small business concern previously made a reasonable good faith effort to anticipate, prevent, and effectively remediate a potential Y2K failure;

(2) a first-time violation occurred as a result of the Y2K failure of the small business concern or other entity, which significantly affected the small business concern’s ability to comply with a Federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and prompt measures to correct the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 5 business days from the time that the small business concern became aware that the first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if—

(1) the small business concern’s failure to comply with Federal rules or regulations resulted in actual harm, or constitutes or creates an imminent threat to public health, safety, or the environment; or

(2) the small business concern fails to correct the violation not later than 1 month after initial notification to the agency.

(f) EXPIRATION.—This section shall not apply to first-time violations caused by a Y2K failure occurring after December 31, 2000.

Approved July 20, 1999.

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LEGISLATIVE HISTORY—H.R. 775 (S. 96) (S. 461):

HOUSE REPORTS: Nos. 106–131, Pt. 1 (Comm. on the Judiciary) and 106–212 (Comm. of Conference).

SENATE REPORTS: No. 106–10 accompanying S. 96 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 12, considered and passed House.

June 15, considered and passed Senate, amended, in lieu of S. 96.

July 1, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

July 20, Presidential statement.



Public Law 106–38  
106th Congress

An Act

To declare it to be the policy of the United States to deploy a national missile defense.

July 22, 1999

[H.R. 4]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Missile Defense Act of 1999”.

National Missile  
Defense Act of  
1999.

10 USC 101 note.

**SEC. 2. NATIONAL MISSILE DEFENSE POLICY.**

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate) with funding subject to the annual authorization of appropriations and the annual appropriation of funds for National Missile Defense.

10 USC 2431  
note.

**SEC. 3. POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES.**

It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.

22 USC 5901  
note.

Approved July 22, 1999.

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LEGISLATIVE HISTORY—H.R. 4 (S. 257) (S. 269):

HOUSE REPORTS: No. 106–39, Pt. 1 (Comm. on Armed Services).

SENATE REPORTS: No. 106–4 accompanying S. 257 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 18, considered and passed House.

May 18, considered and passed Senate, amended, in lieu of S. 257

May 20, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

July 23, Presidential statement.



Public Law 106–39  
106th Congress

An Act

July 28, 1999  
[H.R. 2035]

To correct errors in the authorizations of certain programs administered by the  
National Highway Traffic Safety Administration.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. AMENDMENTS TO TITLE 49, UNITED STATES CODE.**

(a) MOTOR VEHICLE SAFETY.—Section 30104 of title 49, United States Code, is amended by striking “\$81,200,000” and inserting “\$98,313,500”.

(b) MOTOR VEHICLE INFORMATION.—Section 32102 of title 49, United States Code, is amended by striking “\$6,200,000” and inserting “\$9,562,500”.

Approved July 28, 1999.

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**LEGISLATIVE HISTORY—H.R. 2035 (S. 1248):**

HOUSE REPORTS: No. 106–200 (Comm. on Commerce).

SENATE REPORTS: No. 106–107 accompanying S. 1248 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 12, considered and passed House.

July 15, considered and passed Senate.



Public Law 106–40  
106th Congress

An Act

To amend the Clean Air Act to remove flammable fuels from the list of substances with respect to which reporting and other activities are required under the risk management plan program, and for other purposes.

Aug. 5, 1999  
[S. 880]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Chemical Safety Information, Site Security and Fuels Regulatory Relief Act”.

Chemical Safety  
Information, Site  
Security and  
Fuels Regulatory  
Relief Act.  
42 USC 7401  
note.

**SEC. 2. REMOVAL OF PROPANE SOLD BY RETAILERS AND OTHER FLAMMABLE FUELS FROM RISK MANAGEMENT LIST.**

Section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) is amended—

(1) by redesignating subparagraphs (A) through (C) of paragraph (4) as clauses (i) through (iii), respectively, and indenting appropriately;

(2) by striking in paragraph (4) “Administrator shall consider each of the following criteria—” and inserting the following: “Administrator—

“ (A) shall consider—”;

(3) in subparagraph (A)(iii) (as designated by paragraphs (1) and (2)), of paragraph (4) by striking the period at the end and inserting “; and”;

(4) by adding at the end of paragraph (4) the following:

“ (B) shall not list a flammable substance when used as a fuel or held for sale as a fuel at a retail facility under this subsection solely because of the explosive or flammable properties of the substance, unless a fire or explosion caused by the substance will result in acute adverse health effects from human exposure to the substance, including the unburned fuel or its combustion byproducts, other than those caused by the heat of the fire or impact of the explosion.”; and

(5) by inserting the following new subparagraph at the end of paragraph (2):

“ (D) The term ‘retail facility’ means a stationary source at which more than one-half of the income is obtained from direct sales to end users or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program.”.

**SEC. 3. PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.**

(a) IN GENERAL.—Section 112(r)(7) of the Clean Air Act (42 U.S.C. 7412(r)(7)) is amended by adding at the end the following:

“(H) PUBLIC ACCESS TO OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) COVERED PERSON.—The term ‘covered person’ means—

“(aa) an officer or employee of the United States;

“(bb) an officer or employee of an agent or contractor of the Federal Government;

“(cc) an officer or employee of a State or local government;

“(dd) an officer or employee of an agent or contractor of a State or local government;

“(ee) an individual affiliated with an entity that has been given, by a State or local government, responsibility for preventing, planning for, or responding to accidental releases;

“(ff) an officer or employee or an agent or contractor of an entity described in item (ee); and

“(gg) a qualified researcher under clause (vii).

“(II) OFFICIAL USE.—The term ‘official use’ means an action of a Federal, State, or local government agency or an entity referred to in subclause (I)(ee) intended to carry out a function relevant to preventing, planning for, or responding to accidental releases.

“(III) OFF-SITE CONSEQUENCE ANALYSIS INFORMATION.—The term ‘off-site consequence analysis information’ means those portions of a risk management plan, excluding the executive summary of the plan, consisting of an evaluation of 1 or more worst-case release scenarios or alternative release scenarios, and any electronic data base created by the Administrator from those portions.

“(IV) RISK MANAGEMENT PLAN.—The term ‘risk management plan’ means a risk management plan submitted to the Administrator by an owner or operator of a stationary source under subparagraph (B)(iii).

“(ii) REGULATIONS.—Not later than 1 year after the date of enactment of this subparagraph, the President shall—

“(I) assess—

“(aa) the increased risk of terrorist and other criminal activity associated with the posting of off-site consequence analysis information on the Internet; and

“(bb) the incentives created by public disclosure of off-site consequence analysis

Deadline.  
President.

information for reduction in the risk of accidental releases; and

“(II) based on the assessment under subclause (I), promulgate regulations governing the distribution of off-site consequence analysis information in a manner that, in the opinion of the President, minimizes the likelihood of accidental releases and the risk described in subclause (I)(aa) and the likelihood of harm to public health and welfare, and—

“(aa) allows access by any member of the public to paper copies of off-site consequence analysis information for a limited number of stationary sources located anywhere in the United States, without any geographical restriction;

“(bb) allows other public access to off-site consequence analysis information as appropriate;

“(cc) allows access for official use by a covered person described in any of items (cc) through (ff) of clause (i)(I) (referred to in this subclause as a ‘State or local covered person’) to off-site consequence analysis information relating to stationary sources located in the person’s State;

“(dd) allows a State or local covered person to provide, for official use, off-site consequence analysis information relating to stationary sources located in the person’s State to a State or local covered person in a contiguous State; and

“(ee) allows a State or local covered person to obtain for official use, by request to the Administrator, off-site consequence analysis information that is not available to the person under item (cc).

“(iii) AVAILABILITY UNDER FREEDOM OF INFORMATION ACT.—

“(I) FIRST YEAR.—Off-site consequence analysis information, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, during the 1-year period beginning on the date of enactment of this subparagraph.

“(II) AFTER FIRST YEAR.—If the regulations under clause (ii) are promulgated on or before the end of the period described in subclause (I), off-site consequence analysis information covered by the regulations, and any ranking of stationary sources derived from the information, shall not be made available under section 552 of title 5, United States Code, after the end of that period.

“(III) APPLICABILITY.—Subclauses (I) and (II) apply to off-site consequence analysis information submitted to the Administrator before, on, or after the date of enactment of this subparagraph.

“(iv) AVAILABILITY OF INFORMATION DURING TRANSITION PERIOD.—The Administrator shall make off-site consequence analysis information available to covered persons for official use in a manner that meets the requirements of items (cc) through (ee) of clause (ii)(II), and to the public in a form that does not make available any information concerning the identity or location of stationary sources, during the period—

“(I) beginning on the date of enactment of this subparagraph; and

“(II) ending on the earlier of the date of promulgation of the regulations under clause (ii) or the date that is 1 year after the date of enactment of this subparagraph.

“(v) PROHIBITION ON UNAUTHORIZED DISCLOSURE OF INFORMATION BY COVERED PERSONS.—

Effective date.

“(I) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a covered person shall not disclose to the public off-site consequence analysis information in any form, or any statewide or national ranking of identified stationary sources derived from such information, except as authorized by this subparagraph (including the regulations promulgated under clause (ii)). After the end of the 1-year period beginning on the date of enactment of this subparagraph, if regulations have not been promulgated under clause (ii), the preceding sentence shall not apply.

“(II) CRIMINAL PENALTIES.—Notwithstanding section 113, a covered person that willfully violates a restriction or prohibition established by this subparagraph (including the regulations promulgated under clause (ii)) shall, upon conviction, be fined for an infraction under section 3571 of title 18, United States Code, (but shall not be subject to imprisonment) for each unauthorized disclosure of off-site consequence analysis information, except that subsection (d) of such section 3571 shall not apply to a case in which the offense results in pecuniary loss unless the defendant knew that such loss would occur. The disclosure of off-site consequence analysis information for each specific stationary source shall be considered a separate offense. The total of all penalties that may be imposed on a single person or organization under this item shall not exceed \$1,000,000 for violations committed during any 1 calendar year.

“(III) APPLICABILITY.—If the owner or operator of a stationary source makes off-site consequence analysis information relating to that stationary source available to the public without restriction—

“(aa) subclauses (I) and (II) shall not apply with respect to the information; and

“(bb) the owner or operator shall notify the Administrator of the public availability of the information.

Notification.



“(IV) LIST.—The Administrator shall maintain and make publicly available a list of all stationary sources that have provided notification under subclause (III)(bb).

“(vi) NOTICE.—The Administrator shall provide notice of the definition of official use as provided in clause (i)(III) and examples of actions that would and would not meet that definition, and notice of the restrictions on further dissemination and the penalties established by this Act to each covered person who receives off-site consequence analysis information under clause (iv) and each covered person who receives off-site consequence analysis information for an official use under the regulations promulgated under clause (ii).

“(vii) QUALIFIED RESEARCHERS.—

“(I) IN GENERAL.—Not later than 180 days after the date of enactment of this subparagraph, the Administrator, in consultation with the Attorney General, shall develop and implement a system for providing off-site consequence analysis information, including facility identification, to any qualified researcher, including a qualified researcher from industry or any public interest group. Deadline.

“(II) LIMITATION ON DISSEMINATION.—The system shall not allow the researcher to disseminate, or make available on the Internet, the off-site consequence analysis information, or any portion of the off-site consequence analysis information, received under this clause.

“(viii) READ-ONLY INFORMATION TECHNOLOGY SYSTEM.—In consultation with the Attorney General and the heads of other appropriate Federal agencies, the Administrator shall establish an information technology system that provides for the availability to the public of off-site consequence analysis information by means of a central data base under the control of the Federal Government that contains information that users may read, but that provides no means by which an electronic or mechanical copy of the information may be made.

“(ix) VOLUNTARY INDUSTRY ACCIDENT PREVENTION STANDARDS.—The Environmental Protection Agency, the Department of Justice, and other appropriate agencies may provide technical assistance to owners and operators of stationary sources and participate in the development of voluntary industry standards that will help achieve the objectives set forth in paragraph (1).

“(x) EFFECT ON STATE OR LOCAL LAW.—

“(I) IN GENERAL.—Subject to subclause (II), this subparagraph (including the regulations promulgated under this subparagraph) shall supersede any provision of State or local law that is inconsistent with this subparagraph (including the regulations).

“(II) AVAILABILITY OF INFORMATION UNDER STATE LAW.—Nothing in this subparagraph precludes a State from making available data on the off-site consequences of chemical releases collected in accordance with State law.

“(xi) REPORT.—

Deadline.

“(I) IN GENERAL.—Not later than 3 years after the date of enactment of this subparagraph, the Attorney General, in consultation with appropriate State, local, and Federal Government agencies, affected industry, and the public, shall submit to Congress a report that describes the extent to which regulations promulgated under this paragraph have resulted in actions, including the design and maintenance of safe facilities, that are effective in detecting, preventing, and minimizing the consequences of releases of regulated substances that may be caused by criminal activity. As part of this report, the Attorney General, using available data to the extent possible, and a sampling of covered stationary sources selected at the discretion of the Attorney General, and in consultation with appropriate State, local, and Federal governmental agencies, affected industry, and the public, shall review the vulnerability of covered stationary sources to criminal and terrorist activity, current industry practices regarding site security, and security of transportation of regulated substances. The Attorney General shall submit this report, containing the results of the review, together with recommendations, if any, for reducing vulnerability of covered stationary sources to criminal and terrorist activity, to the Committee on Commerce of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate and other relevant committees of Congress.

Deadline.

“(II) INTERIM REPORT.—Not later than 12 months after the date of enactment of this subparagraph, the Attorney General shall submit to the Committee on Commerce of the United States House of Representatives and the Committee on Environment and Public Works of the United States Senate, and other relevant committees of Congress, an interim report that includes, at a minimum—

“(aa) the preliminary findings under subclause (I);

“(bb) the methods used to develop the findings; and

“(cc) an explanation of the activities expected to occur that could cause the findings of the report under subclause (I) to be different than the preliminary findings.

“(III) AVAILABILITY OF INFORMATION.—Information that is developed by the Attorney General or requested by the Attorney General and received from a covered stationary source for the purpose of conducting the review under subclauses (I) and (II) shall be exempt from disclosure under section 552 of title 5, United States Code, if such information would pose a threat to national security.

“(xii) SCOPE.—This subparagraph—

“(I) applies only to covered persons; and

“(II) does not restrict the dissemination of off-site consequence analysis information by any covered person in any manner or form except in the form of a risk management plan or an electronic data base created by the Administrator from off-site consequence analysis information.

“(xiii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator and the Attorney General such sums as are necessary to carry out this subparagraph (including the regulations promulgated under clause (ii)), to remain available until expended.”.

(b) REPORTS.—

(1) DEFINITION OF ACCIDENTAL RELEASE.—In this subsection, the term “accidental release” has the meaning given the term in section 112(r)(2) of the Clean Air Act (42 U.S.C. 7412(r)(2)).

42 USC 7412  
note.

(2) REPORT ON STATUS OF CERTAIN AMENDMENTS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the status of the development of amendments to the National Fire Protection Association Code for Liquefied Petroleum Gas that will result in the provision of information to local emergency response personnel concerning the off-site effects of accidental releases of substances exempted from listing under section 112(r)(4)(B) of the Clean Air Act (as added by section 3).

Deadline.

(3) REPORT ON COMPLIANCE WITH CERTAIN INFORMATION SUBMISSION REQUIREMENTS.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

Deadline.

(A) describes the level of compliance with Federal and State requirements relating to the submission to local emergency response personnel of information intended to help the local emergency response personnel respond to chemical accidents or related environmental or public health threats; and

(B) contains an analysis of the adequacy of the information required to be submitted and the efficacy of the methods for delivering the information to local emergency response personnel.

(c) REEVALUATION OF REGULATIONS.—The President shall reevaluate the regulations promulgated under this section within 6 years after the enactment of this Act. If the President determines not to modify such regulations, the President shall publish a notice in the Federal Register stating that such reevaluation has been

President.  
Deadline.  
42 USC 7412  
note.

completed and that a determination has been made not to modify the regulations. Such notice shall include an explanation of the basis of such decision.

42 USC 7412  
note.  
Deadline.

**SEC. 4. PUBLIC MEETING DURING MORATORIUM PERIOD.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, each owner or operator of a stationary source covered by section 112(r)(7)(B)(ii) of the Clean Air Act shall convene a public meeting, after reasonable public notice, in order to describe and discuss the local implications of the risk management plan submitted by the stationary source pursuant to section 112(r)(7)(B)(iii) of the Clean Air Act, including a summary of the off-site consequence analysis portion of the plan. Two or more stationary sources may conduct a joint meeting. In lieu of conducting such a meeting, small business stationary sources as defined in section 507(c)(1) of the Clean Air Act may comply with this section by publicly posting a summary of the off-site consequence analysis information for their facility not later than 180 days after the enactment of this Act. Not later than 10 months after the date of enactment of this Act, each such owner or operator shall send a certification to the director of the Federal Bureau of Investigation stating that such meeting has been held, or that such summary has been posted, within 1 year prior to, or within 6 months after, the date of the enactment of this Act. This section shall not apply to sources that employ only Program 1 processes within the meaning of regulations promulgated under section 112(r)(7)(B)(i) of the Clean Air Act.

Certification.

(b) **ENFORCEMENT.**—The Administrator of the Environmental Protection Agency may bring an action in the appropriate United States district court against any person who fails or refuses to comply with the requirements of this section, and such court may issue such orders, and take such other actions, as may be necessary to require compliance with such requirements.

Approved Aug. 5, 1999.

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**LEGISLATIVE HISTORY—S. 880:**

SENATE REPORTS: No. 106-70 (Comm. on Environment and Public Works).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

June 23, considered and passed Senate.  
July 21, considered and passed House, amended.  
Aug. 2, Senate concurred in House amendments.



Public Law 106–41  
106th Congress

An Act

To direct the Secretary of Agriculture to complete a land exchange with Georgia Power Company.

Aug. 5, 1999  
[S. 604]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Lake Oconee  
Land Exchange  
Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Lake Oconee Land Exchange Act”.

**SEC. 2. LAKE OCONEE LAND EXCHANGE.**

(a) **DEFINITIONS.**—In this section:

(1) **DESCRIPTION OF THE BOUNDARY.**—The term “description of the boundary” means the documents entitled “Description of the Boundary” dated September 6, 1996, prepared by the Forest Service and on file with the Secretary.

(2) **EXCHANGE AGREEMENT.**—The term “exchange agreement” means the agreement between Georgia Power Company and the Forest Service dated December 26, 1996, as amended on August 17, 1998, on file with the Secretary.

(3) **GEORGIA POWER COMPANY.**—The term “Georgia Power Company” means Georgia Power Company, a division of the Southern Company, a Georgia corporation, or its successors or assigns.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(b) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—Simultaneously with conveyance by Georgia Power Company to the Secretary of all right, title, and interest in and to the land described in paragraph (2), the Secretary shall—

(A) convey to Georgia Power Company all right, title, and interest in and to the land described in paragraph (3), except as provided in the exchange agreement; and

(B) make a value equalization payment of \$23,250 to Georgia Power Company.

(2) **LAND TO BE CONVEYED TO THE SECRETARY.**—The land described in this paragraph is the land within or near the Chattahoochee National Forest and Oconee National Forest in the State of Georgia, comprising approximately 1,175.46 acres, described in the exchange agreement and the description of the boundary.

(3) **LAND TO BE CONVEYED TO GEORGIA POWER COMPANY.**—The land described in this paragraph is the land in the State

of Georgia, comprising approximately 1,275.80 acres, described in the exchange agreement and the description of the boundary.

(c) PARTIAL REVOCATION OF WITHDRAWALS.—

(1) IN GENERAL.—The orders issued by the Federal Energy Regulatory Commission under section 24 of the Federal Power Act (16 U.S.C. 818), authorizing Power Project Numbers 2413 and 2354, issued August 6, 1969, and October 1, 1996, respectively, are revoked insofar as the orders affect the land described in subsection (b)(3).

(2) NO ANNUAL CHARGE.—No interest conveyed to Georgia Power Company or easement right retained by Georgia Power Company under this section shall be subject to an annual charge for the purpose of compensating the United States for the use of its land for power purposes.

Approved Aug. 5, 1999.

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LEGISLATIVE HISTORY—S. 604:

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 28, considered and passed Senate.

July 26, considered and passed House.



Public Law 106–42  
106th Congress

An Act

To authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.

Aug. 5, 1999  
[S. 1258]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Patent Fee Integrity and Innovation Protection Act of 1999”.

Patent Fee  
Integrity and  
Innovation  
Protection Act of  
1999.

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be made available for the payment of salaries and necessary expenses of the Patent and Trademark Office in fiscal year 2000, \$116,000,000 from fees collected in fiscal year 1999 and such fees as are collected in fiscal year 2000 pursuant to title 35, United States Code, and the Trademark Act of 1946 (15 U.S.C. 1051 et seq.), except that the Commissioner is not authorized to charge and collect fees to cover the accrued indirect personnel costs associated with post-retirement health and life insurance of officers and employees of the Patent and Trademark Office other than those charged and collected pursuant to title 35, United States Code, and the Trademark Act of 1946.

**SEC. 3. EFFECTIVE DATE.**

This Act shall take effect on October 1, 1999.

Approved Aug. 5, 1999.

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**LEGISLATIVE HISTORY—S. 1258:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
July 1, considered and passed Senate.  
July 26, considered and passed House.



Public Law 106-43  
105th Congress

An Act

Aug. 5, 1999  
[S. 1259]

To amend the Trademark Act of 1946 relating to dilution of famous marks, and for other purposes.

Trademark  
Amendments Act  
of 1999.  
15 USC 1051  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Trademark Amendments Act of 1999”.

**SEC. 2. DILUTION AS A GROUNDS FOR OPPOSITION AND CANCELLATION.**

(a) **REGISTRABLE MARKS.**—Section 2 of the Act entitled “An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes” (in this Act referred to as the “Trademark Act of 1946”) (15 U.S.C. 1052) is amended by adding at the end the following flush sentences: “A mark which when used would cause dilution under section 43(c) may be refused registration only pursuant to a proceeding brought under section 13. A registration for a mark which when used would cause dilution under section 43(c) may be canceled pursuant to a proceeding brought under either section 14 or section 24.”.

(b) **OPPOSITION.**—Section 13(a) of the Trademark Act of 1946 (15 U.S.C. 1063(a)) is amended in the first sentence by inserting “, including as a result of dilution under section 43(c),” after “principal register”.

(c) **PETITIONS TO CANCEL REGISTRATIONS.**—Section 14 of the Trademark Act of 1946 (15 U.S.C. 1064) is amended in the matter preceding paragraph (1) by inserting “, including as a result of dilution under section 43(c),” after “damaged”.

(d) **CANCELLATION.**—Section 24 of the Trademark Act of 1946 (15 U.S.C. 1092) is amended in the second sentence by inserting “, including as a result of dilution under section 43(c),” after “register”.

15 USC 1052  
note.

(e) **EFFECTIVE DATE AND APPLICATION.**—The amendments made by this section shall take effect on the date of enactment of this Act and shall apply only to any application for registration filed on or after January 16, 1996.

**SEC. 3. REMEDIES IN CASES OF DILUTION OF FAMOUS MARKS.**

(a) **INJUNCTIONS.**—(1) Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking “section 43(a)” and inserting “subsection (a) or (c) of section 43”.



(2) Section 43(c)(2) of the Trademark Act of 1946 (15 U.S.C. 1125(c)(2)) is amended in the first sentence by inserting “as set forth in section 34” after “relief”.

(b) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by striking “or a violation under section 43(a),” and inserting “a violation under section 43(a), or a willful violation under section 43(c),”.

(c) DESTRUCTION OF ARTICLES.—Section 36 of the Trademark Act of 1946 (15 U.S.C. 1118) is amended in the first sentence—

(1) by striking “or a violation under section 43(a),” and inserting “a violation under section 43(a), or a willful violation under section 43(c),”; and

(2) by inserting after “in the case of a violation of section 43(a)” the following: “or a willful violation under section 43(c)”.

#### SEC. 4. LIABILITY OF GOVERNMENTS FOR TRADEMARK INFRINGEMENT AND DILUTION.

(a) CIVIL ACTIONS.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended in the last undesignated paragraph in paragraph (1)—

(1) in the first sentence by inserting after “includes” the following: “the United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, or other persons acting for the United States and with the authorization and consent of the United States, and”; and

(2) in the second sentence by striking “Any” and inserting “The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, and any”.

(b) WAIVER OF SOVEREIGN IMMUNITY.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking “SEC. 40. (a) Any State” and inserting the following:

“SEC. 40. (a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—The United States, all agencies and instrumentalities thereof, and all individuals, firms, corporations, other persons acting for the United States and with the authorization and consent of the United States, shall not be immune from suit in Federal or State court by any person, including any governmental or non-governmental entity, for any violation under this Act.

“(b) WAIVER OF SOVEREIGN IMMUNITY BY STATES.—Any State”; and

(3) in the first sentence of subsection (c), as so redesignated—

(A) by striking “subsection (a) for a violation described in that subsection” and inserting “subsection (a) or (b) for a violation described therein”; and

(B) by inserting after “other than” the following: “the United States or any agency or instrumentality thereof, or any individual, firm, corporation, or other person acting for the United States and with authorization and consent of the United States, or”.

(c) DEFINITION.—Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting between the 2 paragraphs relating to the definition of “person” the following:

“The term ‘person’ also includes the United States, any agency or instrumentality thereof, or any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States. The United States, any agency or instrumentality thereof, and any individual, firm, or corporation acting for the United States and with the authorization and consent of the United States, shall be subject to the provisions of this Act in the same manner and to the same extent as any nongovernmental entity.”.

**SEC. 5. CIVIL ACTIONS FOR TRADE DRESS INFRINGEMENT.**

Section 43(a) of the Trademark Act of 1946 (15 U.S.C. 1125(a)) is amended by adding at the end the following:

“(3) In a civil action for trade dress infringement under this Act for trade dress not registered on the principal register, the person who asserts trade dress protection has the burden of proving that the matter sought to be protected is not functional.”.

**SEC. 6. TECHNICAL AMENDMENTS.**

(a) ASSIGNMENT OF MARKS.—Section 10 of the Trademark Act of 1946 (15 U.S.C. 1060) is amended—

(1) by striking “subsequent purchase” in the second to last sentence and inserting “assignment”;

(2) in the first sentence by striking “mark,” and inserting “mark.”; and

(3) in the third sentence by striking the second period at the end.

(b) ADDITIONAL CLERICAL AMENDMENTS.—The text and title of the Trademark Act of 1946 are amended by striking “trade-marks” each place it appears and inserting “trademarks”.

15 USC 1051  
note, 1053, 1054,  
1091, 1124, 1126,  
1127.

Approved Aug. 5, 1999.

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**LEGISLATIVE HISTORY—S. 1259:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.

July 26, considered and passed House.



Public Law 106–44  
106th Congress

An Act

To make technical corrections in title 17, United States Code, and other laws.

Aug. 5, 1999

[S. 1260]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Copyrights.

**SECTION 1. TECHNICAL CORRECTIONS TO TITLE 17, UNITED STATES CODE.**

(a) EXEMPTION OF CERTAIN PERFORMANCES AND DISPLAYS ON EXCLUSIVE RIGHTS.—Section 110(5) of title 17, United States Code, is amended—

(1) by striking “(A) a direct charge” and inserting “(i) a direct charge”; and

(2) by striking “(B) the transmission” and inserting “(ii) the transmission”.

(b) EPHEMERAL RECORDINGS.—Section 112(e) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively;

(2) in paragraph (3), as so redesignated, by striking “(2)” and inserting “(1)”;

(3) in paragraph (4), as so redesignated—

(A) by striking “(3)” and inserting “(2)”;

(B) by striking “(4)” and inserting “(3)”;

(C) by striking “(6)” and inserting “(5)”;

(D) by striking “(3) and (4)” and inserting “(2) and (3)”;

(4) in paragraph (6), as so redesignated—

(A) by striking “(4)” each place it appears and inserting “(3)”;

(B) by striking “(5)” each place it appears and inserting “(4)”.

(c) DETERMINATION OF REASONABLE LICENSE FEES FOR INDIVIDUAL PROPRIETORS.—Chapter 5 of title 17, United States Code, is amended—

(1) by redesignating the section 512 entitled “**Determination of reasonable license fees for individual proprietors**” as section 513 and placing such section after the section 512 entitled “**Limitations on liability relating to material online**”; and

(2) in the table of sections at the beginning of that chapter by striking

“512. Determination of reasonable license fees for individual proprietors.”

and inserting

“513. Determination of reasonable license fees for individual proprietors.”

and placing that item after the item entitled

“512. Limitations on liability relating to material online.”.

(d) ONLINE COPYRIGHT INFRINGEMENT LIABILITY.—Section 512 of title 17, United States Code, is amended—

(1) in subsection (e)—

(A) by amending the caption to read as follows:

“(e) LIMITATION ON LIABILITY OF NONPROFIT EDUCATIONAL INSTITUTIONS.—”; and

(B) in paragraph (2), by striking “INJUNCTIONS.—”; and

(2) in paragraph (3) of subsection (j), by amending the caption to read as follows:

“(3) NOTICE AND EX PARTE ORDERS.—”.

(e) INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION.—Section 1202(e)(2)(B) of title 17, United States Code, is amended by striking “category or works” and inserting “category of works”.

(f) PROTECTION OF DESIGNS.—(1) Section 1302(5) of title 17, United States Code, is amended by striking “1 year” and inserting “2 years”.

(2) Section 1320(c) of title 17, United States Code, is amended in the subsection caption by striking “ACKNOWLEDGEMENT” and inserting “ACKNOWLEDGMENT”.

(g) MISCELLANEOUS CLERICAL AMENDMENTS.—

(1) Section 101 of title 17, United States Code, is amended—

(A) by transferring and inserting the definition of “United States work” after the definition of “United States”; and

(B) in the definition of “proprietor”, by striking “A ‘proprietor’” and inserting “For purposes of section 513, a ‘proprietor’”.

(2) Section 106 of title 17, United States Code, is amended by striking “120” and inserting “121”.

(3) Section 118(e) of title 17, United States Code, is amended—

(A) by striking “subsection (b).” and all that follows through “Owners” and inserting “subsection (b). Owners”; and

(B) by striking paragraph (2).

(4) Section 119(a)(8)(C)(ii) of title 17, United States Code, is amended by striking “network’s station” and inserting “network station’s”.

(5) Section 501(a) of title 17, United States Code, is amended by striking “118” and inserting “121”.

(6) Section 511(a) of title 17, United States Code, is amended by striking “119” and inserting “121”.

**SEC. 2. OTHER TECHNICAL CORRECTIONS.**

(a) CLERICAL AMENDMENT TO TITLE 28, U.S.C.—The section heading for section 1400 of title 28, United States Code, is amended to read as follows:

**“§ 1400. Patents and copyrights, mask works, and designs”.**

(b) ELIMINATION OF CONFLICTING PROVISION.—Section 5316 of title 5, United States Code, is amended by striking “Commissioner of Patents, Department of Commerce.”.

(c) CLERICAL CORRECTION TO TITLE 35, U.S.C.—Section 3(d) of title 35, United States Code, is amended by striking “, United States Code”.

Approved Aug. 5, 1999.

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**LEGISLATIVE HISTORY—S. 1260 (H.R. 1189):**

HOUSE REPORTS: No. 106–84 accompanying H.R. 1189 (Comm. on the Judiciary).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.  
July 26, considered and passed House.



Public Law 106–45  
106th Congress

An Act

Aug. 10, 1999  
[H.R. 66]

To preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance.

Historic  
preservation.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITIONS.**

In this Act, the following definitions apply:

(1) ROUTE 66 CORRIDOR.—The term “Route 66 corridor” means structures and other cultural resources described in paragraph (3), including—

(A) lands owned by the Federal Government and lands owned by a State or local government within the immediate vicinity of those portions of the highway formerly designated as United States Route 66; and

(B) private land within that immediate vicinity that is owned by persons or entities that are willing to participate in the programs authorized by this Act.

(2) CULTURAL RESOURCE PROGRAMS.—The term “Cultural Resource Programs” means the programs established and administered by the National Park Service for the benefit of and in support of preservation of the Route 66 corridor, either directly or indirectly.

(3) PRESERVATION OF THE ROUTE 66 CORRIDOR.—The term “preservation of the Route 66 corridor” means the preservation or restoration of structures or other cultural resources of businesses, sites of interest, and other contributing resources that—

(A) are located within the land described in paragraph (1);

(B) existed during the route’s period of outstanding historic significance (principally between 1926 and 1970), as defined by the study prepared by the National Park Service and entitled “Special Resource Study of Route 66”, dated July 1995; and

(C) remain in existence as of the date of the enactment of this Act.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Cultural Resource Programs at the National Park Service.

(5) STATE.—The term “State” means a State in which a portion of the Route 66 corridor is located.

**SEC. 2. MANAGEMENT.**

16 USC 461 note.

Guidelines.

(a) **IN GENERAL.**—The Secretary, in collaboration with the entities described in subsection (c), shall facilitate the development of guidelines and a program of technical assistance and grants that will set priorities for the preservation of the Route 66 corridor.

(b) **DESIGNATION OF OFFICIALS.**—The Secretary shall designate officials of the National Park Service stationed at locations convenient to the States to perform the functions of the Cultural Resource Programs under this Act.

(c) **GENERAL FUNCTIONS.**—The Secretary shall—

(1) support efforts of State and local public and private persons, nonprofit Route 66 preservation entities, Indian tribes, State Historic Preservation Offices, and entities in the States for the preservation of the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants;

(2) act as a clearinghouse for communication among Federal, State, and local agencies, nonprofit Route 66 preservation entities, Indian tribes, State historic preservation offices, and private persons and entities interested in the preservation of the Route 66 corridor; and

(3) assist the States in determining the appropriate form of and establishing and supporting a non-Federal entity or entities to perform the functions of the Cultural Resource Programs after those programs are terminated.

(d) **AUTHORITIES.**—In carrying out this Act, the Secretary may—

(1) enter into cooperative agreements, including (but not limited to) cooperative agreements for study, planning, preservation, rehabilitation, and restoration related to the Route 66 corridor;

(2) accept donations of funds, equipment, supplies, and services as appropriate;

(3) provide cost-share grants for projects for the preservation of the Route 66 corridor (but not to exceed 50 percent of total project costs) and information about existing cost-share opportunities;

(4) provide technical assistance in historic preservation and interpretation of the Route 66 corridor; and

(5) coordinate, promote, and stimulate research by other persons and entities regarding the Route 66 corridor.

(e) **PRESERVATION ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary shall provide assistance in the preservation of the Route 66 corridor in a manner that is compatible with the idiosyncratic nature of the Route 66 corridor.

(2) **PLANNING.**—The Secretary shall not prepare or require preparation of an overall management plan for the Route 66 corridor, but shall cooperate with the States and local public and private persons and entities, State historic preservation offices, nonprofit Route 66 preservation entities, and Indian tribes in developing local preservation plans to guide efforts to protect the most important or representative resources of the Route 66 corridor.

16 USC 461 note. **SEC. 3. RESOURCE TREATMENT.**

(a) **TECHNICAL ASSISTANCE PROGRAM.**—

(1) **PROGRAM REQUIRED.**—The Secretary shall develop a program of technical assistance in the preservation of the Route 66 corridor and interpretation of the Route 66 corridor.

(2) **PROGRAM GUIDELINES.**—As part of the technical assistance program under paragraph (1), the Secretary shall establish guidelines for setting priorities for preservation needs for the Route 66 corridor. The Secretary shall base the guidelines on the Secretary's standards for historic preservation.

(b) **PROGRAM FOR COORDINATION OF ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary shall coordinate a program of historic research, curation, preservation strategies, and the collection of oral and video histories of events that occurred along the Route 66 corridor.

(2) **DESIGN.**—The program under paragraph (1) shall be designed for continuing use and implementation by other organizations after the Cultural Resource Programs are terminated.

16 USC 461 note. **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$10,000,000 for the period of fiscal years 2000 through 2009 to carry out the purposes of this Act.

Approved August 10, 1999.

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**LEGISLATIVE HISTORY—H.R. 66 (S. 292):**

HOUSE REPORTS: No. 106–137 (Comm. on Resources).

SENATE REPORTS: No. 106–20 accompanying S. 292 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 30, considered and passed House.

July 27, considered and passed Senate.





Public Law 106–46  
106th Congress

An Act

To clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States.

Aug. 11, 1999  
[H.R. 2565]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLARIFICATION OF QUORUM REQUIREMENT FOR THE EXPORT-IMPORT BANK OF THE UNITED STATES.**

(a) IN GENERAL.—Section 3(c)(6) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)(6)) is amended to read as follows:

“(6) A quorum of the Board of Directors shall consist of at least three members.”.

(b) EXCEPTION.—Notwithstanding section 3(c)(6) of the Export-Import Bank Act of 1945, if, during the period that begins on July 21, 1999, and ends on October 1, 1999, there are fewer than three persons holding office on the Board of Directors of the Export-Import Bank of the United States, the entire membership of such Board of Directors shall constitute a quorum until the end of such period.

12 USC 635a  
note.

Approved August 11, 1999.

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LEGISLATIVE HISTORY—H.R. 2565:

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 26, considered and passed House.

Aug. 5, considered and passed Senate.



Public Law 106–47  
106th Congress

An Act

Aug. 13, 1999  
[S. 1543]

To amend the Agricultural Adjustment Act of 1938 to release and protect the release of tobacco production and marketing information.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TOBACCO PRODUCTION AND MARKETING INFORMATION.**

Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

7 USC 1314j.

**“SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

“(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

“(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

“(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

“(c) ASSISTANCE.—

“(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

“(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

“(d) RECORDS.—

“(1) IN GENERAL.—A person that obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

“(2) PENALTY.—A person that knowingly violates this subsection shall be fined not more than \$10,000, imprisoned not more than 1 year, or both.

“(e) APPLICATION.—This section shall not apply to—

“(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

“(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

“(3) records that aggregate the purchases of particular buyers.”.

Approved August 13, 1999.

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LEGISLATIVE HISTORY—S. 1543:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed Senate and House.



Public Law 106–48  
106th Congress

An Act

Aug. 17, 1999  
[H.R. 211]

To designate the Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the “Thomas S. Foley United States Courthouse”, and the plaza at the south entrance of such building and courthouse as the “Walter F. Horan Plaza”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF COURTHOUSE.**

(a) DESIGNATION.—The Federal building and United States courthouse located at 920 West Riverside Avenue in Spokane, Washington, shall be known and designated as the “Thomas S. Foley United States Courthouse”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in subsection (a) shall be deemed to be a reference to the “Thomas S. Foley United States Courthouse”.

**SEC. 2. DESIGNATION OF PLAZA.**

(a) DESIGNATION.—The plaza located at the south entrance of the Federal building and United States courthouse referred to in section 1(a) shall be known and designated as the “Walter F. Horan Plaza”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the plaza referred to in subsection (a) shall be deemed to be a reference to the “Walter F. Horan Plaza”.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—H.R. 211 (S. 392):

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Aug. 5, considered and passed Senate.



Public Law 106–49  
106th Congress

An Act

To amend the Miller Act, relating to payment protections for persons providing labor and materials for Federal construction projects.

Aug. 17, 1999  
[H.R. 1219]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Construction Industry Payment Protection Act of 1999”.

Construction  
Industry  
Payment  
Protection Act of  
1999.  
40 USC 270a  
note.

**SEC. 2. AMENDMENTS TO THE MILLER ACT.**

(a) **ENHANCEMENT OF PAYMENT BOND PROTECTION.**—Subsection (a)(2) of the first section of the Miller Act (40 U.S.C. 270a(a)(2)) is amended by striking the second, third, and fourth sentences and inserting in lieu thereof the following: “The amount of the payment bond shall be equal to the total amount payable by the terms of the contract unless the contracting officer awarding the contract makes a written determination supported by specific findings that a payment bond in that amount is impractical, in which case the amount of the payment bond shall be set by the contracting officer. In no case shall the amount of the payment bond be less than the amount of the performance bond.”.

(b) **MODERNIZATION OF DELIVERY OF NOTICE.**—Section 2(a) of the Miller Act (40 U.S.C. 270b(a)) is amended in the last sentence by striking “mailing the same by registered mail, postage prepaid, in an envelope addressed” and inserting “any means which provides written, third-party verification of delivery.”.

(c) **NONWAIVER OF RIGHTS.**—The second section of the Miller Act (40 U.S.C. 270b) is amended by adding at the end the following new subsection:

“(c) Any waiver of the right to sue on the payment bond required by this Act shall be void unless it is in writing, signed by the person whose right is waived, and executed after such person has first furnished labor or material for use in the performance of the contract.”.

**SEC. 3. IMPLEMENTATION THROUGH THE GOVERNMENT-WIDE PROCUREMENT REGULATIONS.**

Deadlines.

(a) **PROPOSED REGULATIONS.**—Proposed revisions to the Government-wide Federal Acquisition Regulation to implement the amendments made by this Act shall be published not later than 120 days after the date of the enactment of this Act and provide not less than 60 days for public comment.

40 USC 270a  
note.

(b) FINAL REGULATIONS.—Final regulations shall be published not less than 180 days after the date of the enactment of this Act and shall be effective on the date that is 30 days after the date of publication.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—H.R. 1219:

HOUSE REPORTS: No. 106–277, Pt. 1 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Aug. 5, considered and passed Senate.



Public Law 106–50  
106th Congress

An Act

To provide technical, financial, and procurement assistance to veteran owned small businesses, and for other purposes.

Aug. 17, 1999  
[H.R. 1568]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Veterans Entrepreneurship and Small Business Development Act of 1999”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.  
Sec. 2. Table of contents.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Findings.  
Sec. 102. Purpose.  
Sec. 103. Definitions.

TITLE II—VETERANS BUSINESS DEVELOPMENT

- Sec. 201. Veterans business development in the Small Business Administration.  
Sec. 202. National Veterans Business Development Corporation.  
Sec. 203. Advisory Committee on Veterans Business Affairs.

TITLE III—TECHNICAL ASSISTANCE

- Sec. 301. SCORE program.  
Sec. 302. Entrepreneurial assistance.  
Sec. 303. Business development and management assistance for military reservists’ small businesses.

TITLE IV—FINANCIAL ASSISTANCE

- Sec. 401. General business loan program.  
Sec. 402. Assistance to active duty military reservists.  
Sec. 403. Microloan program.  
Sec. 404. Defense Economic Transition Loan Program.  
Sec. 405. State development company program.

TITLE V—PROCUREMENT ASSISTANCE

- Sec. 501. Subcontracting.  
Sec. 502. Participation in Federal procurement.

TITLE VI—REPORTS AND DATA COLLECTION

- Sec. 601. Reporting requirements.  
Sec. 602. Report on small business and competition.  
Sec. 603. Annual report of the Administrator.  
Sec. 604. Data and information collection.

TITLE VII—MISCELLANEOUS PROVISIONS

- Sec. 701. Administrator’s order.  
Sec. 702. Small Business Administration Office of Advocacy.  
Sec. 703. Study of fixed-asset small business loans.

Veterans  
Entre-  
preneurship and  
Small Business  
Development Act  
of 1999.  
15 USC 631 note.

## TITLE I—GENERAL PROVISIONS

15 USC 657b  
note.

### SEC. 101. FINDINGS.

Congress finds the following:

(1) Veterans of the United States Armed Forces have been and continue to be vital to the small business enterprises of the United States.

(2) In serving the United States, veterans often faced great risks to preserve the American dream of freedom and prosperity.

(3) The United States has done too little to assist veterans, particularly service-disabled veterans, in playing a greater role in the economy of the United States by forming and expanding small business enterprises.

(4) Medical advances and new medical technologies have made it possible for service-disabled veterans to play a much more active role in the formation and expansion of small business enterprises in the United States.

(5) The United States must provide additional assistance and support to veterans to better equip them to form and expand small business enterprises, thereby enabling them to realize the American dream that they fought to protect.

15 USC 657b  
note.

### SEC. 102. PURPOSE.

The purpose of this Act is to expand existing and establish new assistance programs for veterans who own or operate small businesses. This Act accomplishes this purpose by—

(1) expanding the eligibility for certain small business assistance programs to include veterans;

(2) directing certain departments and agencies of the United States to take actions that enhance small business assistance to veterans; and

(3) establishing new institutions to provide small business assistance to veterans or to support the institutions that provide such assistance.

### SEC. 103. DEFINITIONS.

(a) SMALL BUSINESS ACT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(q) DEFINITIONS RELATING TO VETERANS.—In this Act, the following definitions apply:

“(1) SERVICE-DISABLED VETERAN.—The term ‘service-disabled veteran’ means a veteran with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code).

“(2) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The term ‘small business concern owned and controlled by service-disabled veterans’ means a small business concern—

“(A) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

“(B) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and



severe disability, the spouse or permanent caregiver of such veteran.

“(3) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS.—The term ‘small business concern owned and controlled by veterans’ means a small business concern—

“(A) not less than 51 percent of which is owned by one or more veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

“(B) the management and daily business operations of which are controlled by one or more veterans.

“(4) VETERAN.—The term ‘veteran’ has the meaning given the term in section 101(2) of title 38, United States Code.”.

(b) APPLICABILITY TO THIS ACT.—In this Act, the definitions contained in section 3(q) of the Small Business Act, as added by this section, apply. 15 USC 657b note.

## TITLE II—VETERANS BUSINESS DEVELOPMENT

### SEC. 201. VETERANS BUSINESS DEVELOPMENT IN THE SMALL BUSINESS ADMINISTRATION.

(a) IN GENERAL.—Section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)) is amended—

(1) in the fifth sentence, by striking “four Associate Administrators” and inserting “five Associate Administrators”; and

(2) by inserting after the fifth sentence the following: “One such Associate Administrator shall be the Associate Administrator for Veterans Business Development, who shall administer the Office of Veterans Business Development established under section 32.”.

(b) OFFICE OF VETERANS BUSINESS DEVELOPMENT; ASSOCIATE ADMINISTRATOR.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 32 as section 34; and

(2) by inserting after section 31 the following:

15 USC 631 note.

### “SEC. 32. VETERANS PROGRAMS.

15 USC 657b.

“(a) OFFICE OF VETERANS BUSINESS DEVELOPMENT.—There is established in the Administration an Office of Veterans Business Development, which shall be administered by the Associate Administrator for Veterans Business Development (in this section referred to as the ‘Associate Administrator’) appointed under section 4(b)(1).

Establishment.

“(b) ASSOCIATE ADMINISTRATOR FOR VETERANS BUSINESS DEVELOPMENT.—The Associate Administrator—

“(1) shall be an appointee in the Senior Executive Service;

“(2) shall be responsible for the formulation, execution, and promotion of policies and programs of the Administration that provide assistance to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans. The Associate Administrator shall act as an ombudsman for full consideration of veterans in all programs of the Administration; and

“(3) shall report to and be responsible directly to the Administrator.”.

**SEC. 202. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) **IN GENERAL.**—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 32 (as added by this Act) the following:

15 USC 657c.

**“SEC. 33. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

“(a) **ESTABLISHMENT.**—There is established a federally chartered corporation to be known as the National Veterans Business Development Corporation (in this section referred to as the ‘Corporation’) which shall be incorporated under the laws of the District of Columbia and which shall have the powers granted in this section.

“(b) **PURPOSES OF THE CORPORATION.**—The purposes of the Corporation shall be—

“(1) to expand the provision of and improve access to technical assistance regarding entrepreneurship for the Nation’s veterans; and

“(2) to assist veterans, including service-disabled veterans, with the formation and expansion of small business concerns by working with and organizing public and private resources, including those of the Small Business Administration, the Department of Veterans Affairs, the Department of Labor, the Department of Commerce, the Department of Defense, the Service Corps of Retired Executives (described in section 8(b)(1)(B) of this Act), the Small Business Development Centers (described in section 21 of this Act), and the business development staffs of each department and agency of the United States.

“(c) **BOARD OF DIRECTORS.**—

“(1) **IN GENERAL.**—The management of the Corporation shall be vested in a Board of Directors composed of nine voting members and three nonvoting ex officio members.

President.

“(2) **APPOINTMENT OF VOTING MEMBERS.**—The President shall, after considering recommendations which shall be proposed by the Chairmen and Ranking Members of the Committees on Small Business and the Committees on Veterans Affairs of the House of Representatives and the Senate, appoint United States citizens to be voting members of the Board, not more than five of whom shall be members of the same political party.

“(3) **EX OFFICIO MEMBERS.**—The Administrator of the Small Business Administration, the Secretary of Defense, and the Secretary of Veterans Affairs shall serve as the nonvoting ex officio members of the Board of Directors.

Deadline.

“(4) **INITIAL APPOINTMENTS.**—The initial members of the Board of Directors shall be appointed not later than 60 days after the date of enactment of this Act.

“(5) **CHAIRPERSON.**—The members of the Board of Directors appointed under paragraph (2) shall elect one such member to serve as chairperson of the Board of Directors for a term of 2 years.

“(6) **TERMS OF APPOINTED MEMBERS.**—

“(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve a term of 6 years, except as provided in subparagraph (B).

“(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

“(i) three shall be for a term of 2 years; and

“(ii) three shall be for a term of 4 years.

“(C) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of the term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(7) VACANCIES.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made. In the case of a vacancy in the office of the Administrator of the Small Business Administration or the Secretary of Veterans Affairs, and pending the appointment of a successor, an acting appointee for such vacancy may serve as an ex officio member.

“(8) INELIGIBILITY FOR OTHER OFFICES.—No voting member of the Board of Directors may be an officer or employee of the United States while serving as a member of the Board of Directors or during the 2-year period preceding such service.

“(9) IMPARTIALITY AND NONDISCRIMINATION.—The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination.

“(10) OBLIGATIONS AND EXPENSES.—The Board of Directors shall prescribe the manner in which the obligations of the Corporation may be incurred and in which its expenses shall be allowed and paid.

“(11) QUORUM.—Five voting members of the Board of Directors shall constitute a quorum, but a lesser number may hold hearings.

“(d) CORPORATE POWERS.—On October 1, 1999, the Corporation shall become a body corporate and as such shall have the authority to do the following:

Effective date.

“(1) To adopt and use a corporate seal.

“(2) To have succession until dissolved by an Act of Congress.

“(3) To make contracts or grants.

“(4) To sue and be sued, and to file and defend against lawsuits in State or Federal court.

“(5) To appoint, through the actions of its Board of Directors, officers and employees of the Corporation, to define their duties and responsibilities, fix their compensations, and to dismiss at will such officers or employees.

“(6) To prescribe, through the actions of its Board of Directors, bylaws not inconsistent with Federal law and the law of the State of incorporation, regulating the manner in which its general business may be conducted and the manner in which the privileges granted to it by law may be exercised.

“(7) To exercise, through the actions of its Board of Directors or duly authorized officers, all powers specifically granted

by the provisions of this section, and such incidental powers as shall be necessary.

“(8) To solicit, receive, and disburse funds from private, Federal, State and local organizations.

“(9) To accept and employ or dispose of in furtherance of the purposes of this section any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise.

“(10) To accept voluntary and uncompensated services.

“(e) CORPORATE FUNDS.—

“(1) DEPOSIT OF FUNDS.—The Board of Directors shall deposit all funds of the Corporation in federally chartered and insured depository institutions until such funds are disbursed under paragraph (2).

“(2) DISBURSEMENT OF FUNDS.—Funds of the Corporation may be disbursed only for purposes that are—

“(A) approved by the Board of Directors by a recorded vote with a quorum present; and

“(B) in accordance with the purposes of the Corporation as specified in subsection (b).

Establishment.

“(f) NETWORK OF INFORMATION AND ASSISTANCE CENTERS.—In carrying out the purpose described in subsection (b), the Corporation shall establish and maintain a network of information and assistance centers for use by veterans and the public.

Deadline.

“(g) ANNUAL REPORT.—On or before October 1 of each year, the Board of Directors shall transmit a report to the President and the Congress describing the activities and accomplishments of the Corporation for the preceding year and the Corporation’s findings regarding the efforts of Federal, State and private organizations to assist veterans in the formation and expansion of small business concerns.

Effective date.

“(h) ASSUMPTION OF DUTIES OF ADVISORY COMMITTEE.—On October 1, 2004, the Corporation established under this section shall assume the duties, responsibilities, and authority of the Advisory Committee on Veterans Affairs established under section 203 of this Act.

“(i) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

Establishment.

“(j) PROFESSIONAL CERTIFICATION ADVISORY BOARD.—

“(1) IN GENERAL.—Acting through the Board of Directors, the Corporation shall establish a Professional Certification Advisory Board to create uniform guidelines and standards for the professional certification of members of the Armed Services to aid in their efficient and orderly transition to civilian occupations and professions and to remove potential barriers in the areas of licensure and certification.

“(2) MEMBERSHIP.—The members of the Advisory Board shall serve without compensation, shall meet in the District of Columbia no less than quarterly, and shall be appointed by the Board of Directors as follows:

“(A) PRIVATE SECTOR MEMBERS.—The Corporation shall appoint not less than seven members for terms of 2 years to represent private sector organizations and associations, including the American Association of Community Colleges, the Society for Human Resource Managers, the Coalition

for Professional Certification, the Council on Licensure and Enforcement, and the American Legion.

“(B) PUBLIC SECTOR MEMBERS.—The Corporation shall invite public sector members to serve at the discretion of their departments or agencies and shall—

“(i) encourage the participation of the Under Secretary of Defense for Personnel and Readiness;

“(ii) encourage the participation of two officers from each branch of the Armed Forces to represent the Training Commands of their branch; and

“(iii) seek the participation and guidance of the Assistant Secretary of Labor for Veterans’ Employment and Training.

“(k) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

“(A) \$2,000,000 for fiscal year 2000;

“(B) \$4,000,000 for fiscal year 2001;

“(C) \$4,000,000 for fiscal year 2002; and

“(D) \$2,000,000 for fiscal year 2003.

“(2) MATCHING REQUIREMENT.—

“(A) FISCAL YEAR 2001.—The amount made available to the Corporation for fiscal year 2001 may not exceed twice the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

“(B) SUBSEQUENT FISCAL YEARS.—The amount made available to the Corporation for fiscal year 2002 or 2003 may not exceed the amount that the Corporation certifies that it will provide for that fiscal year from sources other than the Federal Government.

“(3) PRIVATIZATION.—The Corporation shall institute and implement a plan to raise private funds and become a self-sustaining corporation.”.

(b) GAO REPORT.—Not later than 180 days after the last day of the second fiscal year beginning after the date on which the initial members of the Board of Directors of the National Veterans Business Development Corporation are appointed under section 33(c) of the Small Business Act (as added by this section), the Comptroller General of the United States shall evaluate the effectiveness of the National Veterans Business Development Corporation in carrying out the purposes under section 33(b) of the Small Business Act (as added by this section), and submit to Congress a report on the results of that evaluation.

Deadline.  
15 USC 657c  
note.

#### SEC. 203. ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) IN GENERAL.—There is established an advisory committee to be known as the “Advisory Committee on Veterans Business Affairs” (in this section referred to as the “Committee”), which shall serve as an independent source of advice and policy recommendations to—

Establishment.  
15 USC 657b  
note.

(1) the Administrator of the Small Business Administration (in this section referred to as the “Administrator”);

(2) the Associate Administrator for Veterans Business Development of the Small Business Administration;

(3) the Congress;

President.

- (4) the President; and
- (5) other United States policymakers.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of 15 members, of whom—

(A) eight shall be veterans who are owners of small business concerns (within the meaning of the term under section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) seven shall be representatives of veterans organizations.

(2) APPOINTMENT.—

(A) IN GENERAL.—The members of the Committee shall be appointed by the Administrator in accordance with this section.

Deadline.

(B) INITIAL APPOINTMENTS.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall appoint the initial members of the Committee.

(3) POLITICAL AFFILIATION.—Not more than eight members of the Committee shall be of the same political party as the President.

(4) PROHIBITION ON FEDERAL EMPLOYMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), no member of the Committee may serve as an officer or employee of the United States.

(B) EXCEPTION.—A member of the Committee who accepts a position as an officer or employee of the United States after the date of the member's appointment to the Committee may continue to serve on the Committee for not more than 30 days after such acceptance.

(5) TERM OF SERVICE.—

(A) IN GENERAL.—Subject to subparagraph (B), the term of service of each member of the Committee shall be 3 years.

(B) TERMS OF INITIAL APPOINTEES.—As designated by the Administrator at the time of appointment, of the members first appointed—

(i) six shall be appointed for a term of 4 years;

and

(ii) five shall be appointed for a term of 5 years.

(6) VACANCIES.—The Administrator shall fill any vacancies on the membership of the Committee not later than 30 days after the date on which such vacancy occurs.

(7) CHAIRPERSON.—

(A) IN GENERAL.—The members of the Committee shall elect one of the members to be Chairperson of the Committee.

(B) VACANCIES IN OFFICE OF CHAIRPERSON.—Any vacancy in the office of the Chairperson of the Committee shall be filled by the Committee at the first meeting of the Committee following the date on which the vacancy occurs.

(c) DUTIES.—The duties of the Committee shall be the following:

(1) Review, coordinate, and monitor plans and programs developed in the public and private sectors, that affect the ability of small business concerns owned and controlled by veterans to obtain capital and credit and to access markets.

(2) Promote the collection of business information and survey data as they relate to veterans and small business concerns owned and controlled by veterans.

(3) Monitor and promote plans, programs, and operations of the departments and agencies of the United States that may contribute to the formation and growth of small business concerns owned and controlled by veterans.

(4) Develop and promote initiatives, policies, programs, and plans designed to foster small business concerns owned and controlled by veterans.

(5) In cooperation with the National Veterans Business Development Corporation, develop a comprehensive plan, to be updated annually, for joint public-private sector efforts to facilitate growth and development of small business concerns owned and controlled by veterans.

(d) POWERS.—

(1) HEARINGS.—Subject to subsection (e), the Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out its duties.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request of the Chairperson of the Committee, the head of any department or agency of the United States shall furnish such information to the Committee as the Committee considers to be necessary to carry out its duties.

(3) USE OF MAILS.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) GIFTS.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet, not less than three times per year, at the call of the Chairperson or at the request of the Administrator.

(2) LOCATION.—Each meeting of the full Committee shall be held at the headquarters of the Small Business Administration located in Washington, District of Columbia. The Administrator shall provide suitable meeting facilities and such administrative support as may be necessary for each full meeting of the Committee.

(3) TASK GROUPS.—The Committee may, from time-to-time, establish temporary task groups as may be necessary in order to carry out its duties.

(f) COMPENSATION AND EXPENSES.—

(1) NO COMPENSATION.—Members of the Committee shall serve without compensation for their service to the Committee.

(2) EXPENSES.—The members of the Committee shall be reimbursed for travel and subsistence expenses in accordance with section 5703 of title 5, United States Code.

(g) REPORT.—Not later than 30 days after the end of each fiscal year beginning after the date of the enactment of this section, the Committee shall transmit to the Congress and the President a report describing the activities of the Committee and any recommendations developed by the Committee for the promotion of small business concerns owned and controlled by veterans.

Deadline.

President.

(h) TERMINATION.—The Committee shall terminate its business on September 30, 2004.

**TITLE III—TECHNICAL ASSISTANCE**

15 USC 657b  
note.  
Memorandums.

**SEC. 301. SCORE PROGRAM.**

(a) **IN GENERAL.**—The Administrator of the Small Business Administration shall enter into a memorandum of understanding with the Service Core of Retired Executives (described in section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) and in this section referred to as “SCORE”) to provide for the following:

Appointment.

(1) The appointment by SCORE in its national office of an individual to act as National Veterans Business Coordinator, whose duties shall relate exclusively to veterans business matters, and who shall be responsible for the establishment and administration of a program to coordinate counseling and training regarding entrepreneurship to veterans through the chapters of SCORE throughout the United States.

Tele-  
communications.  
Internet.

(2) The assistance of SCORE in the establishing and maintaining a toll-free telephone number and an Internet website to provide access for veterans to information about the counseling and training regarding entrepreneurship available to veterans through SCORE.

(3) The collection of statistics concerning services provided by SCORE to veterans, including service-disabled veterans, for inclusion in each annual report published by the Administrator under section 4(b)(2)(B) of the Small Business Act (15 U.S.C. 633(b)(2)(B)).

(b) **RESOURCES.**—The Administrator shall provide to SCORE such resources as the Administrator determines necessary for SCORE to carry out the requirements of the memorandum of understanding specified in paragraph (1).

15 USC 657b  
note.  
Deadline.  
Memorandums.

**SEC. 302. ENTREPRENEURIAL ASSISTANCE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, the Administrator of the Small Business Administration, and the head of the association formed pursuant to section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) shall enter into a memorandum of understanding with respect to entrepreneurial assistance to veterans, including service-disabled veterans, through Small Business Development Centers (described in section 21 of the Small Business Act (15 U.S.C. 648)) and facilities of the Department of Veterans Affairs. Such assistance shall include the following:

(1) Conducting of studies and research, and the distribution of information generated by such studies and research, on the formation, management, financing, marketing, and operation of small business concerns by veterans.

(2) Provision of training and counseling to veterans concerning the formation, management, financing, marketing, and operation of small business concerns.

(3) Provision of management and technical assistance to the owners and operators of small business concerns regarding international markets, the promotion of exports, and the transfer of technology.

(4) Provision of assistance and information to veterans regarding procurement opportunities with Federal, State, and local agencies, especially such agencies funded in whole or in part with Federal funds.



(5) Establishment of an information clearinghouse to collect and distribute information, including by electronic means, on the assistance programs of Federal, State, and local governments, and of the private sector, including information on office locations, key personnel, telephone numbers, mail and electronic addresses, and contracting and subcontracting opportunities.

Establishment.  
Records.  
Internet.

(6) Provision of Internet or other distance learning academic instruction for veterans in business subjects, including accounting, marketing, and business fundamentals.

(7) Compilation of a list of small business concerns owned and controlled by service-disabled veterans that provide products or services that could be procured by the United States and delivery of such list to each department and agency of the United States. Such list shall be delivered in hard copy and electronic form and shall include the name and address of each such small business concern and the products or services that it provides.

Records.

#### **SEC. 303. BUSINESS DEVELOPMENT AND MANAGEMENT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.**

(a) IN GENERAL.—Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(1) MANAGEMENT ASSISTANCE FOR SMALL BUSINESSES AFFECTED BY MILITARY OPERATIONS.—The Administration shall utilize, as appropriate, its entrepreneurial development and management assistance programs, including programs involving State or private sector partners, to provide business counseling and training to any small business concern adversely affected by the deployment of units of the Armed Forces of the United States in support of a period of military conflict (as defined in section 7(n)(1)).”.

(b) ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendment made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

15 USC 637 note.

(c) GUIDELINES.—Not later than 30 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendment made by this section.

Deadline.

### **TITLE IV—FINANCIAL ASSISTANCE**

#### **SEC. 401. GENERAL BUSINESS LOAN PROGRAM.**

(a) DEFINITION OF HANDICAPPED INDIVIDUAL.—Section 3(f) of the Small Business Act (15 U.S.C. 632(f)) is amended to read as follows:

“(f) For purposes of section 7 of this Act, the term ‘handicapped individual’ means an individual—

“(1) who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which in any way limits the selection of any type of employment

for which the person would otherwise be qualified or qualifiable;  
or

“(2) who is a service-disabled veteran.”.

(b) AUTHORIZATION TO MAKE LOANS.—Section 7(a)(10) of the Small Business Act (15 U.S.C. 636(a)(10)) is amended—

(1) by inserting “guaranteed” after “provide”; and

(2) by inserting “, including service-disabled veterans,” after “handicapped individual”.

**SEC. 402. ASSISTANCE TO ACTIVE DUTY MILITARY RESERVISTS.**

(a) REPAYMENT DEFERRAL FOR ACTIVE DUTY RESERVISTS.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

“(n) REPAYMENT DEFERRED FOR ACTIVE DUTY RESERVISTS.—

“(1) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE RESERVIST.—The term ‘eligible reservist’ means a member of a reserve component of the Armed Forces ordered to active duty during a period of military conflict.

“(B) ESSENTIAL EMPLOYEE.—The term ‘essential employee’ means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern.

“(C) PERIOD OF MILITARY CONFLICT.—The term ‘period of military conflict’ means—

“(i) a period of war declared by the Congress;

“(ii) a period of national emergency declared by the Congress or by the President; or

“(iii) a period of a contingency operation, as defined in section 101(a) of title 10, United States Code.

“(D) QUALIFIED BORROWER.—The term ‘qualified borrower’ means—

“(i) an individual who is an eligible reservist and who received a direct loan under subsection (a) or (b) before being ordered to active duty; or

“(ii) a small business concern that received a direct loan under subsection (a) or (b) before an eligible reservist, who is an essential employee, was ordered to active duty.

“(2) DEFERRAL OF DIRECT LOANS.—

“(A) IN GENERAL.—The Administration shall, upon written request, defer repayment of principal and interest due on a direct loan made under subsection (a) or (b), if such loan was incurred by a qualified borrower.

“(B) PERIOD OF DEFERRAL.—The period of deferral for repayment under this paragraph shall begin on the date on which the eligible reservist is ordered to active duty and shall terminate on the date that is 180 days after the date such eligible reservist is discharged or released from active duty.

“(C) INTEREST RATE REDUCTION DURING DEFERRAL.—Notwithstanding any other provision of law, during the period of deferral described in subparagraph (B), the Administration may, in its discretion, reduce the interest rate on any loan qualifying for a deferral under this paragraph.

“(3) DEFERRAL OF LOAN GUARANTEES AND OTHER FINANCINGS.—The Administration shall—

“(A) encourage intermediaries participating in the program under subsection (m) to defer repayment of a loan made with proceeds made available under that subsection, if such loan was incurred by a small business concern that is eligible to apply for assistance under subsection (b)(3); and

“(B) not later than 30 days after the date of the enactment of this subsection, establish guidelines to—

Deadline.  
Guidelines.

“(i) encourage lenders and other intermediaries to defer repayment of, or provide other relief relating to, loan guarantees under subsection (a) and financings under section 504 of the Small Business Investment Act of 1958 that were incurred by small business concerns that are eligible to apply for assistance under subsection (b)(3), and loan guarantees provided under subsection (m) if the intermediary provides relief to a small business concern under this paragraph; and

“(ii) implement a program to provide for the deferral of repayment or other relief to any intermediary providing relief to a small business borrower under this paragraph.”.

(b) DISASTER LOAN ASSISTANCE FOR MILITARY RESERVISTS’ SMALL BUSINESSES.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after the undesignated paragraph that begins with “*Provided*, That no loan”, the following:

“(3)(A) In this paragraph—

“(i) the term ‘essential employee’ means an individual who is employed by a small business concern and whose managerial or technical expertise is critical to the successful day-to-day operations of that small business concern;

“(ii) the term ‘period of military conflict’ has the meaning given the term in subsection (n)(1); and

“(iii) the term ‘substantial economic injury’ means an economic harm to a business concern that results in the inability of the business concern—

“(I) to meet its obligations as they mature;

“(II) to pay its ordinary and necessary operating expenses; or

“(III) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern.

“(B) The Administration may make such disaster loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of an essential employee of such small business concern being ordered to active military duty during a period of military conflict.

“(C) A small business concern described in subparagraph (B) shall be eligible to apply for assistance under this paragraph during the period beginning on the date on which the essential employee is ordered to active duty and ending on the date that is 90 days after the date on which such essential employee is discharged or released from active duty.

Effective date.

“(D) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

“(E) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed \$1,500,000, unless such applicant constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the \$1,500,000 limitation.

“(F) For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.”.

15 USC 636 note.

(c) **ENHANCED PUBLICITY DURING OPERATION ALLIED FORCE.**—For the duration of Operation Allied Force and for 120 days thereafter, the Administration shall enhance its publicity of the availability of assistance provided pursuant to the amendments made by this section, including information regarding the appropriate local office at which affected small businesses may seek such assistance.

Deadline.  
15 USC 636 note.

(d) **GUIDELINES.**—Not later than 30 days after the date of the enactment of this section, the Administrator of the Small Business Administration shall issue such guidelines as the Administrator determines to be necessary to carry out this section and the amendments made by this section.

15 USC 636 note.

(e) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

Applicability.

(2) **DISASTER LOANS.**—The amendments made by subsection (b) shall apply to economic injury suffered or likely to be suffered as the result of a period of military conflict occurring or ending on or after March 24, 1999.

#### **SEC. 403. MICROLOAN PROGRAM.**

Section 7(m)(1)(A)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(A)(i)) is amended by inserting “veteran (within the meaning of such term under section 3(q)),” after “low-income,”.

#### **SEC. 404. DEFENSE ECONOMIC TRANSITION LOAN PROGRAM.**

Section 7(a)(21)(A)(ii) of the Small Business Act (15 U.S.C. 636(a)(21)(A)(ii)) is amended by inserting “or a veteran” after “qualified individual”.

#### **SEC. 405. STATE DEVELOPMENT COMPANY PROGRAM.**

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section 3(q),”.

## TITLE V—PROCUREMENT ASSISTANCE

### SEC. 501. SUBCONTRACTING.

(a) STATEMENT OF POLICY.—Section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns,” the first place it appears in the first and second sentences.

(b) CONTRACT CLAUSE.—The contract clause specified in section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)) is amended as follows:

(1) Subparagraph (A) of such clause is amended by inserting “small business concerns owned and controlled by veterans,” after “small business concerns,” the first place it appears in the first and second sentences.

(2) Subparagraphs (E) and (F) of such clause are redesignated as subparagraphs (F) and (G), respectively, and the following new subparagraph is inserted after subparagraph (D) of such clause:

“(E) The term ‘small business concern owned and controlled by veterans’ shall mean a small business concern—

“(i) which is at least 51 per centum owned by one or more eligible veterans; or, in the case of any publicly owned business, at least 51 per centum of the stock of which is owned by one or more veterans; and

“(ii) whose management and daily business operations are controlled by such veterans. The contractor shall treat as veterans all individuals who are veterans within the meaning of the term under section 3(q) of the Small Business Act.”.

(3) Subparagraph (F) of such clause, as redesignated by paragraph (2) of this subsection, is amended by inserting “small business concern owned and controlled by veterans,” after “small business concern,” the first place it appears.

(c) CONFORMING AMENDMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by inserting “small business concerns owned and controlled by veterans,” after “small business concerns,” the first place it appears in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B).

### SEC. 502. PARTICIPATION IN FEDERAL PROCUREMENT.

(a) GOVERNMENT-WIDE PARTICIPATION GOALS.—Section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) is amended—

(1) in the first sentence, by inserting “small business concerns owned and controlled by service disabled veterans,” after “small business concerns,” the first place it appears;

(2) by inserting after the second sentence, the following: “The Government-wide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.”; and

(3) in the second to last sentence, by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns,” the first place it appears.

(b) AGENCY PARTICIPATION GOALS.—Section 15 of the Small Business Act (15 U.S.C. 644(g)(2)) is amended—

(1) in the first sentence, by inserting “by small business concerns owned and controlled by service-disabled veterans,” after “small business concerns,”; the first place it appears;

(2) in the second sentence, by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns,” the first place it appears; and

(3) in the fourth sentence, by inserting “small business concerns owned and controlled by service-disabled veterans, by” after “including participation by”.

## TITLE VI—REPORTS AND DATA COLLECTION

### SEC. 601. REPORTING REQUIREMENTS.

(a) REPORTS TO SMALL BUSINESS ADMINISTRATION.—Section 15(h)(1) of the Small Business Act (15 U.S.C. 644(h)(1)) is amended by inserting “small business concerns owned and controlled by veterans (including service-disabled veterans),” after “small business concerns,” the first place it appears.

(b) REPORTS TO THE PRESIDENT AND THE CONGRESS.—Section 15(h)(2) of the Small Business Act (15 U.S.C. 644(h)(2)) is amended—

(1) by inserting “and the Congress” before the period at the end of first sentence; and

(2) in each of subparagraphs (A), (D), and (E), by inserting “small business concerns owned and controlled by service-disabled veterans,” after “small business concerns,” the first place it appears.

### SEC. 602. REPORT ON SMALL BUSINESS AND COMPETITION.

Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking “and” after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by service-disabled veterans, as defined in such section 3(q).”.

15 USC 657b  
note.

### SEC. 603. ANNUAL REPORT OF THE ADMINISTRATOR.

The Administrator of the Small Business Administration shall transmit annually to the Committees on Small Business and Veterans Affairs of the House of Representatives and the Senate a report on the needs of small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans, which shall include information on—

(1) the availability of Small Business Administration programs for such small business concerns and the degree of utilization of such programs by such small business concerns during the preceding 12-month period, including statistical

information on such utilization as compared to the small business community as a whole;

(2) the percentage and dollar value of Federal contracts awarded to such small business concerns during the preceding 12-month period, based on the data collected pursuant to section 604(d); and

(3) proposals to improve the access of such small business concerns to the assistance made available by the United States.

**SEC. 604. DATA AND INFORMATION COLLECTION.**

15 USC 657b  
note.

(a) INFORMATION ON FEDERAL PROCUREMENT PRACTICES.—The Administrator of the Small Business Administration shall, for each fiscal year—

(1) collect information concerning the procurement practices and procedures of each department and agency of the United States having procurement authority;

(2) publish and disseminate such information to procurement officers in all Federal agencies; and

Publication.

(3) make such information available to any small business concern requesting such information.

(b) IDENTIFICATION OF SMALL BUSINESS CONCERNS OWNED BY ELIGIBLE VETERANS.—Each fiscal year, the Secretary of Veterans Affairs shall, in consultation with the Assistant Secretary of Labor for Veterans' Employment and Training and the Administrator of the Small Business Administration, identify small business concerns owned and controlled by veterans in the United States. The Secretary shall inform each small business concern identified under this paragraph that information on Federal procurement is available from the Administrator.

(c) SELF-EMPLOYMENT OPPORTUNITIES.—The Secretary of Labor, the Secretary of Veterans Affairs, and the Administrator of the Small Business Administration shall enter into a memorandum of understanding to provide for coordination of vocational rehabilitation services, technical and managerial assistance, and financial assistance to veterans, including service-disabled veterans, seeking to employ themselves by forming or expanding small business concerns. The memorandum of understanding shall include recommendations for expanding existing programs or establishing new programs to provide such services or assistance to such veterans.

Memorandums.

(d) DATA COLLECTION REQUIRED.—The Federal Procurement Data System described in section 6(d)(4)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(4)(A)) shall be modified to collect data regarding the percentage and dollar value of prime contracts and subcontracts awarded to small business concerns owned and controlled by veterans and small business concerns owned and controlled by service-disabled veterans.

## **TITLE VII—MISCELLANEOUS PROVISIONS**

**SEC. 701. ADMINISTRATOR'S ORDER.**

15 USC 633 note.

The Administrator of the Small Business Administration shall strengthen and reissue the Administrator's order regarding the third sentence of section 4(b)(1) of the Small Business Act (15

U.S.C. 633(b)(1)), relating to nondiscrimination and special considerations for veterans, and take all necessary steps to ensure that its provisions are fully and vigorously implemented.

**SEC. 702. SMALL BUSINESS ADMINISTRATION OFFICE OF ADVOCACY.**

Section 202 of Public Law 94-305 (15 U.S.C. 634b) is amended—

- (1) in paragraph (10), by striking “and” at the end;
- (2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) evaluate the efforts of each department and agency of the United States, and of private industry, to assist small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), and small business concerns owned and controlled by serviced-disabled veterans, as defined in such section 3(q), and to provide statistical information on the utilization of such programs by such small business concerns, and to make appropriate recommendations to the Administrator of the Small Business Administration and to the Congress in order to promote the establishment and growth of those small business concerns.”.

**SEC. 703. STUDY OF FIXED-ASSET SMALL BUSINESS LOANS.**

(a) **IN GENERAL.**—The Comptroller General shall conduct a study on whether there would exist any additional risk or cost to the United States if—

(1) up to 10 percent of the loans guaranteed under chapter 37 of title 38, United States Code, were made for the acquisition or construction of fixed assets used in a trade or business rather than for the construction or purchase of residential buildings; and

(2) such loans for acquisition or construction of fixed assets were for a term of not more than 10 years and the terms regarding eligibility, loan limits, interest, fees, and down payment were the same as for other loans guaranteed under such chapter.

(b) **REPORT.**—

Deadline.

(1) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Comptroller General shall transmit the report described in subsection (a) to the Committees on Veterans' Affairs and the Committees on Small Business of the House of Representatives and the Senate.

(2) **CONTENTS OF REPORT.**—The report required by paragraph (1) shall specifically address the following:

(A) With respect to the change in the veterans' housing loan program contemplated under subsection (a):

(i) The increase or decrease in administrative costs to the Department of Veterans Affairs.

(ii) The increase or decrease in the degree of exposure of the United States as the guarantor of the loans.

(iii) The increase or decrease in the Federal subsidy rate that would be possible.

(iv) Any increase in the interest rate or fees charged to the borrower or lender that would be required to maintain present program costs.



(B) Information regarding the delinquency rates, default rates, length of time required for recovery after default, for fixed-asset business loans, of a size and duration comparable to those contemplated under subsection (a), made available in the private market or under section 503 of the Small Business Investment Act of 1958.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—H.R. 1568:

HOUSE REPORTS: No. 106–206, Pt. 1 (Comm. on Small Business).

SENATE REPORTS: No. 106–136 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 29, considered and passed House.

Aug. 5, considered and passed Senate, amended. House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Aug. 17, Presidential statement.



Public Law 106–51  
106th Congress

An Act

Aug. 17, 1999  
[H.R. 1664]

Providing emergency authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies, and for other purposes.

Emergency Steel  
Loan Guarantee  
and Emergency  
Oil and Gas  
Guaranteed Loan  
Act of 1999.

Emergency Steel  
Loan Guarantee  
Act of 1999.

15 USC 1841  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1999, and for other purposes, namely:

CHAPTER 1

SEC. 101. EMERGENCY STEEL LOAN GUARANTEE PROGRAM. (a) SHORT TITLE.—This chapter may be cited as the “Emergency Steel Loan Guarantee Act of 1999”.

(b) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) the United States steel industry has been severely harmed by a record surge of more than 40,000,000 tons of steel imports into the United States in 1998, caused by the world financial crisis;

(2) this surge in imports resulted in the loss of more than 10,000 steel worker jobs in 1998, and was the imminent cause of three bankruptcies by medium-sized steel companies, Acme Steel, Laclede Steel, and Geneva Steel;

(3) the crisis also forced almost all United States steel companies into—

(A) reduced volume, lower prices, and financial losses; and

(B) an inability to obtain credit for continued operations and reinvestment in facilities;

(4) the crisis also has affected the willingness of private banks and investment institutions to make loans to the United States steel industry for continued operation and reinvestment in facilities;

(5) these steel bankruptcies, job losses, and financial losses are also having serious negative effects on the tax base of cities, counties, and States, and on the essential health, education, and municipal services that these government entities provide to their citizens; and

(6) a strong steel industry is necessary to the adequate defense preparedness of the United States in order to have sufficient steel available to build the ships, tanks, planes, and armaments necessary for the national defense.

(c) DEFINITIONS.—For purposes of this section:

(1) BOARD.—The term “Board” means the Loan Guarantee Board established under subsection (e).

(2) PROGRAM.—The term “Program” means the Emergency Steel Guarantee Loan Program established under subsection (d).

(3) QUALIFIED STEEL COMPANY.—The term “qualified steel company” means any company that—

(A) is incorporated under the laws of any State;

(B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and

(C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, in January 1998 or that operates substantial assets of a company that meets these qualifications.

(d) ESTABLISHMENT OF EMERGENCY STEEL GUARANTEE LOAN PROGRAM.—There is established the Emergency Steel Guarantee Loan Program, to be administered by the Board, the purpose of which is to provide loan guarantees to qualified steel companies in accordance with this section.

(e) LOAN GUARANTEE BOARD MEMBERSHIP.—There is established a Loan Guarantee Board, which shall be composed of—

(1) the Secretary of Commerce;

(2) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board; and

(3) the Chairman of the Securities and Exchange Commission.

(f) LOAN GUARANTEE PROGRAM.—

(1) AUTHORITY.—The Program may guarantee loans provided to qualified steel companies by private banking and investment institutions in accordance with the procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section may not exceed \$1,000,000,000.

(3) INDIVIDUAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed under this section with respect to a single qualified steel company may not exceed \$250,000,000.

(4) TIMELINES.—The Board shall approve or deny each application for a guarantee under this section as soon as possible after receipt of such application.

(5) ADDITIONAL COSTS.—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated \$140,000,000 to remain available until expended.

(g) REQUIREMENTS FOR LOAN GUARANTEES.—A loan guarantee may be issued under this section upon application to the Board by a qualified steel company pursuant to an agreement to provide a loan to that qualified steel company by a private bank or investment company, if the Board determines that—

(1) credit is not otherwise available to that company under reasonable terms or conditions sufficient to meet its financing

needs, as reflected in the financial and business plans of that company;

(2) the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan;

(4) the company has agreed to an audit by the General Accounting Office prior to the issuance of the loan guarantee and annually thereafter while any such guaranteed loan is outstanding; and

(5) in the case of a purchaser of substantial assets of a qualified steel company, the qualified steel company establishes that it is unable to reorganize itself.

(h) TERMS AND CONDITIONS OF LOAN GUARANTEES.—

(1) LOAN DURATION.—All loans guaranteed under this section shall be payable in full not later than December 31, 2005, and the terms and conditions of each such loan shall provide that the loan may not be amended, or any provision thereof waived, without the consent of the Board.

(2) LOAN SECURITY.—Any commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions that the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) FEES.—A qualified steel company receiving a guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(4) GUARANTEE LEVEL.—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

(i) REPORTS TO CONGRESS.—The Secretary of Commerce shall submit to Congress a full report of the activities of the Board under this section during each of fiscal years 1999 and 2000, and annually thereafter, during such period as any loan guaranteed under this section is outstanding.

(j) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$5,000,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(k) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(l) REGULATORY ACTION.—The Board shall issue such final procedures, rules, and regulations as may be necessary to carry out this section not later than 60 days after the date of the enactment of this Act.

(m) IRON ORE COMPANIES.—

(1) IN GENERAL.—Subject to the requirements of this subsection, an iron ore company incorporated under the laws of any State shall be treated as a qualified steel company for purposes of the Program.

(2) TOTAL GUARANTEE LIMIT FOR IRON ORE COMPANY.—Of the aggregate amount of loans authorized to be guaranteed and outstanding at any one time under subsection (f)(2), an amount not to exceed \$30,000,000 shall be loans with respect to iron ore companies.

#### FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

##### (RESCISSIONS)

SEC. 102. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, \$145,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the executive branch, including the Office of the President.

15 USC 1841  
note.

(b) Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

Deadline.  
Reports.

#### CHAPTER 2

SEC. 201. PETROLEUM DEVELOPMENT MANAGEMENT. (a) SHORT TITLE.—This chapter may be cited as the “Emergency Oil and Gas Guaranteed Loan Program Act”.

Emergency Oil  
and Gas  
Guaranteed Loan  
Program Act.  
15 USC 1841  
note.

(b) FINDINGS.—Congress finds that—

(1) consumption of foreign oil in the United States is estimated to equal 56 percent of all oil consumed, and that percentage could reach 68 percent by 2010 if current prices prevail;

(2) the number of oil and gas rigs operating in the United States is at its lowest since 1944, when records of this tally began;

(3) if prices do not increase soon, the United States could lose at least half its marginal wells, which in aggregate produce as much oil as the United States imports from Saudi Arabia;

(4) oil and gas prices are unlikely to increase for at least several years;

(5) declining production, well abandonment, and greatly reduced exploration and development are shrinking the domestic oil and gas industry;

(6) the world’s richest oil producing regions in the Middle East are experiencing increasingly greater political instability;

(7) United Nations policy may make Iraq the swing oil producing nation, thereby granting Saddam Hussein tremendous power;

(8) reliance on foreign oil for more than 60 percent of our daily oil and gas consumption is a national security threat;

(9) the level of United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas; and

(10) a national security policy should be developed that ensures that adequate supplies of oil are available at all times free of the threat of embargo or other foreign hostile acts.

(c) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Loan Guarantee Board established by subsection (e).

(2) PROGRAM.—The term “Program” means the Emergency Oil and Gas Guaranteed Loan Program established by subsection (d).

(3) QUALIFIED OIL AND GAS COMPANY.—The term “qualified oil and gas company” means a company that—

(A) is—

(i) an independent oil and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986); or

(ii) a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) (or a company based in Alaska, including an Alaska Native Corporation created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators that drill, complete wells, and produce, transport, refine, and sell hydrocarbons and their byproducts as the main commercial business of the concern or company; and

(B) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

(d) EMERGENCY OIL AND GAS GUARANTEED LOAN PROGRAM.—

(1) IN GENERAL.—There is established the Emergency Oil and Gas Guaranteed Loan Program, the purpose of which shall be to provide loan guarantees to qualified oil and gas companies in accordance with this section.

(2) LOAN GUARANTEE BOARD.—There is established to administer the Program a Loan Guarantee Board, to be composed of—

(A) the Secretary of Commerce;

(B) the Chairman of the Board of Governors of the Federal Reserve System, who shall serve as Chairman of the Board; and

(C) the Chairman of the Securities and Exchange Commission.

(e) AUTHORITY.—

(1) IN GENERAL.—The Program may guarantee loans provided to qualified oil and gas companies by private banking and investment institutions in accordance with procedures, rules, and regulations established by the Board.

(2) TOTAL GUARANTEE LIMIT.—The aggregate amount of loans guaranteed and outstanding at any one time under this section shall not exceed \$500,000,000.

Establishment.

(3) **INDIVIDUAL GUARANTEE LIMIT.**—The aggregate amount of loans guaranteed under this section with respect to a single qualified oil and gas company shall not exceed \$10,000,000.

(4) **EXPEDITIOUS ACTION ON APPLICATIONS.**—The Board shall approve or deny an application for a guarantee under this section as soon as practicable after receipt of an application.

(5) **ADDITIONAL COSTS.**—For the additional cost of the loans guaranteed under this subsection, including the costs of modifying the loans as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a), there is appropriated \$122,500,000 to remain available until expended.

(f) **REQUIREMENTS FOR LOAN GUARANTEES.**—The Board may issue a loan guarantee on application by a qualified oil and gas company under an agreement by a private bank or investment company to provide a loan to the qualified oil and gas company, if the Board determines that—

(1) credit is not otherwise available to the company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of the company;

(2) the prospective earning power of the company, together with the character and value of the security pledged, provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms;

(3) the loan to be guaranteed bears interest at a rate determined by the Board to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan; and

(4) the company has agreed to an audit by the General Accounting Office before issuance of the loan guarantee and annually while the guaranteed loan is outstanding.

(g) **TERMS AND CONDITIONS OF LOAN GUARANTEES.**—

(1) **LOAN DURATION.**—All loans guaranteed under this section shall be repayable in full not later than December 31, 2010, and the terms and conditions of each such loan shall provide that the loan agreement may not be amended, or any provision of the loan agreement waived, without the consent of the Board.

(2) **LOAN SECURITY.**—A commitment to issue a loan guarantee under this section shall contain such affirmative and negative covenants and other protective provisions as the Board determines are appropriate. The Board shall require security for the loans to be guaranteed under this section at the time at which the commitment is made.

(3) **FEES.**—A qualified oil and gas company receiving a loan guarantee under this section shall pay a fee to the Department of the Treasury to cover costs of the program, but in no event shall such fee exceed an amount equal to 0.5 percent of the outstanding principal balance of the guaranteed loan.

(4) **GUARANTEE LEVEL.**—No loan guarantee may be provided under this section if the guarantee exceeds 85 percent of the amount of principal of the loan.

(h) **REPORTS.**—During fiscal year 1999 and each fiscal year thereafter until each guaranteed loan has been repaid in full, the Secretary of Commerce shall submit to Congress a report on the activities of the Board.

(i) SALARIES AND ADMINISTRATIVE EXPENSES.—For necessary expenses to administer the Program, \$2,500,000 is appropriated to the Department of Commerce, to remain available until expended, which may be transferred to the Office of the Assistant Secretary for Trade Development of the International Trade Administration.

(j) TERMINATION OF GUARANTEE AUTHORITY.—The authority of the Board to make commitments to guarantee any loan under this section shall terminate on December 31, 2001.

(k) REGULATORY ACTION.—Not later than 60 days after the date of the enactment of this Act, the Board shall issue such final procedures, rules, and regulations as are necessary to carry out this section.

#### FEDERAL ADMINISTRATIVE AND TRAVEL EXPENSES

##### (RESCISSIONS)

15 USC 1841  
note.

SEC. 202. (a) Of the funds available in the nondefense category to the agencies of the Federal Government, \$125,000,000 are hereby rescinded: *Provided*, That rescissions pursuant to this subsection shall be taken only from administrative and travel accounts: *Provided further*, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the executive branch, including the Office of the President.

Deadline.  
Reports.

(b) Within 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsection (a) of this section.

### CHAPTER 3

#### GENERAL PROVISIONS

15 USC 1841  
note.

SEC. 301. No part of any appropriation contained in the Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

This Act may be cited as the “Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999”.

Approved August 17, 1999.

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#### LEGISLATIVE HISTORY—H.R. 1664:

HOUSE REPORTS: No. 106–125 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

May 6, considered and passed House.

June 15, 17, 18, considered and passed Senate, amended.

Aug. 4, House concurred in Senate amendments.





Public Law 106–52  
106th Congress

An Act

Making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Aug. 17, 1999

[H.R. 2465]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2000, and for other purposes, namely:

Military  
Construction  
Appropriation  
Act, 2000.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,042,033,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed \$91,605,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$901,531,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed \$72,630,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

## MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$777,238,000, to remain available until September 30, 2004: *Provided*, That of this amount, not to exceed \$36,412,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

## MILITARY CONSTRUCTION, DEFENSE-WIDE

## (INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$593,615,000, to remain available until September 30, 2004: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$48,324,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

## MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$227,456,000, to remain available until September 30, 2004.

## MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$263,724,000, to remain available until September 30, 2004.

## MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United

States Code, and Military Construction Authorization Acts, \$111,340,000, to remain available until September 30, 2004.

#### MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$28,457,000, to remain available until September 30, 2004.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$64,404,000, to remain available until September 30, 2004.

#### NORTH ATLANTIC TREATY ORGANIZATION

##### SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, \$81,000,000, to remain available until expended.

#### FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$80,700,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, \$1,086,312,000; in all \$1,167,012,000.

#### FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$341,071,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, \$891,470,000; in all \$1,232,541,000.

## FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, \$349,456,000, to remain available until September 30, 2004; for Operation and Maintenance, and for debt payment, \$818,392,000; in all \$1,167,848,000.

## FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, \$50,000, to remain available until September 30, 2004; for Operation and Maintenance, \$41,440,000; in all \$41,490,000.

## DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,000,000, to remain available until expended, as the sole source of funds for planning, administrative, and oversight costs relating to family housing initiatives undertaken pursuant to 10 U.S.C. 2883, pertaining to alternative means of acquiring and improving military family housing, and supporting facilities.

## BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), \$672,311,000, to remain available until expended: *Provided*, That not more than \$346,403,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

## GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction

of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll

for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Notification.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

10 USC 2860  
note.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

10 USC 2860  
note.

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Reports.  
Deadlines.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater

share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the “Buy American Act”).

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

Notice.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

Deadline.  
Notice.

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term “congressional defense committees” means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

Deadline.  
Reports.

SEC. 127. Not later than April 30, 2000, the Secretary of Defense shall submit to the congressional defense committees a report examining the adequacy of special education facilities and services available to the dependent children of uniformed personnel stationed in the United States. The report shall identify the following:

(1) The schools on military installations in the United States that are operated by the Department of Defense, other entities of the Federal Government, or local school districts.

(2) School districts in the United States that have experienced an increase in enrollment of 20 percent or more in the past five years resulting from base realignments or consolidations.

(3) The impact of increased special education requirements on student populations, student-teacher ratios, and financial requirements in school districts supporting installations designated by the military departments as compassionate assignment posts.

(4) The adequacy of special education services and facilities for dependent children of uniformed personnel within the United States, particularly at compassionate assignment posts.

(5) Corrective measures that are needed to adequately support the special education needs of military families, including such improvements as the renovation of existing schools or the construction of new schools.



(6) An estimate of the cost of needed improvements, and a recommended source of funding within the Department of Defense.

SEC. 128. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than \$25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That beginning January 15, 2000 the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

10 USC 2821  
note.

SEC. 129. The first proviso under the heading “MILITARY CONSTRUCTION TRANSFER FUND” in chapter 6 of title II of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) is amended by inserting “and to the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code” after “to military construction accounts”: *Provided*, That funds transferred to the North Atlantic Treaty Organization Security Investment Program from the Military Construction Transfer Fund pursuant to such authority shall be available for all purposes of the Security Investment Program and shall remain available until expended.

SEC. 130. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2000, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

Deadline.

SEC. 131. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for any purpose relating to the construction at Bluegrass Army Depot, Kentucky, of any facility employing a specific technology for the demilitarization of assembled chemical munitions until the date on which the Secretary of Defense certifies to the Committees on Appropriations that the Department of Defense will complete a demonstration of the six alternatives to baseline incineration for the destruction of chemical agents and munitions as identified by the Program Evaluation Team of the Assembled Chemical Weapons Assessment program.

This Act may be cited as the “Military Construction Appropriations Act, 2000”.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—H.R. 2465 (S. 1205):

HOUSE REPORTS: Nos. 106–221 (Comm. on Appropriations) and 106–266 (Comm. of Conference).

SENATE REPORTS: No. 106–74 accompanying S. 1205 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

July 13, considered and passed House.

July 14, considered and passed Senate, amended, in lieu of S. 1205.

July 29, House agreed to conference report.

Aug. 3, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Aug. 17, Presidential statement.



Public Law 106–53  
106th Congress

An Act

To provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Aug. 17, 1999  
[S. 507]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Water Resources Development Act of 1999”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Water Resources  
Development Act  
of 1999.  
Inter-  
governmental  
relations.  
33 USC 2201  
note.

Sec. 1. Short title; table of contents.

**TITLE I—WATER RESOURCES PROJECTS**

- Sec. 101. Project authorizations.
- Sec. 102. Small flood control projects.
- Sec. 103. Small bank stabilization projects.
- Sec. 104. Small navigation projects.
- Sec. 105. Small projects for improvement of the quality of the environment.
- Sec. 106. Small aquatic ecosystem restoration projects.

**TITLE II—GENERAL PROVISIONS**

- Sec. 201. Small flood control authority.
- Sec. 202. Use of non-Federal funds for compiling and disseminating information on floods and flood damage.
- Sec. 203. Contributions by States and political subdivisions.
- Sec. 204. Sediment decontamination technology.
- Sec. 205. Control of aquatic plants.
- Sec. 206. Use of continuing contracts for construction of certain projects.
- Sec. 207. Water resources development studies for the Pacific region.
- Sec. 208. Everglades and south Florida ecosystem restoration.
- Sec. 209. Beneficial uses of dredged material.
- Sec. 210. Aquatic ecosystem restoration.
- Sec. 211. Watershed management, restoration, and development.
- Sec. 212. Flood mitigation and riverine restoration program.
- Sec. 213. Shore management program.
- Sec. 214. Shore damage prevention or mitigation.
- Sec. 215. Shore protection.
- Sec. 216. Flood prevention coordination.
- Sec. 217. Disposal of dredged material on beaches.
- Sec. 218. Annual passes for recreation.
- Sec. 219. Nonstructural flood control projects.
- Sec. 220. Lakes program.
- Sec. 221. Enhancement of fish and wildlife resources.
- Sec. 222. Purchase of American-made equipment and products.
- Sec. 223. Construction of flood control projects by non-Federal interests.
- Sec. 224. Environmental dredging.
- Sec. 225. Recreation user fees.
- Sec. 226. Small storm damage reduction projects.

Sec. 227. Use of private enterprises.

#### TITLE III—PROJECT-RELATED PROVISIONS

- Sec. 301. Tennessee-Tombigbee Waterway wildlife mitigation, Alabama and Mississippi.
- Sec. 302. Ouzinkie Harbor, Alaska.
- Sec. 303. St. Paul Harbor, St. Paul, Alaska.
- Sec. 304. Loggy Bayou, Red River below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas.
- Sec. 305. Sacramento River, Glenn-Colusa, California.
- Sec. 306. San Lorenzo River, California.
- Sec. 307. Terminus Dam, Kaweah River, California.
- Sec. 308. Delaware River mainstem and channel deepening, Delaware, New Jersey, and Pennsylvania.
- Sec. 309. Potomac River, Washington, District of Columbia.
- Sec. 310. Brevard County, Florida.
- Sec. 311. Broward County and Hillsboro Inlet, Florida.
- Sec. 312. Lee County, Captiva Island segment, Florida, periodic beach nourishment.
- Sec. 313. Fort Pierce, Florida.
- Sec. 314. Nassau County, Florida.
- Sec. 315. Miami Harbor channel, Florida.
- Sec. 316. St. Augustine, St. Johns County, Florida.
- Sec. 317. Milo Creek, Idaho.
- Sec. 318. Lake Michigan, Illinois.
- Sec. 319. Springfield, Illinois.
- Sec. 320. Ogden Dunes, Indiana.
- Sec. 321. Saint Joseph River, South Bend, Indiana.
- Sec. 322. White River, Indiana.
- Sec. 323. Dubuque, Iowa.
- Sec. 324. Lake Pontchartrain, Louisiana.
- Sec. 325. Larose to Golden Meadow, Louisiana.
- Sec. 326. Louisiana State Penitentiary Levee, Louisiana.
- Sec. 327. Twelve-Mile Bayou, Caddo Parish, Louisiana.
- Sec. 328. West bank of the Mississippi River (east of Harvey Canal), Louisiana.
- Sec. 329. Tolchester Channel S-Turn, Baltimore, Maryland.
- Sec. 330. Sault Sainte Marie, Chippewa County, Michigan.
- Sec. 331. Jackson County, Mississippi.
- Sec. 332. Bois Brule Drainage and Levee District, Missouri.
- Sec. 333. Meramec River Basin, Valley Park Levee, Missouri.
- Sec. 334. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 335. Wood River, Grand Island, Nebraska.
- Sec. 336. Absecon Island, New Jersey.
- Sec. 337. New York Harbor and Adjacent Channels, Port Jersey, New Jersey.
- Sec. 338. Arthur Kill, New York and New Jersey.
- Sec. 339. Kill Van Kull and Newark Bay Channels, New York and New Jersey.
- Sec. 340. New York City watershed.
- Sec. 341. New York State canal system.
- Sec. 342. Fire Island Inlet to Montauk Point, New York.
- Sec. 343. Broken Bow Lake, Red River Basin, Oklahoma.
- Sec. 344. Willamette River Temperature Control, McKenzie Subbasin, Oregon.
- Sec. 345. Curwensville Lake, Pennsylvania.
- Sec. 346. Delaware River, Pennsylvania and Delaware.
- Sec. 347. Mussers Dam, Pennsylvania.
- Sec. 348. Philadelphia, Pennsylvania.
- Sec. 349. Nine Mile Run, Allegheny County, Pennsylvania.
- Sec. 350. Raystown Lake, Pennsylvania.
- Sec. 351. South Central Pennsylvania.
- Sec. 352. Fox Point hurricane barrier, Providence, Rhode Island.
- Sec. 353. Cooper River, Charleston Harbor, South Carolina.
- Sec. 354. Clear Creek, Texas.
- Sec. 355. Cypress Creek, Texas.
- Sec. 356. Dallas Floodway Extension, Dallas, Texas.
- Sec. 357. Upper Jordan River, Utah.
- Sec. 358. Elizabeth River, Chesapeake, Virginia.
- Sec. 359. Columbia River channel, Washington and Oregon.
- Sec. 360. Greenbrier River Basin, West Virginia.
- Sec. 361. Bluestone Lake, Ohio River Basin, West Virginia.
- Sec. 362. Moorefield, West Virginia.
- Sec. 363. West Virginia and Pennsylvania flood control.
- Sec. 364. Project reauthorizations.

- Sec. 365. Project deauthorizations.
- Sec. 366. American and Sacramento Rivers, California.
- Sec. 367. Martin, Kentucky.
- Sec. 368. Southern West Virginia pilot program.
- Sec. 369. Black Warrior and Tombigbee Rivers, Jackson, Alabama.
- Sec. 370. Tropicana Wash and Flamingo Wash, Nevada.
- Sec. 371. Comite River, Louisiana.
- Sec. 372. St. Marys River, Michigan.
- Sec. 373. Charlevoix, Michigan.
- Sec. 374. White River Basin, Arkansas and Missouri.
- Sec. 375. Waurika Lake, Oklahoma, water conveyance facilities.

## TITLE IV—STUDIES

- Sec. 401. Deep draft harbor cost sharing.
- Sec. 402. Boydsville, Arkansas.
- Sec. 403. Greers Ferry Lake, Arkansas.
- Sec. 404. Del Norte County, California.
- Sec. 405. Frazier Creek, Tulare County, California.
- Sec. 406. Mare Island Strait, California.
- Sec. 407. Strawberry Creek, Berkeley, California.
- Sec. 408. Sweetwater Reservoir, San Diego County, California.
- Sec. 409. Whitewater River basin, California.
- Sec. 410. Destin-Noriega Point, Florida.
- Sec. 411. Little Econlackhatchee River basin, Florida.
- Sec. 412. Port Everglades, Broward County, Florida.
- Sec. 413. Lake Allatoona, Etowah River, and Little River watershed, Georgia.
- Sec. 414. Boise, Idaho.
- Sec. 415. Goose Creek watershed, Oakley, Idaho.
- Sec. 416. Little Wood River, Gooding, Idaho.
- Sec. 417. Snake River, Lewiston, Idaho.
- Sec. 418. Snake River and Payette River, Idaho.
- Sec. 419. Upper Des Plaines River and tributaries, Illinois and Wisconsin.
- Sec. 420. Cameron Parish west of Calcasieu River, Louisiana.
- Sec. 421. Coastal Louisiana.
- Sec. 422. Grand Isle and vicinity, Louisiana.
- Sec. 423. Gulf Intracoastal Waterway ecosystem, Chef Menteur to Sabine River, Louisiana.
- Sec. 424. Muddy River, Brookline and Boston, Massachusetts.
- Sec. 425. Westport, Massachusetts.
- Sec. 426. St. Clair River and Lake St. Clair, Michigan.
- Sec. 427. St. Clair Shores, Michigan.
- Sec. 428. Woodtick Peninsula, Michigan, and Toledo Harbor, Ohio.
- Sec. 429. Pascagoula Harbor, Mississippi.
- Sec. 430. Tunica Lake weir, Mississippi.
- Sec. 431. Yellowstone River, Montana.
- Sec. 432. Las Vegas Valley, Nevada.
- Sec. 433. Southwest Valley, Albuquerque, New Mexico.
- Sec. 434. Cayuga Creek, New York.
- Sec. 435. Lake Champlain, New York and Vermont.
- Sec. 436. Oswego River basin, New York.
- Sec. 437. White Oak River, North Carolina.
- Sec. 438. Arcola Creek watershed, Madison, Ohio.
- Sec. 439. Cleveland harbor, Cleveland, Ohio.
- Sec. 440. Toussaint River, Carroll Township, Ohio.
- Sec. 441. Western Lake Erie basin, Ohio, Indiana, and Michigan.
- Sec. 442. Schuylkill River, Norristown, Pennsylvania.
- Sec. 443. South Carolina coastal areas.
- Sec. 444. Santee Delta focus area, South Carolina.
- Sec. 445. Waccamaw River, South Carolina.
- Sec. 446. Day County, South Dakota.
- Sec. 447. Niobrara River and Missouri River, South Dakota.
- Sec. 448. Corpus Christi, Texas.
- Sec. 449. Mitchell's Cut Channel (Caney Fork Cut), Texas.
- Sec. 450. Mouth of Colorado River, Texas.
- Sec. 451. Santa Clara River, Utah.
- Sec. 452. Mount St. Helens, Washington.
- Sec. 453. Kanawha River, Fayette County, West Virginia.
- Sec. 454. West Virginia ports.
- Sec. 455. John Glenn Great Lakes basin program.
- Sec. 456. Great Lakes navigational system.
- Sec. 457. Nutrient loading resulting from dredged material disposal.

- Sec. 458. Upper Mississippi and Illinois Rivers levees and streambanks protection.
- Sec. 459. Upper Mississippi River comprehensive plan.
- Sec. 460. Susquehanna River and Upper Chesapeake Bay.

## TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Corps assumption of NRCS projects.
- Sec. 502. Environmental infrastructure.
- Sec. 503. Contaminated sediment dredging technology.
- Sec. 504. Dam safety.
- Sec. 505. Great Lakes remedial action plans.
- Sec. 506. Projects for improvement of the environment.
- Sec. 507. Maintenance of navigation channels.
- Sec. 508. Measurements of Lake Michigan diversions, Illinois.
- Sec. 509. Upper Mississippi River environmental management program.
- Sec. 510. Atlantic Coast of New York.
- Sec. 511. Water control management.
- Sec. 512. Beneficial use of dredged material.
- Sec. 513. Design and construction assistance.
- Sec. 514. Missouri and Middle Mississippi Rivers enhancement project.
- Sec. 515. Irrigation diversion protection and fisheries enhancement assistance.
- Sec. 516. Innovative technologies for watershed restoration.
- Sec. 517. Expedited consideration of certain projects.
- Sec. 518. Dog River, Alabama.
- Sec. 519. Levees in Elba and Geneva, Alabama.
- Sec. 520. Navajo Reservation, Arizona, New Mexico, and Utah.
- Sec. 521. Beaver Lake, Arkansas, water supply storage reallocation.
- Sec. 522. Beaver Lake trout production facility, Arkansas.
- Sec. 523. Chino dairy preserve, California.
- Sec. 524. Orange and San Diego Counties, California.
- Sec. 525. Rush Creek, Novato, California.
- Sec. 526. Santa Cruz Harbor, California.
- Sec. 527. Lower St. Johns River basin, Florida.
- Sec. 528. Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.
- Sec. 529. Comprehensive flood impact response modeling system, Coralville Reservoir and Iowa River watershed, Iowa.
- Sec. 530. Additional construction assistance in Illinois.
- Sec. 531. Kanopolis Lake, Kansas.
- Sec. 532. Southern and Eastern Kentucky.
- Sec. 533. Southeast Louisiana.
- Sec. 534. Snug Harbor, Maryland.
- Sec. 535. Welch Point, Elk River, Cecil County, and Chesapeake City, Maryland.
- Sec. 536. Cape Cod Canal Railroad Bridge, Buzzards Bay, Massachusetts.
- Sec. 537. St. Louis, Missouri.
- Sec. 538. Beaver Branch of Big Timber Creek, New Jersey.
- Sec. 539. Lake Ontario and St. Lawrence River water levels, New York.
- Sec. 540. New York-New Jersey Harbor, New York and New Jersey.
- Sec. 541. Sea Gate Reach, Coney Island, New York, New York.
- Sec. 542. Woodlawn, New York.
- Sec. 543. Floodplain mapping, New York.
- Sec. 544. Toussaint River, Carroll Township, Ottawa County, Ohio.
- Sec. 545. Sardis Reservoir, Oklahoma.
- Sec. 546. Skinner Butte Park, Eugene, Oregon.
- Sec. 547. Willamette River basin, Oregon.
- Sec. 548. Bradford and Sullivan Counties, Pennsylvania.
- Sec. 549. Erie Harbor, Pennsylvania.
- Sec. 550. Point Marion Lock and Dam, Pennsylvania.
- Sec. 551. Seven Points' Harbor, Pennsylvania.
- Sec. 552. Southeastern Pennsylvania.
- Sec. 553. Upper Susquehanna-Lackawanna, Pennsylvania, watershed management and restoration study.
- Sec. 554. Aguadilla Harbor, Puerto Rico.
- Sec. 555. Oahe Dam to Lake Sharpe, South Dakota, study.
- Sec. 556. North Padre Island storm damage reduction and environmental restoration project.
- Sec. 557. Northern West Virginia.
- Sec. 558. Mississippi River Commission.
- Sec. 559. Coastal aquatic habitat management.
- Sec. 560. Abandoned and inactive noncoal mine restoration.
- Sec. 561. Beneficial use of waste tire rubber.
- Sec. 562. Site designation.
- Sec. 563. Land conveyances.

- Sec. 564. McNary Pool, Washington.
- Sec. 565. Namings.
- Sec. 566. Folsom Dam and Reservoir additional storage and additional flood control studies.
- Sec. 567. Wallops Island, Virginia.
- Sec. 568. Detroit River, Michigan.
- Sec. 569. Northeastern Minnesota.
- Sec. 570. Alaska.
- Sec. 571. Central West Virginia.
- Sec. 572. Sacramento Metropolitan Area watershed restoration, California.
- Sec. 573. Onondaga Lake, New York.
- Sec. 574. East Lynn Lake, West Virginia.
- Sec. 575. Eel River, California.
- Sec. 576. North Little Rock, Arkansas.
- Sec. 577. Upper Mississippi River, Mississippi Place, St. Paul, Minnesota.
- Sec. 578. Dredging of salt ponds in the State of Rhode Island.
- Sec. 579. Upper Susquehanna River basin, Pennsylvania and New York.
- Sec. 580. Cumberland, Maryland, flood project mitigation.
- Sec. 581. City of Miami Beach, Florida.
- Sec. 582. Research and development program for Columbia and Snake Rivers salmon survival.
- Sec. 583. Larkspur Ferry Channel, California.
- Sec. 584. Holes Creek flood control project, Ohio.
- Sec. 585. San Jacinto disposal area, Galveston, Texas.
- Sec. 586. Water monitoring station.
- Sec. 587. Overflow management facility, Rhode Island.
- Sec. 588. Lower Chena River, Alaska.
- Sec. 589. Numana Dam Fish passage, Nevada.
- Sec. 590. Embrey Dam, Virginia.
- Sec. 591. Environmental remediation, Front Royal, Virginia.
- Sec. 592. Mississippi.
- Sec. 593. Central New Mexico.
- Sec. 594. Ohio.
- Sec. 595. Rural Nevada and Montana.
- Sec. 596. Phoenix, Arizona.
- Sec. 597. National Harbor, Maryland.

**TITLE VI—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE,  
AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION**

- Sec. 601. Definitions.
- Sec. 602. Terrestrial wildlife habitat restoration.
- Sec. 603. South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund.
- Sec. 604. Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Funds.
- Sec. 605. Transfer of Federal land to State of South Dakota.
- Sec. 606. Transfer of Corps of Engineers land for Indian tribes.
- Sec. 607. Administration.
- Sec. 608. Study.
- Sec. 609. Authorization of appropriations.

**SEC. 2. DEFINITION OF SECRETARY.**

In this Act, the term “Secretary” means the Secretary of the Army.

33 USC 2201  
note.

**TITLE I—WATER RESOURCES  
PROJECTS**

**SEC. 101. PROJECT AUTHORIZATIONS.**

(a) **PROJECTS WITH CHIEF’S REPORTS.**—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this subsection:

(1) **NOME HARBOR IMPROVEMENTS, ALASKA.**—The project for navigation, Nome Harbor improvements, Alaska: Report of the

Chief of Engineers dated June 8, 1999, as amended by the Chief of Engineers on August 2, 1999, at a total cost of \$25,651,000, with an estimated Federal cost of \$20,192,000 and an estimated non-Federal cost of \$5,459,000.

(2) SAND POINT HARBOR, ALASKA.—The project for navigation, Sand Point Harbor, Alaska: Report of the Chief of Engineers dated October 13, 1998, at a total cost of \$11,760,000, with an estimated Federal cost of \$6,964,000 and an estimated non-Federal cost of \$4,796,000.

(3) SEWARD HARBOR, ALASKA.—The project for navigation, Seward Harbor, Alaska: Report of the Chief of Engineers dated June 8, 1999, at a total cost of \$12,240,000, with an estimated Federal cost of \$4,089,000 and an estimated non-Federal cost of \$8,151,000.

(4) RIO SALADO (SALT RIVER), PHOENIX AND TEMPE, ARIZONA.—The project for flood control and environmental restoration, Rio Salado (Salt River), Phoenix and Tempe, Arizona: Report of the Chief of Engineers dated August 20, 1998, at a total cost of \$88,048,000, with an estimated Federal cost of \$56,355,000 and an estimated non-Federal cost of \$31,693,000.

(5) TUCSON DRAINAGE AREA, ARIZONA.—The project for flood damage reduction, environmental restoration, and recreation, Tucson drainage area, Arizona: Report of the Chief of Engineers dated May 20, 1998, at a total cost of \$29,900,000, with an estimated Federal cost of \$16,768,000 and an estimated non-Federal cost of \$13,132,000.

(6) AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.—

(A) IN GENERAL.—The Folsom Dam Modification portion of the Folsom Modification Plan described in the United States Army Corps of Engineers Supplemental Information Report for the American River Watershed Project, California, dated March 1996, as modified by the report entitled “Folsom Dam Modification Report, New Outlets Plan”, dated March 1998, prepared by the Sacramento Area Flood Control Agency, at an estimated cost of \$150,000,000, with an estimated Federal cost of \$97,500,000 and an estimated non-Federal cost of \$52,500,000. The Secretary shall coordinate with the Secretary of the Interior with respect to the design and construction of modifications at Folsom Dam authorized by this paragraph.

(B) REOPERATION MEASURES.—Upon completion of the improvements to Folsom Dam authorized by subparagraph (A), the variable space allocated to flood control within the Reservoir shall be reduced from the current operating range of 400,000–670,000 acre-feet to 400,000–600,000 acre-feet.

(C) MAKEUP OF WATER SHORTAGES CAUSED BY FLOOD CONTROL OPERATION.—The Secretary of the Interior shall enter into, or modify, such agreements with the Sacramento Area Flood Control Agency regarding the operation of Folsom Dam and reservoir as may be necessary in order that, notwithstanding any prior agreement or provision of law, 100 percent of the water needed to make up for any water shortage caused by variable flood control operation during any year at Folsom Dam and resulting in



a significant impact on recreation at Folsom Reservoir shall be replaced, to the extent the water is available for purchase, by the Secretary of the Interior.

(D) SIGNIFICANT IMPACT ON RECREATION.—For the purposes of this paragraph, a significant impact on recreation is defined as any impact that results in a lake elevation at Folsom Reservoir below 435 feet above sea level starting on May 15 and ending on September 15 of any given year.

(E) UPDATED FLOOD MANAGEMENT PLAN.—The Secretary, in cooperation with the Secretary of the Interior, shall update the flood management plan for Folsom Dam authorized by section 9159(f)(2) of the Department of Defense Appropriations Act, 1993 (106 Stat. 1946), to reflect the operational capabilities created by the modification authorized by subparagraph (A) and improved weather forecasts based on the Advanced Hydrologic Prediction System of the National Weather Service.

(7) OAKLAND HARBOR, CALIFORNIA.—The project for navigation, Oakland Harbor, California: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$252,290,000, with an estimated Federal cost of \$128,081,000 and an estimated non-Federal cost of \$124,209,000.

(8) SOUTH SACRAMENTO COUNTY STREAMS, CALIFORNIA.—The project for flood control, environmental restoration and recreation, South Sacramento County streams, California: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$65,500,000, with an estimated Federal cost of \$41,200,000 and an estimated non-Federal cost of \$24,300,000.

(9) UPPER GUADALUPE RIVER, CALIFORNIA.—Construction of the locally preferred plan for flood damage reduction and recreation, Upper Guadalupe River, California, described as the Bypass Channel Plan of the Chief of Engineers dated August 19, 1998, at a total cost of \$140,328,000, with an estimated Federal cost of \$44,000,000 and an estimated non-Federal cost of \$96,328,000.

(10) YUBA RIVER BASIN, CALIFORNIA.—The project for flood damage reduction, Yuba River Basin, California: Report of the Chief of Engineers dated November 25, 1998, at a total cost of \$26,600,000, with an estimated Federal cost of \$17,350,000 and an estimated non-Federal cost of \$9,250,000.

(11) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-BROADKILL BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Broadkill Beach, Delaware: Report of the Chief of Engineers dated August 17, 1998, at a total cost of \$9,049,000, with an estimated Federal cost of \$5,674,000 and an estimated non-Federal cost of \$3,375,000, and at an estimated average annual cost of \$538,200 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$349,800 and an estimated annual non-Federal cost of \$188,400.

(12) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-PORT MAHON, DELAWARE.—The project for ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Port Mahon, Delaware: Report of the Chief of Engineers dated

September 28, 1998, at a total cost of \$7,644,000, with an estimated Federal cost of \$4,969,000 and an estimated non-Federal cost of \$2,675,000, and at an estimated average annual cost of \$234,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$152,000 and an estimated annual non-Federal cost of \$82,000.

(13) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-ROOSEVELT INLET-LEWES BEACH, DELAWARE.—The project for navigation mitigation and hurricane and storm damage reduction, Delaware Bay coastline, Delaware and New Jersey-Roosevelt Inlet-Lewes Beach, Delaware: Report of the Chief of Engineers dated February 3, 1999, at a total cost of \$3,393,000, with an estimated Federal cost of \$2,620,000 and an estimated non-Federal cost of \$773,000, and at an estimated average annual cost of \$196,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$152,000 and an estimated annual non-Federal cost of \$44,000.

(14) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY-VILLAS AND VICINITY, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey-Villas and vicinity, New Jersey: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$7,520,000, with an estimated Federal cost of \$4,888,000 and an estimated non-Federal cost of \$2,632,000.

(15) DELAWARE COAST FROM CAPE HENELOPEN TO FENWICK ISLAND, BETHANY BEACH/SOUTH BETHANY BEACH, DELAWARE.—The project for hurricane and storm damage reduction, Delaware Coast from Cape Henelopen to Fenwick Island, Bethany Beach/South Bethany Beach, Delaware: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$22,205,000, with an estimated Federal cost of \$14,433,000 and an estimated non-Federal cost of \$7,772,000, and at an estimated average annual cost of \$1,584,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,030,000 and an estimated annual non-Federal cost of \$554,000.

(16) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The project for aquifer storage and recovery described in the Corps of Engineers Central and Southern Florida Water Supply Study, Florida, dated April 1989, and in House Document 369, dated July 30, 1968, at a total cost of \$27,000,000, with an estimated Federal cost of \$13,500,000 and an estimated non-Federal cost of \$13,500,000.

(17) JACKSONVILLE HARBOR, FLORIDA.—The project for navigation, Jacksonville Harbor, Florida: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$26,116,000, with an estimated Federal cost of \$9,129,000 and an estimated non-Federal cost of \$16,987,000.

(18) TAMPA HARBOR-BIG BEND CHANNEL, FLORIDA.—The project for navigation, Tampa Harbor-Big Bend Channel, Florida: Report of the Chief of Engineers dated October 13, 1998, at a total cost of \$12,356,000, with an estimated Federal cost of \$6,235,000 and an estimated non-Federal cost of \$6,121,000.

(19) BRUNSWICK HARBOR, GEORGIA.—The project for navigation, Brunswick Harbor, Georgia: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$50,717,000, with an estimated Federal cost of \$32,966,000 and an estimated non-Federal cost of \$17,751,000.

(20) BEARGRASS CREEK, KENTUCKY.—The project for flood control, Beargrass Creek, Kentucky: Report of the Chief of Engineers dated May 12, 1998, at a total cost of \$11,171,300, with an estimated Federal cost of \$7,261,500 and an estimated non-Federal cost of \$3,909,800.

(21) AMITE RIVER AND TRIBUTARIES, LOUISIANA, EAST BATON ROUGE PARISH WATERSHED.—The project for flood damage reduction and recreation, Amite River and Tributaries, Louisiana, East Baton Rouge Parish Watershed: Report of the Chief of Engineers dated December 23, 1996, at a total cost of \$112,900,000, with an estimated Federal cost of \$73,400,000 and an estimated non-Federal cost of \$39,500,000.

(22) BALTIMORE HARBOR ANCHORAGES AND CHANNELS, MARYLAND AND VIRGINIA.—

(A) IN GENERAL.—The project for navigation, Baltimore Harbor Anchorages and Channels, Maryland and Virginia, Report of the Chief of Engineers dated June 8, 1998, at a total cost of \$28,426,000, with an estimated Federal cost of \$18,994,000 and an estimated non-Federal cost of \$9,432,000.

(B) CREDIT OR REIMBURSEMENT.—If a project cooperation agreement is entered into, the non-Federal interest shall receive credit toward, or reimbursement of, the Federal share of project costs for construction work performed by the non-Federal interest before execution of the project cooperation agreement if the Secretary finds the work to be integral to the project.

(C) STUDY OF MODIFICATIONS.—During the preconstruction engineering and design phase of the project, the Secretary shall conduct a study to determine the feasibility of undertaking further modifications to the Dundalk Marine Terminal access channels, consisting of—

(i) deepening and widening the Dundalk access channels to a depth of 50 feet and a width of 500 feet;

(ii) widening the flares of the access channels; and

(iii) providing a new flare on the west side of the entrance to the east access channel.

(D) REPORT.—

Deadline.

(i) IN GENERAL.—Not later than March 1, 2000, the Secretary shall submit to Congress a report on the study under subparagraph (C).

(ii) CONTENTS.—The report shall include a determination of—

(I) the feasibility of performing the project modifications described in subparagraph (C); and

(II) the appropriateness of crediting or reimbursing the Federal share of the cost of the work performed by the non-Federal interest on the project modifications.

(23) RED LAKE RIVER AT CROOKSTON, MINNESOTA.—The project for flood control, Red Lake River at Crookston, Minnesota: Report of the Chief of Engineers dated April 20, 1998, at a total cost of \$8,950,000, with an estimated Federal cost of \$5,720,000 and an estimated non-Federal cost of \$3,230,000.

(24) TURKEY CREEK BASIN, KANSAS CITY, MISSOURI, AND KANSAS CITY, KANSAS.—The project for flood damage reduction, Turkey Creek Basin, Kansas City, Missouri, and Kansas City, Kansas: Report of the Chief of Engineers dated April 21, 1999, at a total cost of \$42,875,000, with an estimated Federal cost of \$25,596,000 and an estimated non-Federal cost of \$17,279,000.

(25) LOWER CAPE MAY MEADOWS, CAPE MAY POINT, NEW JERSEY.—The project for navigation mitigation, ecosystem restoration, shore protection, and hurricane and storm damage reduction, Lower Cape May Meadows, Cape May Point, New Jersey: Report of the Chief of Engineers dated April 5, 1999, at a total cost of \$15,952,000, with an estimated Federal cost of \$12,118,000 and an estimated non-Federal cost of \$3,834,000, and at an estimated average annual cost of \$1,114,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$897,000 and an estimated annual non-Federal cost of \$217,000.

(26) TOWNSENDS INLET TO CAPE MAY INLET, NEW JERSEY.—The project for hurricane and storm damage reduction, shore protection, and ecosystem restoration, Townsends Inlet to Cape May Inlet, New Jersey: Report of the Chief of Engineers dated September 28, 1998, at a total cost of \$56,503,000, with an estimated Federal cost of \$36,727,000 and an estimated non-Federal cost of \$19,776,000, and at an estimated average annual cost of \$2,000,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,300,000 and an estimated annual non-Federal cost of \$700,000.

(27) GUANAJIBO RIVER, PUERTO RICO.—

(A) IN GENERAL.—The project for flood control, Guanajibo River, Puerto Rico: Report of the Chief of Engineers dated February 27, 1996, at a total cost of \$27,031,000, with an estimated Federal cost of \$20,273,250 and an estimated non-Federal cost of \$6,757,750.

(B) COST SHARING.—Cost sharing for the project shall be determined in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)), as in effect on October 11, 1996.

(28) RIO GRANDE DE MANATI, BARCELONETA, PUERTO RICO.—The project for flood control, Rio Grande De Manati, Barceloneta, Puerto Rico: Report of the Chief of Engineers dated January 22, 1999, at a total cost of \$13,491,000, with an estimated Federal cost of \$8,785,000 and an estimated non-Federal cost of \$4,706,000.

(29) RIO NIGUA, SALINAS, PUERTO RICO.—The project for flood control, Rio Nigua, Salinas, Puerto Rico: Report of the Chief of Engineers dated April 15, 1997, at a total cost of \$13,702,000, with an estimated Federal cost of \$7,645,000 and an estimated non-Federal cost of \$6,057,000.

(30) SALT CREEK, GRAHAM, TEXAS.—The project for flood control, environmental restoration, and recreation, Salt Creek,

Graham, Texas: Report of the Chief of Engineers dated October 6, 1998, at a total cost of \$10,080,000, with an estimated Federal cost of \$6,560,000 and an estimated non-Federal cost of \$3,520,000.

(b) PROJECTS SUBJECT TO A FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 1999:

(1) HERITAGE HARBOR, WRANGELL, ALASKA.—The project for navigation, Heritage Harbor, Wrangell, Alaska, at a total cost of \$24,556,000, with an estimated Federal cost of \$14,447,000 and estimated non-Federal cost of \$10,109,000.

(2) ARROYO PASAJERO, CALIFORNIA.—The project for flood damage reduction, Arroyo Pasajero, California, at a total cost of \$260,700,000, with an estimated Federal cost of \$170,100,000 and an estimated non-Federal cost of \$90,600,000.

(3) HAMILTON AIRFIELD, CALIFORNIA.—The project for environmental restoration, Hamilton Airfield, California, at a total cost of \$55,200,000, with an estimated Federal cost of \$41,400,000 and an estimated non-Federal cost of \$13,800,000.

(4) SUCCESS DAM, TULE RIVER BASIN, CALIFORNIA.—The project for flood damage reduction and water supply, Success Dam, Tule River basin, California, at a total cost of \$17,900,000, with an estimated Federal cost of \$11,635,000 and an estimated non-Federal cost of \$6,265,000.

(5) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: OAKWOOD BEACH, NEW JERSEY.—The project for shore protection, Delaware Bay coastline, Delaware and New Jersey: Oakwood Beach, New Jersey, at a total cost of \$3,360,000, with an estimated Federal cost of \$2,184,000 and an estimated non-Federal cost of \$1,176,000, and at an estimated average annual cost of \$81,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$53,000 and an estimated annual non-Federal cost of \$28,000.

(6) DELAWARE BAY COASTLINE, DELAWARE AND NEW JERSEY: REEDS BEACH AND PIERCES POINT, NEW JERSEY.—The project for shore protection and ecosystem restoration, Delaware Bay coastline, Delaware and New Jersey: Reeds Beach and Pierces Point, New Jersey, at a total cost of \$4,057,000, with an estimated Federal cost of \$2,637,000 and an estimated non-Federal cost of \$1,420,000.

(7) LITTLE TALBOT ISLAND, DUVAL COUNTY, FLORIDA.—The project for hurricane and storm damage prevention and shore protection, Little Talbot Island, Duval County, Florida, at a total cost of \$5,915,000, with an estimated Federal cost of \$3,839,000 and an estimated non-Federal cost of \$2,076,000.

(8) PONCE DE LEON INLET, FLORIDA.—The project for navigation and related purposes, Ponce de Leon Inlet, Volusia County, Florida, at a total cost of \$5,454,000, with an estimated Federal cost of \$2,988,000 and an estimated non-Federal cost of \$2,466,000.

(9) SAVANNAH HARBOR EXPANSION, GEORGIA.—

(A) IN GENERAL.—Subject to subparagraph (B), the project for navigation, Savannah Harbor expansion,

Georgia, including implementation of the mitigation plan, with such modifications as the Secretary considers appropriate, at a total cost of \$230,174,000 (of which amount a portion is authorized for implementation of the mitigation plan), with an estimated Federal cost of \$145,160,000 and an estimated non-Federal cost of \$85,014,000.

(B) CONDITIONS.—The project authorized by subparagraph (A) may be carried out only after—

(i) the Secretary, in consultation with affected Federal, State of Georgia, State of South Carolina, regional, and local entities, reviews and approves an environmental impact statement for the project that includes—

(I) an analysis of the impacts of project depth alternatives ranging from 42 feet through 48 feet; and

(II) a selected plan for navigation and an associated mitigation plan as required under section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)); and

(ii) the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the Secretary approve the selected plan and determine that the associated mitigation plan adequately addresses the potential environmental impacts of the project.

(C) MITIGATION REQUIREMENTS.—The mitigation plan shall be implemented before or concurrently with construction of the project.

(10) DES PLAINES RIVER, ILLINOIS.—The project for flood control, Des Plaines River, Illinois, at a total cost of \$48,800,000 with an estimated Federal cost of \$31,700,000 and an estimated non-Federal cost of \$17,100,000.

(11) REELFOOT LAKE, KENTUCKY AND TENNESSEE.—The project for ecosystem restoration, Reelfoot Lake, Kentucky and Tennessee, at a total cost of \$35,287,000, with an estimated Federal cost of \$23,601,000 and an estimated non-Federal cost of \$11,686,000.

(12) BRIGANTINE INLET TO GREAT EGG HARBOR, BRIGANTINE ISLAND, NEW JERSEY.—The project for hurricane and storm damage reduction and shore protection, Brigantine Inlet to Great Egg Harbor, Brigantine Island, New Jersey, at a total cost of \$4,970,000, with an estimated Federal cost of \$3,230,000 and an estimated non-Federal cost of \$1,740,000, and at an estimated average annual cost of \$465,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$302,000 and an estimated annual non-Federal cost of \$163,000.

(13) COLUMBIA RIVER CHANNEL, OREGON AND WASHINGTON.—The project for navigation, Columbia River Channel, Oregon and Washington, at a total cost of \$183,623,000, with an estimated Federal cost of \$106,132,000 and an estimated non-Federal cost of \$77,491,000.

(14) JOHNSON CREEK, ARLINGTON, TEXAS.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, at a total cost of

\$20,300,000, with an estimated Federal cost of \$12,000,000 and an estimated non-Federal cost of \$8,300,000.

(15) HOWARD HANSON DAM, WASHINGTON.—The project for water supply and ecosystem restoration, Howard Hanson Dam, Washington, at a total cost of \$75,600,000, with an estimated Federal cost of \$36,900,000 and an estimated non-Federal cost of \$38,700,000.

**SEC. 102. SMALL FLOOD CONTROL PROJECTS.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(1) EYAK RIVER, CORDOVA, ALASKA.—Project for flood damage reduction, Eyak River, Cordova, Alaska.

(2) SALCHA RIVER AND PILED RIVER SLOUGH, FAIRBANKS, ALASKA.—Project for flood damage reduction to protect against surface water flooding, lower Salcha River and Piledriver Slough from its headwaters at the mouth of the Salcha River to the Chena Lakes Flood Control Project, Fairbanks, Alaska.

(3) LANCASTER, CALIFORNIA.—Project for flood control, Lancaster, California, westside stormwater retention facility.

(4) MAGPIE CREEK, CALIFORNIA.—Project for flood control, Magpie Creek, California, located within the boundaries of McClellan Air Force Base.

(5) GATEWAY TRIANGLE AREA, FLORIDA.—Project for flood control, Gateway Triangle area, Collier County, Florida.

(6) PLANT CITY, FLORIDA.—Project for flood control, Plant City, Florida.

(7) STONE ISLAND, LAKE MONROE, FLORIDA.—Project for flood control, Stone Island, Lake Monroe, Florida.

(8) OHIO RIVER, ILLINOIS.—Project for flood control, Ohio River, Illinois.

(9) HAMILTON DAM, MICHIGAN.—Project for flood control, Hamilton Dam, Michigan.

(10) REPAUPO CREEK AND DELAWARE RIVER, GLOUCESTER COUNTY, NEW JERSEY.—Project for tidegate and levee improvements for Repaupo Creek and the Delaware River, Gloucester County, New Jersey.

(11) IRONDEQUOIT CREEK, NEW YORK.—Project for flood control, Irondequoit Creek watershed, New York.

(12) OWASCO LAKE SEAWALL, NEW YORK.—Project for flood control, Owasco Lake seawall, New York.

(13) PORT CLINTON, OHIO.—Project for flood control, Port Clinton, Ohio.

(14) ABINGTON TOWNSHIP, PENNSYLVANIA.—Project for flood control, Baeder and Wanamaker Roads, Abington Township, Pennsylvania.

(15) PORT INDIAN, WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Port Indian, West Norriton Township, Montgomery County, Pennsylvania.

(16) PORT PROVIDENCE, UPPER PROVIDENCE TOWNSHIP, PENNSYLVANIA.—Project for flood control, Port Providence, Upper Providence Township, Pennsylvania.

(17) SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA.—Project for flood control, Springfield Township, Montgomery County, Pennsylvania.

(18) TAWNEY RUN CREEK, PENNSYLVANIA.—Project for flood control, Tawney Run Creek, Allegheny County, Pennsylvania.

(19) WISSAHICKON WATERSHED, PENNSYLVANIA.—Project for flood control, Wissahickon watershed, Philadelphia, Pennsylvania.

(20) TIOGA COUNTY, PENNSYLVANIA.—Project for flood control, Tioga River and Cowanesque River and their tributaries, Tioga County, Pennsylvania.

(21) FIRST CREEK, KNOXVILLE, TENNESSEE.—Project for flood control, First Creek, Knoxville, Tennessee.

(22) METRO CENTER LEVEE, CUMBERLAND RIVER, NASHVILLE, TENNESSEE.—Project for flood control, Metro Center Levee, Cumberland River, Nashville, Tennessee.

(b) FESTUS AND CRYSTAL CITY, MISSOURI.—

(1) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for flood control, Festus and Crystal City, Missouri, is \$10,000,000.

(2) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project described in paragraph (1) to take into account the change in the Federal participation in the project under paragraph (1).

#### **SEC. 103. SMALL BANK STABILIZATION PROJECTS.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r):

(1) ARCTIC OCEAN, BARROW, ALASKA.—Project for storm damage reduction and coastal erosion, Barrow, Alaska.

(2) SAINT JOSEPH RIVER, INDIANA.—Project for streambank erosion control, Saint Joseph River, Indiana.

(3) SAGINAW RIVER, BAY CITY, MICHIGAN.—Project for streambank erosion control, Saginaw River, Bay City, Michigan.

(4) BIG TIMBER CREEK, NEW JERSEY.—Project for streambank erosion control, Big Timber Creek, New Jersey.

(5) LAKE SHORE ROAD, ATHOL SPRINGS, NEW YORK.—Project for streambank erosion control, Lake Shore Road, Athol Springs, New York.

(6) MARIST COLLEGE, POUGHKEEPSIE, NEW YORK.—Project for streambank erosion control, Marist College, Poughkeepsie, New York.

(7) MONROE COUNTY, OHIO.—Project for streambank erosion control, Monroe County, Ohio.

(8) GREEN VALLEY, WEST VIRGINIA.—Project for streambank erosion control, Green Valley, West Virginia.

(b) YELLOWSTONE RIVER, BILLINGS, MONTANA.—The streambank protection project at Coulson Park, along the Yellowstone River, Billings, Montana, shall be eligible for assistance under section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r).

#### **SEC. 104. SMALL NAVIGATION PROJECTS.**

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).



(1) GRAND MARAIS, ARKANSAS.—Project for navigation, Grand Marais, Arkansas.

(2) FIELDS LANDING CHANNEL, HUMBOLDT HARBOR, CALIFORNIA.—Project for navigation, Fields Landing Channel, Humboldt Harbor, California.

(3) SAN MATEO (PILLAR POINT HARBOR), CALIFORNIA.—Project for navigation, San Mateo (Pillar Point Harbor), California.

(4) AGANA MARINA, GUAM.—Project for navigation, Agana Marina, Guam.

(5) AGAT MARINA, GUAM.—Project for navigation, Agat Marina, Guam.

(6) APRA HARBOR FUEL PIERS, GUAM.—Project for navigation, Apra Harbor Fuel Piers, Guam.

(7) APRA HARBOR PIER F-6, GUAM.—Project for navigation, Apra Harbor Pier F-6, Guam.

(8) APRA HARBOR SEAWALL, GUAM.—Project for navigation including a seawall, Apra Harbor, Guam.

(9) GUAM HARBOR, GUAM.—Project for navigation, Guam Harbor, Guam.

(10) ILLINOIS RIVER NEAR CHAUTAUQUA PARK, ILLINOIS.—Project for navigation, Illinois River near Chautauqua Park, Illinois.

(11) WHITING SHORELINE WATERFRONT, WHITING, INDIANA.—Project for navigation, Whiting shoreline waterfront, Whiting, Indiana.

(12) UNION RIVER, ELLSWORTH, MAINE.—Project for navigation, Union River, Ellsworth, Maine.

(13) NARAGUAGUS RIVER, MACHIAS, MAINE.—Project for navigation, Naraguagus River, Machias, Maine.

(14) DETROIT RIVER, MICHIGAN.—Project for navigation, Detroit River, Michigan, including dredging and removal of a reef.

(15) FORTESCUE INLET, DELAWARE BAY, NEW JERSEY.—Project for navigation, Fortescue Inlet, Delaware Bay, New Jersey.

(16) BRADDOCK BAY, GREECE, NEW YORK.—Project for navigation, Braddock Bay, Greece, New York.

(17) BUFFALO AND LASALLE PARK, NEW YORK.—Project for navigation, Buffalo and LaSalle Park, New York.

(18) STURGEON POINT, NEW YORK.—Project for navigation, Sturgeon Point, New York.

(19) FAIRPORT HARBOR, OHIO.—Project for navigation, Fairport Harbor, Ohio, including a recreation channel.

**SEC. 105. SMALL PROJECTS FOR IMPROVEMENT OF THE QUALITY OF THE ENVIRONMENT.**

(a) IN GENERAL.—The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)):

(1) ILLINOIS RIVER IN THE VICINITY OF HAVANA, ILLINOIS.—Project for improvement of the quality of the environment, Illinois River in the vicinity of Havana, Illinois.

(2) KNITTING MILL CREEK, VIRGINIA.—Project for improvement of the quality of the environment, Knitting Mill Creek, Virginia.

(b) PINE FLAT DAM, KINGS RIVER, CALIFORNIA.—Under authority of section 1135(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(a)), the Secretary shall carry out a project to construct a turbine bypass at Pine Flat Dam, Kings River, California, in accordance with the project modification report and environmental assessment dated September 1996.

**SEC. 106. SMALL AQUATIC ECOSYSTEM RESTORATION PROJECTS.**

The Secretary is authorized to carry out the following projects under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) CONTRA COSTA COUNTY, BAY DELTA, CALIFORNIA.—Project for aquatic ecosystem restoration, Contra Costa County, Bay Delta, California.

(2) INDIAN RIVER, FLORIDA.—Project for aquatic ecosystem restoration and lagoon restoration, Indian River, Florida.

(3) LITTLE WEKIVA RIVER, FLORIDA.—Project for aquatic ecosystem restoration and erosion control, Little Wekiva River, Florida.

(4) COOK COUNTY, ILLINOIS.—Project for aquatic ecosystem restoration and lagoon restoration and protection, Cook County, Illinois.

(5) GRAND BATTURE ISLAND, MISSISSIPPI.—Project for aquatic ecosystem restoration, Grand Batture Island, Mississippi.

(6) HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.—Project for aquatic ecosystem restoration and reef restoration along the Gulf Coast, Hancock, Harrison, and Jackson Counties, Mississippi.

(7) MISSISSIPPI RIVER AND RIVER DES PERES, ST. LOUIS, MISSOURI.—Project for aquatic ecosystem restoration and recreation, Mississippi River and River Des Peres, St. Louis, Missouri.

(8) HUDSON RIVER, NEW YORK.—Project for aquatic ecosystem restoration, Hudson River, New York.

(9) ONEIDA LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Oneida Lake, Oneida County, New York.

(10) OTSEGO LAKE, NEW YORK.—Project for aquatic ecosystem restoration, Otsego Lake, Otsego County, New York.

(11) NORTH FORK OF YELLOW CREEK, OHIO.—Project for aquatic ecosystem restoration, North Fork of Yellow Creek, Ohio.

(12) WHEELING CREEK WATERSHED, OHIO.—Project for aquatic ecosystem restoration, Wheeling Creek watershed, Ohio.

(13) SPRINGFIELD MILLRACE, OREGON.—Project for aquatic ecosystem restoration, Springfield Millrace, Oregon.

(14) UPPER AMAZON CREEK, OREGON.—Project for aquatic ecosystem restoration, Upper Amazon Creek, Oregon.

(15) LAKE ONTELAUNEE RESERVOIR, BERKS COUNTY, PENNSYLVANIA.—Project for aquatic ecosystem restoration and distilling pond facilities, Lake Ontelaunee Reservoir, Berks County, Pennsylvania.

(16) BLACKSTONE RIVER BASIN, RHODE ISLAND AND MASSACHUSETTS.—Project for aquatic ecosystem restoration and fish passage facilities, Blackstone River Basin, Rhode Island and Massachusetts.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. SMALL FLOOD CONTROL AUTHORITY.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended—

(1) in the first sentence, by striking “construction of small projects” and inserting “implementation of small structural and nonstructural projects”; and

(2) in the third sentence, by striking “\$5,000,000” and inserting “\$7,000,000”.

### SEC. 202. USE OF NON-FEDERAL FUNDS FOR COMPILING AND DISSEMINATING INFORMATION ON FLOODS AND FLOOD DAMAGE.

Section 206(b) of the Flood Control Act of 1960 (33 U.S.C. 709a(b)) is amended in the third sentence by inserting before the period at the end the following: “, but the Secretary of the Army may accept funds voluntarily contributed by such entities for the purpose of expanding the scope of the services requested by the entities”.

### SEC. 203. CONTRIBUTIONS BY STATES AND POLITICAL SUBDIVISIONS.

Section 5 of the Act of June 22, 1936 (33 U.S.C. 701h), is amended by inserting “or environmental restoration” after “flood control”.

### SEC. 204. SEDIMENT DECONTAMINATION TECHNOLOGY.

Section 405 of the Water Resources Development Act of 1992 (33 U.S.C. 2239 note; Public Law 102–580) is amended—

(1) in subsection (a), by adding at the end the following:

“(4) PRACTICAL END-USE PRODUCTS.—Technologies selected for demonstration at the pilot scale shall be intended to result in practical end-use products.

“(5) ASSISTANCE BY THE SECRETARY.—The Secretary shall assist the project to ensure expeditious completion by providing sufficient quantities of contaminated dredged material to conduct the full-scale demonstrations to stated capacity.”;

(2) in subsection (c), by striking the first sentence and inserting the following: “There is authorized to be appropriated to carry out this section \$22,000,000 to complete technology testing, technology commercialization, and the development of full scale processing facilities within the New York/New Jersey Harbor.”; and

(3) by adding at the end the following:

“(e) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.”.

Appropriation  
authorization.

### SEC. 205. CONTROL OF AQUATIC PLANTS.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in the first sentence of subsection (a), by striking “water-hyacinth, alligatorweed, Eurasian water milfoil, melaleuca, and other obnoxious aquatic plant growths, from” and inserting “noxious aquatic plant growths from”;

(2) in the first sentence of subsection (b), by striking “\$12,000,000” and inserting “\$15,000,000”; and

(3) by adding at the end the following:

“(c) SUPPORT.—In carrying out the program under this section, the Secretary is encouraged to use contracts, cooperative agreements, and grants with colleges and universities and other non-Federal entities.”.

33 USC 2331.

**SEC. 206. USE OF CONTINUING CONTRACTS FOR CONSTRUCTION OF CERTAIN PROJECTS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall not implement a fully allocated funding policy with respect to a water resource project if initiation of construction has occurred but sufficient funds are not available to complete the project.

(b) CONTINUING CONTRACTS.—The Secretary shall enter into a continuing contract for a project described in subsection (a).

(c) INITIATION OF CONSTRUCTION CLARIFIED.—For the purposes of this section, initiation of construction for a project occurs on the date of enactment of an Act that appropriates funds for the project from 1 of the following appropriation accounts:

(1) Construction, General.

(2) Operation and Maintenance, General.

(3) Flood Control, Mississippi River and Tributaries.

**SEC. 207. WATER RESOURCES DEVELOPMENT STUDIES FOR THE PACIFIC REGION.**

Section 444 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended by striking “interest of navigation” and inserting “interests of water resources development including navigation, flood damage reduction, and environmental restoration”.

**SEC. 208. EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION.**

(a) EXTENSION OF PROGRAM.—Section 528(b)(3) of the Water Resources Development Act of 1996 is amended—

(1) in subparagraph (B) (110 Stat. 3769), by striking “1999” and inserting “2003”; and

(2) in subparagraph (C)(i) (110 Stat. 3769), by striking “1999” and inserting “2003”.

(b) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—Section 528(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3768) is amended by adding at the end the following:

“(D) CREDIT AND REIMBURSEMENT OF PAST AND FUTURE ACTIVITIES.—The Secretary may provide credit to or reimburse the non-Federal project sponsor (using funds authorized by subparagraph (C)) for the reasonable costs of any work that has been performed or will be performed in connection with a study or activity meeting the requirements of subparagraph (A) if—

“(i) the Secretary determines that—

“(I) the work performed by the non-Federal project sponsor will substantially expedite completion of a critical restoration project; and

“(II) the work is necessary for a critical restoration project; and

“(ii) the credit or reimbursement is granted pursuant to a project-specific agreement that prescribes the terms and conditions of the credit or reimbursement.”.

(c) CALOOSAHATCHEE RIVER BASIN, FLORIDA.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended in the first sentence by inserting before the period at the end the following: “if the Secretary determines that the acquisition is compatible with and an integral component of the Everglades and South Florida ecosystem restoration, including potential acquisition of land or interests in land in the Caloosahatchee River basin or other areas”.

(d) IN-KIND WORK.—Section 528(e)(4) of the Water Resources Development Act of 1996 (110 Stat. 3770) is amended—

(1) by striking “Regardless” and inserting the following:

“(1) LAND ACQUISITION.—Regardless”; and

(2) by adding at the end the following:

“(2) IN-KIND WORK.—

“(A) IN GENERAL.—During the preconstruction, engineering, and design phase and the construction phase of the Central and Southern Florida Project, the Secretary shall allow credit against the non-Federal share of the cost of activities described in subsection (b) for work performed by non-Federal interests at the request of the Secretary in furtherance of the design of features included in the comprehensive plan under that subsection.

“(B) AUDITS.—In-kind work to be credited under subparagraph (A) shall be subject to audit.”.

#### **SEC. 209. BENEFICIAL USES OF DREDGED MATERIAL.**

Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended—

(1) in subsection (c), by striking “cooperative agreement in accordance with the requirements of section 221 of the Flood Control Act of 1970” and inserting “binding agreement with the Secretary”; and

(2) by adding at the end the following:

“(g) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

#### **SEC. 210. AQUATIC ECOSYSTEM RESTORATION.**

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) in subsection (b)—

(A) by striking “Non-Federal” and inserting the following:

“(1) IN GENERAL.—Non-Federal”; and

(B) by adding at the end the following:

“(2) FORM.—Before October 1, 2003, the Federal share of the cost of a project under this section may be provided in the form of reimbursements of project costs.”; and

(2) in subsection (c)—

(A) by striking “Construction” and inserting the following:

“(1) IN GENERAL.—Construction”; and

(B) by adding at the end the following:

“(2) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

**SEC. 211. WATERSHED MANAGEMENT, RESTORATION, AND DEVELOPMENT.**

Section 503 of the Water Resources Development Act of 1996 (110 Stat. 3756) is amended—

(1) in subsection (d)—

(A) by striking paragraph (10) and inserting the following:

“(10) Regional Atlanta watershed, Atlanta, Georgia, and Lake Lanier, Forsyth and Hall Counties, Georgia.”; and

(B) by adding at the end the following:

“(14) Clear Lake watershed, California.

“(15) Fresno Slough watershed, California.

“(16) Hayward Marsh, Southern San Francisco Bay watershed, California.

“(17) Kaweah River watershed, California.

“(18) Lake Tahoe watershed, California and Nevada.

“(19) Malibu Creek watershed, California.

“(20) Lower St. Johns River basin, Florida.

“(21) Illinois River watershed, Illinois.

“(22) Truckee River basin, Nevada.

“(23) Walker River basin, Nevada.

“(24) Bronx River watershed, New York.

“(25) Catawba River watershed, North Carolina.

“(26) Columbia Slough watershed, Oregon.

“(27) Cabin Creek basin, West Virginia.”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.”.

33 USC 2332.

**SEC. 212. FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM.**

(a) IN GENERAL.—The Secretary may undertake a program for the purpose of conducting projects to reduce flood hazards and restore the natural functions and values of rivers throughout the United States.

(b) STUDIES AND PROJECTS.—

(1) AUTHORITY.—In carrying out the program, the Secretary may conduct studies to identify appropriate flood damage reduction, conservation, and restoration measures and may design and implement projects described in subsection (a).

(2) CONSULTATION AND COORDINATION.—The studies and projects carried out under this section shall be conducted, to the maximum extent practicable, in consultation and coordination with the Federal Emergency Management Agency and other appropriate Federal agencies, and in consultation and coordination with appropriate State and local agencies and tribes.

(3) NONSTRUCTURAL APPROACHES.—The studies and projects shall emphasize, to the maximum extent practicable

and appropriate, nonstructural approaches to preventing or reducing flood damages.

(4) PARTICIPATION.—The studies and projects shall be conducted, to the maximum extent practicable, in cooperation with State and local agencies and tribes to ensure the coordination of local flood damage reduction or riverine and wetland restoration studies with projects that conserve, restore, and manage hydrologic and hydraulic regimes and restore the natural functions and values of floodplains.

(c) COST-SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).

(2) ENVIRONMENTAL RESTORATION AND NONSTRUCTURAL FLOOD CONTROL PROJECTS.—

(A) IN GENERAL.—The non-Federal interests shall pay 35 percent of the cost of any environmental restoration or nonstructural flood control project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—The non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for such projects.

(C) CREDIT.—The value of such land, easements, rights-of-way, dredged material disposal areas, and relocations shall be credited toward the payment required under this paragraph.

(3) STRUCTURAL FLOOD CONTROL PROJECTS.—Any structural flood control projects carried out under this section shall be subject to cost sharing in accordance with section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a)).

(4) OPERATION AND MAINTENANCE.—The non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(d) PROJECT JUSTIFICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2), the Secretary may implement a project under this section if the Secretary determines that the project—

(A) will significantly reduce potential flood damages;

(B) will improve the quality of the environment; and

(C) is justified considering all costs and beneficial outputs of the project.

(2) ESTABLISHMENT OF SELECTION AND RATING CRITERIA AND POLICIES.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary, in cooperation with State and local agencies and tribes, shall—

(i) develop, and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, criteria for selecting and rating projects to be carried out under this section; and

Deadline.

(ii) establish policies and procedures for carrying out the studies and projects undertaken under this section.

(B) CRITERIA.—The criteria referred to in subparagraph

(A)(i) shall include, as a priority, the extent to which the appropriate State government supports the project.

(e) PRIORITY AREAS.—In carrying out this section, the Secretary shall examine appropriate locations, including—

(1) Pima County, Arizona, at Paseo De Las Iglesias and Rillito River;

(2) Coachella Valley, Riverside County, California;

(3) Los Angeles and San Gabriel Rivers, California;

(4) Murrieta Creek, California;

(5) Napa River Valley watershed, California, at Yountville, St. Helena, Calistoga, and American Canyon;

(6) Santa Clara basin, California, at Upper Guadalupe River and Tributaries, San Francisquito Creek, and Upper Penitencia Creek;

(7) Pond Creek, Kentucky;

(8) Red River of the North, Minnesota, North Dakota, and South Dakota;

(9) Connecticut River, New Hampshire;

(10) Pine Mount Creek, New Jersey;

(11) Southwest Valley, Albuquerque, New Mexico;

(12) Upper Delaware River, New York;

(13) Briar Creek, North Carolina;

(14) Chagrin River, Ohio;

(15) Mill Creek, Cincinnati, Ohio;

(16) Tillamook County, Oregon;

(17) Willamette River basin, Oregon;

(18) Blair County, Pennsylvania, at Altoona and Frankstown Township;

(19) Delaware River, Pennsylvania;

(20) Schuylkill River, Pennsylvania;

(21) Providence County, Rhode Island;

(22) Shenandoah River, Virginia; and

(23) Lincoln Creek, Wisconsin.

(f) PROGRAM REVIEW.—

(1) IN GENERAL.—The program established under this section shall be subject to an independent review to evaluate the efficacy of the program in achieving the dual goals of flood hazard mitigation and riverine restoration.

Deadline.

(2) REPORT.—Not later than April 15, 2003, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the findings of the review conducted under this subsection with any recommendations concerning continuation of the program.

(g) MAXIMUM FEDERAL COST PER PROJECT.—Not more than \$30,000,000 may be expended by the United States on any single project under this section.

(h) PROCEDURE.—

(1) ALL PROJECTS.—The Secretary shall not implement any project under this section until—



(A) the Secretary submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written notification describing the project and the determinations made under subsection (d)(1); and

Notification.

(B) 21 calendar days have elapsed after the date on which the notification was received by the committees.  
(2) PROJECTS EXCEEDING \$15,000,000.—

(A) LIMITATION ON APPROPRIATIONS.—No appropriation shall be made to construct any project under this section the total Federal cost of construction of which exceeds \$15,000,000 if the project has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(B) REPORT.—For the purpose of securing consideration of approval under this paragraph, the Secretary shall submit a report on the proposed project, including all relevant data and information on all costs.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

(A) \$20,000,000 for fiscal year 2001;

(B) \$30,000,000 for fiscal year 2002; and

(C) \$50,000,000 for each of fiscal years 2003 through 2005.

(2) FULL FUNDING.—All studies and projects carried out under this section from Army Civil Works appropriations shall be fully funded within the program funding levels provided in this subsection.

#### SEC. 213. SHORE MANAGEMENT PROGRAM.

33 USC 426e  
note.

(a) REVIEW.—The Secretary shall review the implementation of the Corps of Engineers shore management program, with particular attention to—

(1) inconsistencies in implementation among the divisions and districts of the Corps of Engineers; and

(2) complaints by or potential inequities regarding property owners in the Savannah District, including an accounting of the number and disposition of complaints in the Savannah District during the 5-year period preceding the date of enactment of this Act.

(b) REPORT.—As expeditiously as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the review under subsection (a).

#### SEC. 214. SHORE DAMAGE PREVENTION OR MITIGATION.

Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended—

(1) in the first sentence—

(A) by striking “The Secretary” and inserting “(a) IN GENERAL.—The Secretary”; and

(B) by inserting after “navigation works” the following:  
 “and shore damage attributable to the Atlantic Intracoastal Waterway and the Gulf Intracoastal Waterway”;  
 (2) in the second sentence, by striking “The costs” and inserting the following:  
 “(b) COST SHARING.—The costs”;  
 (3) in the third sentence—  
 (A) by striking “No such” and inserting the following:  
 “(c) REQUIREMENT FOR SPECIFIC AUTHORIZATION.—No such”;  
 and  
 (B) by striking “\$2,000,000” and inserting “\$5,000,000”;  
 and  
 (4) by adding at the end the following:  
 “(d) COORDINATION.—The Secretary shall—  
 “(1) coordinate the implementation of the measures under this section with other Federal and non-Federal shore protection projects in the same geographic area; and  
 “(2) to the extent practicable, combine mitigation projects with other shore protection projects in the same area into a comprehensive regional project.”.

#### SEC. 215. SHORE PROTECTION.

(a) PERIODIC NOURISHMENT.—Section 103(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)) is amended—

(1) by striking “Costs of constructing” and inserting the following:

“(1) CONSTRUCTION.—Costs of constructing”; and

(2) by adding at the end the following:

“(2) PERIODIC NOURISHMENT.—

“(A) IN GENERAL.—In the case of a project authorized for construction after December 31, 1999, or for which a feasibility study is completed after that date, the non-Federal cost of the periodic nourishment of the project, or any measure for shore protection or beach erosion control for the project, that is carried out—

“(i) after January 1, 2001, shall be 40 percent;

“(ii) after January 1, 2002, shall be 45 percent;

and

“(iii) after January 1, 2003, shall be 50 percent.

“(B) BENEFITS TO PRIVATELY OWNED SHORES.—All costs assigned to benefits of periodic nourishment projects or measures to privately owned shores (where use of such shores is limited to private interests) or to prevention of losses of private land shall be borne by the non-Federal interest.

“(C) BENEFITS TO FEDERALLY OWNED SHORES.—All costs assigned to the protection of federally owned shores for periodic nourishment measures shall be borne by the United States.”.

(b) OUTER CONTINENTAL SHELF.—

(1) USE OF SAND FROM OUTER CONTINENTAL SHELF.—Section 8(k)(2)(B) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)(2)(B)) is amended in the second sentence by striking “an agency of the Federal Government” and inserting “a Federal, State, or local government agency”.

(2) REIMBURSEMENT OF LOCAL INTERESTS.—Any amounts paid by non-Federal interests for beach erosion control, hurricane protection, shore protection, or storm damage reduction projects as a result of an assessment under section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) shall be fully reimbursed.

(c) REPORT ON SHORES OF THE UNITED STATES.—

33 USC 426e  
note.  
Deadline.

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall report to Congress on the state of the shores of the United States.

(2) CONTENTS.—The report shall include—

(A) a description of—

(i) the extent of, and economic and environmental effects caused by, erosion and accretion along the shores of the United States; and

(ii) the causes of such erosion and accretion;

(B) a description of resources committed by Federal, State, and local governments to restore and renourish shores;

(C) a description of the systematic movement of sand along the shores of the United States; and

(D) recommendations regarding—

(i) appropriate levels of Federal and non-Federal participation in shore protection; and

(ii) use of a systems approach to sand management.

(3) USE OF SPECIFIC LOCATION DATA.—In developing the report, the Secretary shall use data from specific locations on the coasts of the Atlantic Ocean, Pacific Ocean, Great Lakes, and Gulf of Mexico.

(d) NATIONAL COASTAL DATA BANK.—

33 USC 426i–2.  
Deadline.

(1) ESTABLISHMENT OF DATA BANK.—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish a national coastal data bank containing data on the geophysical and climatological characteristics of the shores of the United States.

(2) CONTENT.—To the extent practicable, the national coastal data bank shall include data regarding current and predicted shore positions, information on federally authorized shore protection projects, and data on the movement of sand along the shores of the United States, including impediments to such movement caused by natural and manmade features.

(3) ACCESS.—The national coastal data bank shall be made readily accessible to the public.

#### SEC. 216. FLOOD PREVENTION COORDINATION.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) FLOOD PREVENTION COORDINATION.—The Secretary shall coordinate with the Director of the Federal Emergency Management Agency and the heads of other Federal agencies to ensure that flood control projects and plans are complementary and integrated to the extent practicable and appropriate.”.

**SEC. 217. DISPOSAL OF DREDGED MATERIAL ON BEACHES.**

(a) **IN GENERAL.**—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is amended in the first sentence by striking “50” and inserting “35”.

33 USC 426j  
note.

(b) **GREAT LAKES BASIN.**—The Secretary shall work with the State of Ohio, other Great Lakes States, and political subdivisions of the States to fully implement and maximize beneficial reuse of dredged material as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(c) **BOLIVAR PENINSULA, JEFFERSON, CHAMBERS, AND GALVESTON COUNTIES, TEXAS.**—The Secretary may design and construct a shore protection project between the south jetty of the Sabine Pass Channel and the north jetty of the Galveston Harbor Entrance Channel in Jefferson, Chambers, and Galveston Counties, Texas, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(d) **GALVESTON BEACH, GALVESTON COUNTY, TEXAS.**—The Secretary may design and construct a shore protection project between the Galveston South Jetty and San Luis Pass, Galveston County, Texas, using innovative nourishment techniques, including beneficial use of dredged material from Federal navigation projects as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

(e) **ROLLOVER PASS, GALVESTON COUNTY, TEXAS.**—The Secretary may place dredged material from the Gulf Intracoastal Waterway on the beaches along Rollover Pass, Galveston County, Texas, to stabilize beach erosion as provided under section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j).

**SEC. 218. ANNUAL PASSES FOR RECREATION.**

Section 208(c)(4) of the Water Resources Development Act of 1996 (16 U.S.C. 460d-3 note; 110 Stat. 3681) is amended by striking “later of December 31, 1999, or the date of transmittal of the report under paragraph (3)” and inserting “December 31, 2003”.

**SEC. 219. NONSTRUCTURAL FLOOD CONTROL PROJECTS.**

(a) **ANALYSIS OF BENEFITS.**—Section 308 of the Water Resources Development Act of 1990 (33 U.S.C. 2318) is amended—

(1) in the heading of subsection (a), by inserting “EXCLUSION OF ELEMENTS FROM” before “BENEFIT-COST”;

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively;

(3) by inserting after subsection (a) the following:

“(b) **FLOOD DAMAGE REDUCTION BENEFITS.**—

“(1) **IN GENERAL.**—In calculating the benefits of a proposed project for nonstructural flood damage reduction, the Secretary shall calculate the benefits of the nonstructural project using methods similar to those used for calculating the benefits of structural projects, including similar treatment in calculating the benefits from losses avoided.

“(2) **AVOIDANCE OF DOUBLE COUNTING.**—In carrying out paragraph (1), the Secretary should avoid double counting of benefits.”; and

(4) in subsection (d), by striking “subsection (b)” and inserting “subsection (c)”.

(b) REEVALUATION OF FLOOD CONTROL PROJECTS.—At the request of a non-Federal interest for a flood control project, the Secretary shall conduct a reevaluation of a project authorized before the date of enactment of this Act to consider nonstructural alternatives in light of the amendments made by subsection (a). 33 USC 2318 note.

(c) COST SHARING.—Section 103(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)) is amended—

(1) by striking “The non-Federal” and inserting the following:

“(1) IN GENERAL.—The non-Federal”; and

(2) by adding at the end the following:

“(2) NON-FEDERAL CONTRIBUTION IN EXCESS OF 35 PERCENT.—At any time during construction of a project, if the Secretary determines that the costs of land, easements, rights-of-way, dredged material disposal areas, and relocations for the project, in combination with other costs contributed by the non-Federal interests, will exceed 35 percent, any additional costs for the project (not to exceed 65 percent of the total costs of the project) shall be a Federal responsibility and shall be contributed during construction as part of the Federal share.”.

#### SEC. 220. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758) is amended—

(1) in paragraph (14), by inserting “and nutrient monitoring” after “growth”;

(2) in paragraph (15), by striking “and” at the end;

(3) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

“(17) Clear Lake, Lake County, California, removal of silt and aquatic growth and measures to address excessive sedimentation and high nutrient concentration;

“(18) Flints Pond, Hollis, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation; and

“(19) Osgood Pond, Milford, Hillsborough County, New Hampshire, removal of silt and aquatic growth and measures to address excessive sedimentation.”.

#### SEC. 221. ENHANCEMENT OF FISH AND WILDLIFE RESOURCES.

Section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(e)) is amended by inserting after the second sentence the following: “Not more than 80 percent of the non-Federal share of such first costs may be satisfied through in-kind contributions, including facilities, supplies, and services that are necessary to carry out the enhancement project.”.

#### SEC. 222. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

33 USC 2201 note.

(a) IN GENERAL.—It is the sense of Congress that, to the extent practicable, all equipment and products purchased with funds made available under this Act should be American made.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary, to the greatest extent practicable, shall provide to each recipient of the assistance a notice describing the statement made in subsection (a).

**SEC. 223. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.**

(a) IN GENERAL.—Section 211(d) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(d)) is amended—

(1) in paragraph (1), by striking “Any non-Federal interest that has received from the Secretary pursuant to subsection (b) or (c)” and inserting the following:

“(A) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (b).—

“(i) IN GENERAL.—A non-Federal interest may carry out construction for which studies and design documents are prepared under subsection (b) only if the Secretary approves the project for construction.

“(ii) CRITERIA FOR APPROVAL.—The Secretary shall approve a project for construction if the Secretary determines that the project is technically sound, economically justified, and environmentally acceptable and meets the requirements for obtaining the appropriate permits required under the authority of the Secretary.

“(iii) NO UNREASONABLE WITHHOLDING OF APPROVAL.—The Secretary shall not unreasonably withhold approval of a project for construction.

“(iv) NO EFFECT ON REGULATORY AUTHORITY.—Nothing in this subparagraph affects any regulatory authority of the Secretary.

“(B) STUDIES AND DESIGN ACTIVITIES UNDER SUBSECTION (c).—Any non-Federal interest that has received from the Secretary under subsection (c)”;

(2) in the first sentence of paragraph (2), by inserting “(other than paragraph (1)(A))” after “this subsection”.

(b) REIMBURSEMENT.—

(1) IN GENERAL.—Section 211(e)(1) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by inserting after “constructed pursuant to this section” the following: “and provide credit for the non-Federal share of the project”;

(B) in subparagraph (A), by striking “and” at the end;

(C) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(C) if the construction work is substantially in accordance with plans prepared under subsection (b).”.

(2) SPECIAL RULES.—Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (33 U.S.C. 701b-13(e)(2)(A)) is amended—

(A) in the subparagraph heading, by inserting “OR CREDIT” after “REIMBURSEMENT”;

(B) by striking “subject to amounts being made available in advance in appropriations Acts” and inserting “subject to the availability of appropriations”; and

(C) by inserting after “the cost of such work” the following: “; or provide credit (depending on the request of the non-Federal interest) for the non-Federal share of such work,”.

(3) SCHEDULE AND MANNER OF REIMBURSEMENTS.—Section 211(e) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)) is amended by adding at the end the following:

“(6) SCHEDULE AND MANNER OF REIMBURSEMENT.—

“(A) BUDGETING.—The Secretary shall budget and request appropriations for reimbursements under this section on a schedule that is consistent with a Federal construction schedule.

“(B) COMMENCEMENT OF REIMBURSEMENTS.—Reimbursements under this section may commence on approval of a project by the Secretary.

“(C) CREDIT.—At the request of a non-Federal interest, the Secretary may reimburse the non-Federal interest by providing credit toward future non-Federal costs of the project.

“(D) SCHEDULING.—Nothing in this paragraph affects the discretion of the President to schedule new construction starts.”.

#### SEC. 224. ENVIRONMENTAL DREDGING.

Section 312 of the Water Resources Development Act of 1990 (33 U.S.C. 1272) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “50” and inserting “35”; and

(B) in paragraph (2), by striking “\$20,000,000” and inserting “\$50,000,000”;

(2) in subsection (d), by striking “non-Federal responsibility” and inserting “shared as a cost of construction”; and

(3) in subsection (f), by adding at the end the following:

“(6) Passaic River and Newark Bay, New Jersey.

“(7) Snake Creek, Bixby, Oklahoma.

“(8) Willamette River, Oregon.”.

#### SEC. 225. RECREATION USER FEES.

(a) WITHHOLDING OF AMOUNTS.—

(1) IN GENERAL.—During fiscal years 1999 through 2002, the Secretary may withhold from the special account established under section 4(i)(1)(A) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6a(i)(1)(A)) 100 percent of the amount of receipts above a baseline of \$34,000,000 per each fiscal year received from fees imposed at recreation sites under the administrative jurisdiction of the Department of the Army under section 4(b) of that Act (16 U.S.C. 4601–6a(b)).

(2) USE.—The amounts withheld shall be retained by the Secretary and shall be available, without further Act of appropriation, for expenditure by the Secretary in accordance with subsection (b).

(3) AVAILABILITY.—The amounts withheld shall remain available until September 30, 2005.

(b) USE OF AMOUNTS WITHHELD.—In order to increase the quality of the visitor experience at public recreational areas and to enhance the protection of resources, the amounts withheld under subsection (a) may be used only for—

(1) repair and maintenance projects (including projects relating to health and safety);

(2) interpretation;

16 USC 4601–6a  
note.

- (3) signage;
- (4) habitat or facility enhancement;
- (5) resource preservation;
- (6) annual operation (including fee collection);
- (7) maintenance; and
- (8) law enforcement related to public use.

(c) AVAILABILITY.—Each amount withheld by the Secretary shall be available for expenditure, without further Act of appropriation, at the specific project from which the amount, above baseline, is collected.

**SEC. 226. SMALL STORM DAMAGE REDUCTION PROJECTS.**

Section 3 of the Act of August 13, 1946 (33 U.S.C. 426g), is amended by striking “\$2,000,000” and inserting “\$3,000,000”.

31 USC 501 note.

**SEC. 227. USE OF PRIVATE ENTERPRISES.**

(a) IN GENERAL.—The Secretary shall comply with the requirements of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note; Public Law 105–270).

(b) COMPLIANCE WITH OTHER LAW.—

(1) INVENTORY AND REVIEW.—In carrying out this section, the Secretary shall inventory and review all activities that are not inherently governmental in nature in accordance with the Federal Activities Inventory Reform Act of 1998.

(2) ARCHITECTURAL AND ENGINEERING SERVICES.—Any review and conversion by the Secretary to performance by private enterprise of an architectural or engineering service (including a surveying or mapping service) shall be carried out in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

## **TITLE III—PROJECT-RELATED PROVISIONS**

**SEC. 301. TENNESSEE-TOMBIGBEE WATERWAY WILDLIFE MITIGATION, ALABAMA AND MISSISSIPPI.**

The Tennessee-Tombigbee Waterway Wildlife Mitigation Project, Alabama and Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4138), is modified to authorize the Secretary to complete the project at a cost of \$93,530,000, in accordance with the post authorization change report dated August 17, 1998.

**SEC. 302. OUZINKIE HARBOR, ALASKA.**

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be expended for the project for navigation, Ouzinkie Harbor, Alaska, shall be \$8,500,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in the project under subsection (a).

**SEC. 303. ST. PAUL HARBOR, ST. PAUL, ALASKA.**

The project for navigation, St. Paul Harbor, St. Paul, Alaska, authorized by section 101(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3667), is modified to include the construction of additional features for a small boat harbor with an entrance



channel and maneuvering area dredged to a 20-foot depth and appropriate wave protection features at an additional estimated total cost of \$12,700,000, with an estimated Federal cost of \$5,000,000 and an estimated non-Federal cost of \$7,700,000.

**SEC. 304. LOGGY BAYOU, RED RIVER BELOW DENISON DAM, ARKANSAS, LOUISIANA, OKLAHOMA, AND TEXAS.**

The project for flood control on the Red River below Denison Dam, Arkansas, Louisiana, Oklahoma, and Texas, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to direct the Secretary to conduct a study to determine the feasibility of expanding the project to include mile 0.0 to mile 7.8 of Loggy Bayou between the Red River and Flat River.

**SEC. 305. SACRAMENTO RIVER, GLENN-COLUSA, CALIFORNIA.**

(a) **IN GENERAL.**—The project for flood control, Sacramento River, California, authorized by section 2 of the Act entitled “An Act to provide for the control of the floods of the Mississippi River and of the Sacramento River, California, and for other purposes”, approved March 1, 1917 (39 Stat. 949), and modified by section 102 of the Energy and Water Development Appropriations Act, 1990 (103 Stat. 649), section 301(b)(3) of the Water Resources Development Act of 1996 (110 Stat. 3110), and title I of the Energy and Water Development Appropriations Act, 1999 (112 Stat. 1841), is further modified to authorize the Secretary—

(1) to carry out the portion of the project at Glenn-Colusa, California, at a total cost of \$26,000,000, with an estimated Federal cost of \$20,000,000 and an estimated non-Federal cost of \$6,000,000; and

(2) to carry out bank stabilization work in the riverbed gradient facility, particularly in the vicinity of River Mile 208, if the Secretary determines that such work is necessary to protect the overall integrity of the project, on the condition that additional environmental review of the project is conducted.

**SEC. 306. SAN LORENZO RIVER, CALIFORNIA.**

The project for flood control, San Lorenzo River, California, authorized by section 101(a)(5) of the Water Resources Development Act of 1996 (110 Stat. 3663), is modified to authorize the Secretary to include as a part of the project streambank erosion control measures to be undertaken substantially in accordance with the report entitled “Bank Stabilization Concept, Laurel Street Extension”, dated April 23, 1998, at a total cost of \$4,800,000, with an estimated Federal cost of \$3,100,000 and an estimated non-Federal cost of \$1,700,000.

**SEC. 307. TERMINUS DAM, KAWEAH RIVER, CALIFORNIA.**

(a) **TRANSFER OF TITLE TO ADDITIONAL LAND.**—If the non-Federal interests for the project for flood control and water supply, Terminus Dam, Kaweah River, California, authorized by section 101(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3667), transfer to the Secretary without consideration title to perimeter lands acquired for the project by the non-Federal interests, the Secretary may accept the transfer of that title.

(b) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—Nothing in this section changes, modifies, or otherwise affects the responsibility of the non-Federal interests to provide land, easements, rights-

of-way, relocations, and dredged material disposal areas necessary for the Terminus Dam project and to perform operation and maintenance for the project.

(c) OPERATION AND MAINTENANCE.—On request by the non-Federal interests, the Secretary shall carry out operation, maintenance, repair, replacement, and rehabilitation of the project if the non-Federal interests enter into a binding agreement with the Secretary to reimburse the Secretary for 100 percent of the costs of such operation, maintenance, repair, replacement, and rehabilitation, and any other expenses incurred by the Corps of Engineers under this section.

(d) HOLD HARMLESS.—The non-Federal interests shall hold the United States harmless for ownership, operation, and maintenance of lands and facilities of the Terminus Dam project title to which is transferred to the Secretary under this section.

**SEC. 308. DELAWARE RIVER MAINSTEM AND CHANNEL DEEPENING, DELAWARE, NEW JERSEY, AND PENNSYLVANIA.**

The project for navigation, Delaware River Mainstem and Channel Deepening, Delaware, New Jersey, and Pennsylvania, authorized by section 101(6) of the Water Resources Development Act of 1992 (106 Stat. 4802), is modified as follows:

(1) CREDIT FOR ENGINEERING AND DESIGN AND CONSTRUCTION MANAGEMENT WORK.—The Secretary may provide the non-Federal interests credit, toward cash contributions required for construction and subsequent to construction, for the costs of engineering and design and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project. Any such credit shall reduce the Philadelphia District's private sector performance goals for engineering work by the amount of the credit.

(2) CREDIT FOR COSTS OF CONSTRUCTION.—The Secretary may provide the non-Federal interests credit, toward cash contributions required during construction and subsequent to construction, for the costs of construction performed by the non-Federal interests on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

(3) PAYMENT OF DISPOSAL OR TIPPING FEES.—The Secretary may enter into an agreement with a non-Federal interest for the payment of disposal or tipping fees for dredged material from a Federal project, other than for the construction or operation and maintenance of the new deepening project as described in the Limited Reevaluation Report dated May 1997, if the non-Federal interest has supplied the corresponding disposal capacity.

(4) DISPOSAL AREA MANAGEMENT PLAN.—The Secretary may enter into an agreement with a non-Federal interest under which—

(A) the non-Federal interest may carry out or cause to have carried out on behalf of the Secretary a disposal area management program for dredged material disposal areas necessary to construct, operate, and maintain the project; and

(B) the Secretary shall reimburse the non-Federal interest for the costs of carrying out the program.

**SEC. 309. POTOMAC RIVER, WASHINGTON, DISTRICT OF COLUMBIA.**

The project for flood control, Potomac River, Washington, District of Columbia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1574, chapter 688), and modified by section 301(a)(4) of the Water Resources Development Act of 1996 (110 Stat. 3707), is modified to authorize the Secretary to construct the project at a Federal cost of \$5,965,000, in accordance with the post authorization change report dated June 29, 1998.

**SEC. 310. BREVARD COUNTY, FLORIDA.**

(a) **STUDY.**—Not later than 120 days after the date of enactment of this Act, the Secretary, in cooperation with the non-Federal interest, shall complete a study of any damage to the project for shore protection, Brevard County, Florida, authorized by section 101(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3667), to determine whether the damage is the result of a Federal navigation project. Deadline.

(b) **CONDITIONS.**—In conducting the study, the Secretary shall use the services of an independent coastal expert, who shall consider all relevant studies completed by the Corps of Engineers and the local sponsor of the project.

(c) **MITIGATION OF DAMAGE.**—After completion of the study, the Secretary shall mitigate any damage to the shore protection project that is the result of a Federal navigation project. The costs of the mitigation shall be allocated to the Federal navigation project as operation and maintenance costs.

**SEC. 311. BROWARD COUNTY AND HILLSBORO INLET, FLORIDA.**

The project for shore protection, Broward County and Hillsboro Inlet, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1090), is modified to authorize the Secretary, on execution of a contract to construct the project, to reimburse the non-Federal interest for the Federal share of the cost of preconstruction planning and design for the project, if the Secretary determines that the work is compatible with and integral to the project.

**SEC. 312. LEE COUNTY, CAPTIVA ISLAND SEGMENT, FLORIDA, PERIODIC BEACH NOURISHMENT.**

(a) **IN GENERAL.**—The project for shore protection, Lee County, Captiva Island segment, Florida, authorized by section 506(b)(3)(A) of the Water Resources Development Act of 1996 (110 Stat. 3758), is modified to direct the Secretary to enter into an agreement with the non-Federal interest to carry out the project in accordance with section 206 of the Water Resources Development Act of 1992 (33 U.S.C. 426i–1).

(b) **DECISION DOCUMENT.**—The design memorandum approved in 1996 shall be the decision document supporting continued Federal participation in cost sharing of the project.

**SEC. 313. FORT PIERCE, FLORIDA.**

(a) **IN GENERAL.**—The project for shore protection and harbor mitigation, Fort Pierce, Florida, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) and section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757), is modified to incorporate 1 additional mile into the project in accordance with a final approved general reevaluation report, at a total cost for initial nourishment for the entire project of

\$9,128,000, with an estimated Federal cost of \$7,073,500 and an estimated non-Federal cost of \$2,054,500, at an average annual cost of \$556,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$431,000 and an estimated annual non-Federal cost of \$125,000.

(b) PERIODIC BEACH NOURISHMENT.—Periodic beach nourishment is authorized for the project in accordance with section 506(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3757).

**SEC. 314. NASSAU COUNTY, FLORIDA.**

The project for beach erosion control, Nassau County (Amelia Island), Florida, authorized by section 3(a)(3) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to construct the project at a total cost of \$17,000,000, with an estimated Federal cost of \$13,300,000 and an estimated non-Federal cost of \$3,700,000, at an average annual cost of \$1,177,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$807,000 and an estimated annual non-Federal cost of \$370,000.

**SEC. 315. MIAMI HARBOR CHANNEL, FLORIDA.**

The project for navigation, Miami Harbor Channel, Florida, authorized by section 101(a)(9) of the Water Resources Development Act of 1990 (104 Stat. 4606), is modified to include construction of artificial reefs and related environmental mitigation required by Federal, State, and local environmental permitting agencies for the project, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 316. ST. AUGUSTINE, ST. JOHNS COUNTY, FLORIDA.**

The project for shore protection and storm damage reduction, St. Augustine, St. Johns County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4133) is modified to include navigation mitigation as a project purpose and to be carried out by the Secretary substantially in accordance with the general reevaluation report dated November 18, 1998, at a total cost of \$17,208,000, with an estimated Federal cost of \$13,852,000 and an estimated non-Federal cost of \$3,356,000, and at an estimated average annual cost of \$1,360,000 for periodic nourishment over the 50-year life of the project, with an estimated annual Federal cost of \$1,095,000 and an estimated annual non-Federal cost of \$265,000.

**SEC. 317. MILO CREEK, IDAHO.**

The Secretary shall reimburse the non-Federal interests for 65 percent of the reasonable costs of flood control for the South Division Street Segment, Milo Creek Flood Control Project, Idaho, to be constructed by the State of Idaho as described in the provision entitled “Add Alternative I” in the Milo Creek Phase II plans and specifications dated April 1999.

**SEC. 318. LAKE MICHIGAN, ILLINOIS.**

(a) IN GENERAL.—The project for storm damage reduction and shore protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664),

is modified to provide for reimbursement for additional project work undertaken by the non-Federal interest.

(b) CREDIT OR REIMBURSEMENT.—The Secretary shall credit or reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in designing, constructing, or reconstructing reach 2F (700 feet south of Fullerton Avenue and 500 feet north of Fullerton Avenue), reach 3M (Meigs Field), and segments 7 and 8 of reach 4 (43rd Street to 57th Street), if the non-Federal interest carries out the work in accordance with plans approved by the Secretary, at an estimated total cost of \$83,300,000.

(c) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest for the Federal share of project costs incurred by the non-Federal interest in reconstructing the revetment structures protecting Solidarity Drive in Chicago, Illinois, before the signing of the project cooperation agreement, at an estimated total cost of \$7,600,000.

#### **SEC. 319. SPRINGFIELD, ILLINOIS.**

Section 417 of the Water Resources Development Act of 1996 (110 Stat. 3743) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) COST SHARING.—The non-Federal share of assistance provided under this section before, on, or after the date of enactment of this subsection shall be 50 percent.”.

#### **SEC. 320. OGDEN DUNES, INDIANA.**

(a) STUDY.—The Secretary shall conduct a study of beach erosion in and around the town of Ogden Dunes, Indiana, to determine whether the damage is the result of a Federal navigation project.

(b) MITIGATION OF DAMAGE.—If the Secretary determines that the damage described in subsection (a) is the result of a Federal navigation project, the Secretary shall take appropriate measures to mitigate the damage.

(c) COST.—The cost of the mitigation shall be allocated to the Federal navigation project as an operation and maintenance cost.

#### **SEC. 321. SAINT JOSEPH RIVER, SOUTH BEND, INDIANA.**

(a) MAXIMUM TOTAL EXPENDITURE.—The maximum total expenditure for the project for streambank erosion, recreation, and pedestrian access features, Saint Joseph River, South Bend, Indiana, shall be \$7,800,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in the Federal participation in the project under subsection (a).

#### **SEC. 322. WHITE RIVER, INDIANA.**

The project for flood control, Indianapolis on West Fork of the White River, Indiana, authorized by section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and other purposes”, approved June 22, 1936 (49 Stat. 1586, chapter 688), as modified by section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), is modified to authorize the Secretary to undertake the

riverfront alterations described in the Central Indianapolis Waterfront Concept Plan, dated February 1994, for the Canal Development (Upper Canal feature) and the Beveridge Paper feature, at a total cost not to exceed \$25,000,000, of which \$12,500,000 is the estimated Federal cost and \$12,500,000 is the estimated non-Federal cost, except that no such alterations may be undertaken unless the Secretary determines that the alterations authorized by this section, in combination with the alterations undertaken under section 323 of the Water Resources Development Act of 1996 (110 Stat. 3716), are economically justified.

**SEC. 323. DUBUQUE, IOWA.**

The project for navigation, Dubuque, Iowa, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is modified to authorize the development of a wetland demonstration area of approximately 1.5 acres to be developed and operated by the Dubuque County Historical Society or a successor nonprofit organization.

**SEC. 324. LAKE PONTCHARTRAIN, LOUISIANA.**

The project for hurricane-flood protection, Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified—

(1) to direct the Secretary to conduct a study to determine the feasibility of constructing a pump adjacent to each of the 4 proposed drainage structures for the Saint Charles Parish feature of the project; and

(2) to authorize the Secretary to construct the pumps, with a Federal cost of 65 percent, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 325. LAROSE TO GOLDEN MEADOW, LOUISIANA.**

The project for hurricane protection Larose to Golden Meadow, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1077), is modified to authorize the Secretary to convert the Golden Meadow floodgate into a navigation lock if the Secretary determines that the conversion is technically feasible, environmentally acceptable, and economically justified.

**SEC. 326. LOUISIANA STATE PENITENTIARY LEVEE, LOUISIANA.**

The Secretary may credit against the non-Federal share work performed in the project area of the Louisiana State Penitentiary Levee, Mississippi River, Louisiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4117).

**SEC. 327. TWELVE-MILE BAYOU, CADDO PARISH, LOUISIANA.**

The Red River Below Denison Dam project, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 647), is modified to incorporate the Twelve-Mile Bayou and levee from its confluence with the Red River and levee approximately 26 miles upstream to the vicinity of Black Bayou, Caddo Parish, Louisiana.

**SEC. 328. WEST BANK OF THE MISSISSIPPI RIVER (EAST OF HARVEY CANAL), LOUISIANA.**

(a) IN GENERAL.—The project to prevent flood damage and for hurricane damage reduction, west bank of the Mississippi River (east of Harvey Canal), Louisiana, authorized by section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4128)

and section 101(a)(17) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to direct the Secretary to continue Federal operation and maintenance of the portion of the project included in the report of the Chief of Engineers dated May 1, 1995, referred to as “Algiers Channel”.

(b) COMBINATION OF PROJECTS.—The Secretary shall carry out work authorized as part of the Westwego to Harvey Canal project, the East of Harvey Canal project, and the Lake Cataouatche modifications as a single project, to be known as the “West Bank and Vicinity, New Orleans, Louisiana, Hurricane Protection Project”, with a combined total cost of \$280,300,000.

**SEC. 329. TOLCHESTER CHANNEL S-TURN, BALTIMORE, MARYLAND.**

The project for navigation, Baltimore Harbor and Channels, Maryland, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), is modified to direct the Secretary to straighten the Tolchester Channel S-turn as part of project maintenance.

**SEC. 330. SAULT SAINTE MARIE, CHIPPEWA COUNTY, MICHIGAN.**

The project for navigation Sault Sainte Marie, Chippewa County, Michigan, authorized by section 1149 of the Water Resources Development Act of 1986 (100 Stat. 4254) and modified by section 330 of the Water Resources Development Act of 1996 (110 Stat. 3717), is further modified to provide that the amount to be paid by non-Federal interests under section 101(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)) and section 330(a) of the Water Resources Development Act of 1996 shall not include any interest payments.

**SEC. 331. JACKSON COUNTY, MISSISSIPPI.**

The project for environmental infrastructure, Jackson County, Mississippi, authorized by section 219(c)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835) and modified by section 504 of the Water Resources Development Act of 1996 (110 Stat. 3757), is further modified to direct the Secretary to provide a credit, not to exceed \$5,000,000, toward the non-Federal share of the cost of the project for the costs incurred by the Jackson County Board of Supervisors since February 8, 1994, in constructing the project, if the Secretary determines that the work is compatible with and integral to the project.

**SEC. 332. BOIS BRULE DRAINAGE AND LEVEE DISTRICT, MISSOURI.**

(a) MAXIMUM FEDERAL EXPENDITURE.—The maximum amount of Federal funds that may be allocated for the project for flood control, Bois Brule Drainage and Levee District, Missouri, authorized under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is \$15,000,000.

(b) REVISION OF PROJECT COOPERATION AGREEMENT.—The Secretary shall revise the project cooperation agreement for the project referred to in subsection (a) to take into account the change in Federal participation in the project under subsection (a).

(c) COST SHARING.—Nothing in this section affects any cost-sharing requirement applicable to the project referred to in subsection (a) under title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.).

**SEC. 333. MERAMEC RIVER BASIN, VALLEY PARK LEVEE, MISSOURI.**

The project for flood control, Meramec River Basin, Valley Park Levee, Missouri, authorized by section 2(h) of the Act entitled “An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers” (Public Law 97-128; 95 Stat. 1682) and modified by section 1128 of the Water Resources Development Act of 1986 (100 Stat. 4246), is further modified to authorize the Secretary to construct the project at a maximum Federal expenditure of \$35,000,000, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 334. MISSOURI RIVER MITIGATION PROJECT, MISSOURI, KANSAS, IOWA, AND NEBRASKA.**

(a) IN GENERAL.—The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143) is modified to increase by 118,650 acres the amount of land and interests in land to be acquired for the project.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with the States of Missouri, Kansas, Iowa, and Nebraska, shall conduct a study to determine the cost of restoring, under the authority of the Missouri River fish and wildlife mitigation project, a total of 118,650 acres of lost Missouri River fish and wildlife habitat.

Deadline.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall report to Congress on the results of the study.

**SEC. 335. WOOD RIVER, GRAND ISLAND, NEBRASKA.**

The project for flood control, Wood River, Grand Island, Nebraska, authorized by section 101(a)(19) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated June 29, 1998, at a total cost of \$17,039,000, with an estimated Federal cost of \$9,730,000 and an estimated non-Federal cost of \$7,309,000.

**SEC. 336. ABSECON ISLAND, NEW JERSEY.**

The project for storm damage reduction and shore protection, Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, New Jersey, authorized by section 101(b)(13) of the Water Resources Development Act of 1996 (110 Stat. 3668), is modified to provide that if, after October 12, 1996, the non-Federal interests carry out any work associated with the project that is later recommended by the Chief of Engineers and approved by the Secretary, the Secretary may provide the non-Federal interests credit toward the non-Federal share of the cost of the project in an amount equal to the Federal share of the cost of the work, without interest.

**SEC. 337. NEW YORK HARBOR AND ADJACENT CHANNELS, PORT JERSEY, NEW JERSEY.**

(a) IN GENERAL.—The project for navigation, New York Harbor and Adjacent Channels, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is further modified to authorize the Secretary



to construct the portion of the project that is located between Military Ocean Terminal Bayonne and Global Terminal in Bayonne, New Jersey, at a total cost of \$103,267,000, with an estimated Federal cost of \$76,909,000 and an estimated non-Federal cost of \$26,358,000.

(b) **LIMITATION.**—No funds may be obligated to carry out work under the modification under subsection (a) until completion of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

**SEC. 338. ARTHUR KILL, NEW YORK AND NEW JERSEY.**

(a) **IN GENERAL.**—The project for navigation, Arthur Kill, New York and New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098) and modified by section 301(b)(11) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to construct the project substantially in accordance with the report of the Corps of Engineers dated July 23, 1999, at a total cost of \$315,700,000, with an estimated Federal cost of \$183,200,000 and an estimated non-Federal cost of \$132,500,000.

(b) **CREDIT.**—The Secretary may provide non-Federal interests—

(1) credit toward cash contributions required prior to and during construction and subsequent to construction for planning, engineering, and design and construction management work that is performed by non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) credit toward cash contributions required during construction and subsequent to construction for the costs of construction carried out by the non-Federal interest on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

**SEC. 339. KILL VAN KULL AND NEWARK BAY CHANNELS, NEW YORK AND NEW JERSEY.**

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey, authorized by chapter IV of title I of the Supplemental Appropriations Act, 1985 (99 Stat. 313), section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4095), and section 301(b)(12) of the Water Resources Development Act of 1996 (110 Stat. 3711), is further modified to authorize the Secretary to provide the non-Federal interests credit toward cash contributions required—

(1) before, during, and after construction for planning, engineering and design, and construction management work that is performed by the non-Federal interests and that the Secretary determines is necessary to implement the project; and

(2) during and after construction for the costs of the construction that the non-Federal interests carry out on behalf of the Secretary and that the Secretary determines is necessary to implement the project.

**SEC. 340. NEW YORK CITY WATERSHED.**

Section 552 of the Water Resources Development Act of 1996 (110 Stat. 3779) is amended—

(1) in subsection (d), by striking “for the project to be carried out with such assistance” and inserting “, or a public entity designated by the State director, to carry out the project with the assistance, subject to the project’s meeting the certification requirement of subsection (c)(1)”; and

(2) in subsection (i), by striking “\$22,500,000” and inserting “\$42,500,000”.

**SEC. 341. NEW YORK STATE CANAL SYSTEM.**

Section 553(e) of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking “\$8,000,000” and inserting “\$18,000,000”.

**SEC. 342. FIRE ISLAND INLET TO MONTAUK POINT, NEW YORK.**

The project for combined beach erosion control and hurricane protection, Fire Island Inlet to Montauk Point, Long Island, New York, authorized by section 101(a) of the River and Harbor Act of 1960 (74 Stat. 483) and modified by the River and Harbor Act of 1962, the Water Resources Development Act of 1974, and the Water Resources Development Act of 1986, is further modified to direct the Secretary, in coordination with the heads of other Federal departments and agencies, to complete all procedures and reviews expeditiously and to adopt and submit to Congress, not later than 120 days after the date of enactment of this Act, a mutually acceptable shore erosion plan for the Fire Island Inlet to Moriches Inlet reach of the project.

**SEC. 343. BROKEN BOW LAKE, RED RIVER BASIN, OKLAHOMA.**

The project for flood control and water supply, Broken Bow Lake, Red River Basin, Oklahoma, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 309) and modified by section 203 of the Flood Control Act of 1962 (76 Stat. 1187), section 102(v) of the Water Resources Development Act of 1992 (106 Stat. 4808), and section 338 of the Water Resources Development Act of 1996 (110 Stat. 3720), is further modified to require the Secretary to make seasonal adjustments to the top of the conservation pool at the project, if the Secretary determines that the adjustments will be undertaken at no cost to the United States and will adequately protect affected water and related resources, as follows:

(1) Maintain an elevation of 599.5 from November 1 through March 31.

(2) Increase elevation gradually from 599.5 to 602.5 during April and May.

(3) Maintain an elevation of 602.5 from June 1 to September 30.

(4) Decrease elevation gradually from 602.5 to 599.5 during October.

**SEC. 344. WILLAMETTE RIVER TEMPERATURE CONTROL, MCKENZIE SUBBASIN, OREGON.**

(a) IN GENERAL.—The project for environmental restoration, Willamette River Temperature Control, McKenzie Subbasin, Oregon, authorized by section 101(a)(25) of the Water Resources Development Act of 1996 (110 Stat. 3665), is modified to authorize the Secretary to construct the project substantially in accordance with the Feature Memorandum dated July 31, 1998, at a total cost of \$64,741,000, if the Secretary determines that the project as modified is technically sound and environmentally acceptable.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that— Deadline.

(1) states the reasons for the increase in the cost of the project;

(2) outlines the steps that the Corps of Engineers is taking to control project costs, including the application of value engineering and other appropriate measures; and

(3) includes a cost estimate for, and recommendations on the advisability of, adding fish screens to the project.

**SEC. 345. CURWENSVILLE LAKE, PENNSYLVANIA.**

Section 562 of the Water Resources Development Act of 1996 (110 Stat. 3784) is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) **IN GENERAL.**—The Secretary”; and

(2) by adding at the end the following:

“(b) **RECREATION FACILITIES.**—The Secretary—

“(1) may provide design and construction assistance for recreational facilities at Curwensville Lake; and

“(2) may require the non-Federal interest to provide not more than 25 percent of the cost of designing and constructing the recreational facilities.”.

**SEC. 346. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.**

The project for navigation, Delaware River, Philadelphia to Wilmington, Pennsylvania and Delaware, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to extend the channel of the Delaware River at Camden, New Jersey, to within 150 feet of the existing bulkhead and to relocate the 40-foot deep Federal navigation channel, eastward within Philadelphia Harbor, from the Ben Franklin Bridge to the Walt Whitman Bridge, into deep water, if the Secretary determines that the project as modified is technically sound, economically acceptable, and economically justified.

**SEC. 347. MUSSERS DAM, PENNSYLVANIA.**

Section 209 of the Water Resources Development Act of 1992 (106 Stat. 4830) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

**SEC. 348. PHILADELPHIA, PENNSYLVANIA.**

Section 564(c)(2) of the Water Resources Development Act of 1996 (110 Stat. 3785) is amended by striking “\$2,700,000” and inserting “\$4,000,000”.

**SEC. 349. NINE MILE RUN, ALLEGHENY COUNTY, PENNSYLVANIA.**

If the Secretary determines that the documentation is integral to the project, the Secretary shall credit against the non-Federal share such costs, not to exceed \$1,000,000, as are incurred by the non-Federal interests in preparing the environmental restoration report, planning and design-phase scientific and engineering technical services documentation, and other preconstruction documentation for the habitat restoration project, Nine Mile Run, Pennsylvania.

**SEC. 350. RAYSTOWN LAKE, PENNSYLVANIA.**

(a) RECREATION PARTNERSHIP INITIATIVE.—Section 519(b) of the Water Resources Development Act of 1996 (33 U.S.C. 2328 note; 110 Stat. 3765) is amended—

- (1) by redesignating paragraph (3) as paragraph (4); and
- (2) by inserting after paragraph (2) the following:

“(3) ENGINEERING AND DESIGN SERVICES.—The Secretary may perform engineering and design services for project infrastructure expected to be associated with the development of the site at Raystown Lake, Hesston, Pennsylvania.”.

(b) CONSTRUCTION ASSISTANCE.—

(1) IN GENERAL.—Consistent with the master plan described in section 318 of the Water Resources Development Act of 1992 (106 Stat. 4848), the Secretary may provide a grant to Juniata College for the construction of facilities and structures at Raystown Lake, Pennsylvania, to interpret and understand environmental conditions and trends. As a condition of the receipt of financial assistance, officials at Juniata College shall coordinate the construction with the Baltimore District of the Army Corps of Engineers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000.

**SEC. 351. SOUTH CENTRAL PENNSYLVANIA.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 313(g)(1) of the Water Resources Development Act of 1992 (106 Stat. 4846; 110 Stat. 3723) is amended by striking “\$80,000,000” and inserting “\$180,000,000”.

(b) CORPS OF ENGINEERS EXPENSES.—Section 313(g) of the Water Resources Development Act of 1992 (106 Stat. 4846) is amended by adding at the end the following:

“(4) CORPS OF ENGINEERS EXPENSES.—10 percent of the amounts appropriated to carry out this section for each of fiscal years 2000 through 2002 may be used by the Corps of Engineers district offices to administer and implement projects under this section at 100 percent Federal expense.”.

**SEC. 352. FOX POINT HURRICANE BARRIER, PROVIDENCE, RHODE ISLAND.**

The project for hurricane-flood protection, Fox Point, Providence, Rhode Island, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 306), is modified to direct the Secretary to undertake the necessary repairs to the barrier, as identified in the Condition Survey and Technical Assessment dated April 1998, with Supplement dated August 1998, at a total cost of \$3,000,000, with an estimated Federal cost of \$1,950,000 and an estimated non-Federal cost of \$1,050,000.

**SEC. 353. COOPER RIVER, CHARLESTON HARBOR, SOUTH CAROLINA.**

(a) IN GENERAL.—The project for redirection, Cooper River, Charleston Harbor, South Carolina, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731) and modified by title I of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 517), is further modified to authorize the Secretary to pay to the State of South Carolina not more than \$3,750,000 if the Secretary and the State enter into a binding agreement for the State to perform all future operation of the

fish lift at St. Stephen, South Carolina, including performance of studies to assess the efficacy of the fish lift.

(b) CONTENTS OF AGREEMENT.—The agreement under subsection (a) shall specify—

(1) the terms and conditions under which payment will be made; and

(2) the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State suspends or terminates operation of the fish lift or fails to operate the fish lift in a manner satisfactory to the Secretary.

(c) MAINTENANCE.—Maintenance of the fish lift shall remain a Federal responsibility.

#### **SEC. 354. CLEAR CREEK, TEXAS.**

Section 575 of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended—

(1) in subsection (a)—

(A) by inserting “or nonstructural actions” after “flood control works constructed”; and

(B) by inserting “or nonstructural actions” after “construction of the project”; and

(2) in subsection (b)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) the project for flood control, Clear Creek, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742).”.

#### **SEC. 355. CYPRESS CREEK, TEXAS.**

(a) IN GENERAL.—The project for flood control, Cypress Creek, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is modified to authorize the Secretary to carry out a nonstructural flood control project at a total cost of \$5,000,000.

(b) REIMBURSEMENT FOR WORK.—The Secretary may reimburse the non-Federal interest for the Cypress Creek project for work done by the non-Federal interest on the nonstructural flood control project in an amount equal to the estimate of the Federal share, without interest, of the cost of the work—

(1) if, after authorization and before initiation of construction of the nonstructural project, the Secretary approves the plans for construction of the nonstructural project by the non-Federal interest; and

(2) if the Secretary finds, after a review of studies and design documents prepared to carry out the nonstructural project, that construction of the nonstructural project is economically justified and environmentally acceptable.

#### **SEC. 356. DALLAS FLOODWAY EXTENSION, DALLAS, TEXAS.**

The project for flood control, Dallas Floodway Extension, Dallas, Texas, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) and modified by section 351 of the Water Resources Development Act of 1996 (110 Stat. 3724), is further modified to add environmental restoration and recreation as project purposes.

**SEC. 357. UPPER JORDAN RIVER, UTAH.**

The project for flood control, Upper Jordan River, Utah, authorized by section 101(a)(23) of the Water Resources Development Act of 1990 (104 Stat. 4610) and modified by section 301(a)(14) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to direct the Secretary to carry out the locally preferred project, entitled “Upper Jordan River Flood Control Project, Salt Lake County, Utah—Supplemental Information” and identified in the document of Salt Lake County, Utah, dated July 30, 1998, at a total cost of \$12,870,000, with an estimated Federal cost of \$8,580,000 and an estimated non-Federal cost of \$4,290,000, if the Secretary determines that the project as modified is technically sound, environmentally acceptable, and economically justified.

**SEC. 358. ELIZABETH RIVER, CHESAPEAKE, VIRGINIA.**

Notwithstanding any other provision of law, after September 30, 1999, the city of Chesapeake, Virginia, shall not be obligated to make the annual cash contribution required under paragraph 1(9) of the Local Cooperation Agreement dated December 12, 1978, between the Government and the city for the project for navigation, southern branch of the Elizabeth River, Chesapeake, Virginia.

**SEC. 359. COLUMBIA RIVER CHANNEL, WASHINGTON AND OREGON.**

(a) IN GENERAL.—The project for navigation, Columbia River between Vancouver, Washington, and The Dalles, Oregon, authorized by the first section of the Act of July 24, 1946 (60 Stat. 637, chapter 595), is modified to authorize the Secretary to construct an alternate barge channel to traverse the high span of the Interstate Route 5 bridge between Portland, Oregon, and Vancouver, Washington, to a depth of 17 feet, with a width of approximately 200 feet through the high span of the bridge and a width of approximately 300 feet upstream of the bridge.

(b) DISTANCE UPSTREAM.—The channel shall continue upstream of the bridge approximately 2,500 feet to about river mile 107, then to a point of convergence with the main barge channel at about river mile 108.

(c) DISTANCE DOWNSTREAM.—

(1) SOUTHERN EDGE.—The southern edge of the channel shall continue downstream of the bridge approximately 1,500 feet to river mile 106+10, then turn northwest to tie into the edge of the Upper Vancouver Turning Basin.

(2) NORTHERN EDGE.—The northern edge of the channel shall continue downstream of the bridge to the Upper Vancouver Turning Basin.

**SEC. 360. GREENBRIER RIVER BASIN, WEST VIRGINIA.**

Section 579(c) of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking “\$12,000,000” and inserting “\$47,000,000”.

**SEC. 361. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.**

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810) is amended by striking “take such measures as are technologically feasible” and inserting “implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996,”.

**SEC. 362. MOOREFIELD, WEST VIRGINIA.**

Effective October 1, 1999, the project for flood control, Moorefield, West Virginia, authorized by section 101(a)(25) of the Water Resources Development Act of 1990 (104 Stat. 4610), is modified to provide that the non-Federal interest shall not be required to pay the unpaid balance, including interest, of the non-Federal share of the cost of the project.

Effective date.

**SEC. 363. WEST VIRGINIA AND PENNSYLVANIA FLOOD CONTROL.**

Section 581 of the Water Resources Development Act of 1996 (110 Stat. 3790) is amended by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may design and construct—

“(1) flood control measures in the Cheat and Tygart River basins, West Virginia, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of protection; and

“(2) structural and nonstructural flood control, streambank protection, stormwater management, and channel clearing and modification measures in the lower Allegheny, lower Monongahela, West Branch Susquehanna, and Juniata River basins, Pennsylvania, at a level of protection that is sufficient to prevent any future losses to communities in the basins from flooding such as occurred in January 1996, but not less than a 100-year level of flood protection with respect to measures that incorporate levees or floodwalls.”.

**SEC. 364. PROJECT REAUTHORIZATIONS.**

Each of the following projects is authorized to be carried out by the Secretary, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, as appropriate:

(1) INDIAN RIVER COUNTY, FLORIDA.—The project for shore protection, Indian River County, Florida, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4134) and deauthorized under section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(1)).

(2) LIDO KEY BEACH, SARASOTA, FLORIDA.—

(A) IN GENERAL.—The project for shore protection, Lido Key Beach, Sarasota, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1819) and deauthorized under section 1001(b) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)), at a total cost of \$5,200,000, with an estimated Federal cost of \$3,380,000 and an estimated non-Federal cost of \$1,820,000.

(B) PERIODIC NOURISHMENT.—The Secretary may carry out periodic nourishment for the project for a 50-year period at an estimated average annual cost of \$602,000, with an estimated annual Federal cost of \$391,000 and an estimated annual non-Federal cost of \$211,000.

(3) CASS RIVER, MICHIGAN (VASSAR).—The project for flood protection, Cass River, Michigan (Vassar), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and

deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(4) SAGINAW RIVER, MICHIGAN (SHIAWASSEE FLATS).—The project for flood control, Saginaw River, Michigan (Shiawassee Flats), authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 311) and deauthorized under section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)).

(5) PARK RIVER, GRAFTON, NORTH DAKOTA.—The project for flood control, Park River, Grafton, North Dakota, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121) and deauthorized under section 1001(a) of that Act (33 U.S.C. 579a(a)), at a total cost of \$28,100,000, with an estimated Federal cost of \$18,265,000 and an estimated non-Federal cost of \$9,835,000.

(6) MEMPHIS HARBOR, MEMPHIS, TENNESSEE.—The project for navigation, Memphis Harbor, Memphis, Tennessee, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4145) and deauthorized pursuant to section 1001(a) of that Act (33 U.S.C. 579a(a)), is authorized to be carried out by the Secretary.

#### SEC. 365. PROJECT DEAUTHORIZATIONS.

(a) IN GENERAL.—The following projects or portions of projects are not authorized after the date of enactment of this Act:

(1) BRIDGEPORT HARBOR, CONNECTICUT.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 297), consisting of a 2.4-acre anchorage area, 9 feet deep, and an adjacent 0.6-acre anchorage area, 6 feet deep, located on the west side of Johnsons River.

(2) CLINTON HARBOR, CONNECTICUT.—The portion of the project for navigation, Clinton Harbor, Connecticut, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 13, chapter 19), and House Document 240, 76th Congress, 1st Session, lying upstream of a line designated by the points N158,592.12, E660,193.92 and N158,444.58, E660,220.95.

(3) BASS HARBOR, MAINE.—The following portions of the project for navigation, Bass Harbor, Maine, authorized on May 7, 1962, under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(A) Beginning at a bend in the project, N149040.00, E538505.00, thence running easterly about 50.00 feet along the northern limit of the project to a point N149061.55, E538550.11, thence running southerly about 642.08 feet to a point, N148477.64, E538817.18, thence running southwesterly about 156.27 feet to a point on the westerly limit of the project, N148348.50, E538737.02, thence running northerly about 149.00 feet along the westerly limit of the project to a bend in the project, N148489.22, E538768.09, thence running northwesterly about 610.39 feet along the westerly limit of the project to the point of origin.

(B) Beginning at a point on the westerly limit of the project, N148118.55, E538689.05, thence running southeasterly about 91.92 feet to a point, N148041.43, E538739.07, thence running southerly about 65.00 feet to



a point, N147977.86, E538725.51, thence running southwesterly about 91.92 feet to a point on the westerly limit of the project, N147927.84, E538648.39, thence running northerly about 195.00 feet along the westerly limit of the project to the point of origin.

(4) BOOTHBAY HARBOR, MAINE.—The project for navigation, Boothbay Harbor, Maine, authorized by the Act of July 25, 1912 (37 Stat. 201, chapter 253).

(5) BUCKSPORT HARBOR, MAINE.—The portion of the project for navigation, Bucksport Harbor, Maine, authorized by the first section of the Act of June 13, 1902 (32 Stat. 331, chapter 1079), consisting of a 16-foot deep channel beginning at a point N268.748.16, E423.390.76, thence running north 47 degrees 02 minutes 23 seconds east 51.76 feet to a point N268.783.44, E423.428.64, thence running north 67 degrees 54 minutes 32 seconds west 1513.94 feet to a point N269.352.81, E422.025.84, thence running south 47 degrees 02 minutes 23 seconds west 126.15 feet to a point N269.266.84, E421.933.52, thence running south 70 degrees 24 minutes 28 seconds east 1546.79 feet to the point of origin.

(6) CARVERS HARBOR, VINALHAVEN, MAINE.—The portion of the project for navigation, Carvers Harbor, Vinalhaven, Maine, authorized by the Act of June 3, 1896 (commonly known as the “River and Harbor Appropriations Act of 1896”) (29 Stat. 202, chapter 314), consisting of the 16-foot anchorage beginning at a point with coordinates N137,502.04, E895,156.83, thence running south 6 degrees 34 minutes 57.6 seconds west 277.660 feet to a point N137,226.21, E895,125.00, thence running north 53 degrees, 5 minutes 42.4 seconds west 127.746 feet to a point N137,302.92, E895022.85, thence running north 33 degrees 56 minutes 9.8 seconds east 239.999 feet to the point of origin.

(7) EAST BOOTHBAY HARBOR, MAINE.—Section 364 of the Water Resources Development Act of 1996 is amended by striking paragraph (9) (110 Stat. 3734) and inserting the following:

“(9) EAST BOOTHBAY HARBOR, MAINE.—The project for navigation, East Boothbay Harbor, Maine, authorized by the first section of the Act entitled ‘An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes’, approved June 25, 1910 (36 Stat. 631, chapter 382).”.

(8) SEARSPORT HARBOR, SEARSPORT, MAINE.—The portion of the project for navigation, Searsport Harbor, Searsport, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173), consisting of the 35-foot turning basin beginning at a point with coordinates N225,008.38, E395,464.26, thence running north 43 degrees 49 minutes 53.4 seconds east 362.001 feet to a point N225,269.52, E395,714.96, thence running south 71 degrees 27 minutes 33.0 seconds east 1,309.201 feet to a point N224,853.22, E396,956.21, thence running north 84 degrees 3 minutes 45.7 seconds west 1,499.997 feet to the point of origin.

(9) WELLS HARBOR, MAINE.—The following portions of the project for navigation, Wells Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480):

(A) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,992.00, E394,831.00, thence running south 83 degrees 58 minutes 14.8 seconds west 10.38 feet to a point N177,990.91, E394,820.68, thence running south 11 degrees 46 minutes 47.7 seconds west 991.76 feet to a point N177,020.04, E394,618.21, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,018.00, E394,628.00, thence running north 11 degrees 46 minutes 22.8 seconds east 994.93 feet to the point of origin.

(B) The portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N177,778.07, E394,336.96, thence running south 51 degrees 58 minutes 32.7 seconds west 15.49 feet to a point N177,768.53, E394,324.76, thence running south 11 degrees 46 minutes 26.5 seconds west 672.87 feet to a point N177,109.82, E394,187.46, thence running south 78 degrees 13 minutes 45.7 seconds east 10.00 feet to a point N177,107.78, E394,197.25, thence running north 11 degrees 46 minutes 25.4 seconds east 684.70 feet to the point of origin.

(C) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,107.78, E394,197.25, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,109.82, E394,187.46, thence running south 11 degrees 46 minutes 15.7 seconds west 300.00 feet to a point N176,816.13, E394,126.26, thence running south 78 degrees 12 minutes 21.4 seconds east 9.98 feet to a point N176,814.09, E394,136.03, thence running north 11 degrees 46 minutes 29.1 seconds east 300.00 feet to the point of origin.

(D) The portion of the 10-foot settling basin the boundaries of which begin at a point with coordinates N177,018.00, E394,628.00, thence running north 78 degrees 13 minutes 45.7 seconds west 10.00 feet to a point N177,020.04, E394,618.21, thence running south 11 degrees 46 minutes 44.0 seconds west 300.00 feet to a point N176,726.36, E394,556.97, thence running south 78 degrees 12 minutes 30.3 seconds east 10.03 feet to a point N176,724.31, E394,566.79, thence running north 11 degrees 46 minutes 22.4 seconds east 300.00 feet to the point of origin.

(10) FALMOUTH HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Falmouth Harbor, Massachusetts, authorized by section 101 of the River and Harbor Act of 1948 (62 Stat. 1172) lying southeasterly of a line commencing at a point N199,286.41, E844,394.91, thence running north 66 degrees 52 minutes 3.31 seconds east 472.95 feet to a point N199,472.21, E844,829.83, thence running north 43 degrees 9 minutes 28.3 seconds east 262.64 feet to a point N199,633.80, E845,009.48, thence running north 21 degrees 40 minutes 11.26 seconds east 808.38 feet to a point N200,415.05, E845,307.98, thence running north 32 degrees 25 minutes 29.01 seconds east 160.76 feet to a point N200,550.75, E845,394.18, thence running north 24 degrees 56 minutes 42.29 seconds east 1,410.29 feet to a point N201,829.48, E845,988.97.

(11) GREEN HARBOR, MASSACHUSETTS.—The portion of the project for navigation, Green Harbor, Massachusetts, undertaken pursuant to section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), consisting of the 6-foot deep channel beginning at a point along the west limit of the existing project, north 395990.43, east 831079.16, thence running northwesterly about 752.85 feet to a point, north 396722.80, east 830904.76, thence running northwesterly about 222.79 feet to a point along the west limit of the existing project, north 396844.34, east 830718.04, thence running southwesterly about 33.72 feet along the west limit of the existing project to a point, north 396810.80, east 830714.57, thence running southeasterly about 195.42 feet along the west limit of the existing project to a point, north 396704.19, east 830878.35, thence running about 544.66 feet along the west limit of the existing project to a point, north 396174.35, east 831004.52, thence running southeasterly about 198.49 feet along the west limit of the existing project to the point of beginning.

(12) NEW BEDFORD AND FAIRHAVEN HARBOR, MASSACHUSETTS.—The following portions of the project for navigation, New Bedford and Fairhaven Harbor, Massachusetts:

(A) A portion of the 25-foot spur channel leading to the west of Fish Island, authorized by section 3 of the Act of March 3, 1909 (35 Stat. 816, chapter 264), beginning at a point with coordinates N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west 38.2 feet to a point N232,139.91, E758,773.61, thence running south 87 degrees 35 minutes 31.6 seconds west 196.84 feet to a point N232,131.64, E758,576.94, thence running north 47 degrees 47 minutes 48.4 seconds west 502.72 feet to a point N232,469.35, E758,204.54, thence running north 10 degrees 10 minutes 20.3 seconds west 438.88 feet to a point N232,901.33, E758,127.03, thence running north 79 degrees 49 minutes 43.1 seconds east 121.69 feet to a point N232,922.82, E758,246.81, thence running south 04 degrees 29 minutes 17.6 seconds east 52.52 feet to a point N232,870.46, E758,250.92, thence running south 23 degrees 56 minutes 11.2 seconds east 49.15 feet to a point N323,825.54, E758,270.86, thence running south 79 degrees 49 minutes 27.0 seconds west 88.19 feet to a point N232,809.96, E758,184.06, thence running south 10 degrees 10 minutes 25.7 seconds east 314.83 feet to a point N232,500.08, E758,239.67, thence running south 56 degrees 33 minutes 56.1 seconds east 583.07 feet to a point N232,178.82, E758,726.25, thence running south 85 degrees 33 minutes 16.0 seconds east to the point of origin.

(B) A portion of the 30-foot west maneuvering basin, authorized by the first section of the Act of July 3, 1930 (46 Stat. 918, chapter 847), beginning at a point with coordinates N232,139.91, E758,773.61, thence running north 81 degrees 49 minutes 30.1 seconds east 160.76 feet to a point N232,162.77, E758,932.74, thence running north 85 degrees 33 minutes 16.0 seconds west 141.85 feet to a point N232,173.77, E758,791.32, thence running south 27 degrees 36 minutes 52.8 seconds west to the point of origin.

(b) ANCHORAGE AREA, CLINTON HARBOR, CONNECTICUT.—The portion of the Clinton Harbor, Connecticut, navigation project referred to in subsection (a)(2) beginning at a point with coordinates N158,444.58, E660,220.95, thence running north 79 degrees 37 minutes 14 seconds east 833.31 feet to a point N158,594.72, E661,040.67, thence running south 80 degrees 51 minutes 53 seconds east 181.21 feet to a point N158,565.95, E661,219.58, thence running north 57 degrees 38 minutes 04 seconds west 126.02 feet to a point N158,633.41, E660,113.14, thence running south 79 degrees 37 minutes 14 seconds west 911.61 feet to a point N158,469.17, E660,216.44, thence running south 10 degrees 22 minutes 46 seconds east 25 feet returning to a point N158,444.58, E660,220.95, is redesignated as an anchorage area.

(c) WELLS HARBOR, MAINE.—

(1) PROJECT MODIFICATION.—The Wells Harbor, Maine, navigation project referred to in subsection (a)(9) is modified to authorize the Secretary to realign the channel and anchorage areas based on a harbor design capacity of 150 craft.

(2) REDESIGNATIONS.—

(A) 6-FOOT ANCHORAGE.—The following portions of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) shall be redesignated as part of the 6-foot anchorage:

(i) The portion of the 6-foot channel the boundaries of which begin at a point with coordinates N177,990.91, E394,820.68, thence running south 83 degrees 58 minutes 40.8 seconds west 94.65 feet to a point N177,980.98, E394,726.55, thence running south 11 degrees 46 minutes 22.4 seconds west 962.83 feet to a point N177,038.40, E394,530.10, thence running south 78 degrees 13 minutes 45.7 seconds east 90.00 feet to a point N177,020.04, E394,618.21, thence running north 11 degrees 46 minutes 47.7 seconds east 991.76 feet to the point of origin.

(ii) The portion of the 10-foot inner harbor settling basin the boundaries of which begin at a point with coordinates N177,020.04, E394,618.21, thence running north 78 degrees 13 minutes 30.5 seconds west 160.00 feet to a point N177,052.69, E394,461.58, thence running south 11 degrees 46 minutes 45.4 seconds west 299.99 feet to a point N176,759.02, E394,400.34, thence running south 78 degrees 13 minutes 17.9 seconds east 160 feet to a point N176,726.36, E394,556.97, thence running north 11 degrees 46 minutes 44.0 seconds east 300.00 feet to the point of origin.

(B) 6-FOOT CHANNEL.—The following portion of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) shall be redesignated as part of the 6-foot channel: the portion of the 6-foot anchorage the boundaries of which begin at a point with coordinates N178,102.26, E394,751.83, thence running south 51 degrees 59 minutes 42.1 seconds west 526.51 feet to a point N177,778.07, E394,336.96, thence running south 11 degrees 46 minutes 26.6 seconds west 511.83 feet to a point N177,277.01, E394,232.52, thence running south 78 degrees 13 minutes 17.9 seconds east 80.00 feet to a point N177,260.68, E394,310.84, thence running north 11 degrees 46 minutes

24.8 seconds east 482.54 feet to a point N177,733.07, E394,409.30, thence running north 51 degrees 59 minutes 41.0 seconds east 402.63 feet to a point N177,980.98, E394,726.55, thence running north 11 degrees 46 minutes 27.6 seconds east 123.89 feet to the point of origin.

(3) REALIGNMENT.—The 6-foot anchorage area described in paragraph (2)(B) shall be realigned to include the area located south of the inner harbor settling basin in existence on the date of enactment of this Act beginning at a point with coordinates N176,726.36, E394,556.97, thence running north 78 degrees 13 minutes 17.9 seconds west 160.00 feet to a point N176,759.02, E394,400.34, thence running south 11 degrees 47 minutes 03.8 seconds west 45 feet to a point N176,714.97, E394,391.15, thence running south 78 degrees 13 minutes 17.9 seconds 160.00 feet to a point N176,682.31, E394,547.78, thence running north 11 degrees 47 minutes 03.8 seconds east 45 feet to the point of origin.

(4) RELOCATION.—The Secretary may relocate the settling basin feature of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9) to the outer harbor between the jetties.

(5) ADDITIONAL ACTIONS.—In carrying out the operation and the maintenance of the Wells Harbor, Maine, navigation project referred to in subsection (a)(9), the Secretary shall undertake each of the actions of the Corps of Engineers specified in section IV(B) of the memorandum of agreement relating to the project dated January 20, 1998, including the actions specified in section IV(B) that the parties agreed to ask the Corps of Engineers to undertake.

(6) CONSERVATION EASEMENT.—The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, may accept a conveyance of the right, but not the obligation, to enforce a conservation easement to be held by the State of Maine over certain land owned by the town of Wells, Maine, that is adjacent to the Rachel Carson National Wildlife Refuge.

(d) ANCHORAGE AREA, GREEN HARBOR, MASSACHUSETTS.—The portion of the Green Harbor, Massachusetts, navigation project referred to in subsection (a)(11) consisting of a 6-foot deep channel that lies northerly of a line the coordinates of which are North 394825.00, East 831660.00 and North 394779.28, East 831570.64 is redesignated as an anchorage area.

#### SEC. 366. AMERICAN AND SACRAMENTO RIVERS, CALIFORNIA.

(a) IN GENERAL.—The project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662–3663), is modified to direct the Secretary to include the following improvements as part of the overall project:

(1) Raising the left bank of the non-Federal levee upstream of the Mayhew Drain for a distance of 4,500 feet by an average of 2.5 feet.

(2) Raising the right bank of the American River levee from 1,500 feet upstream to 4,000 feet downstream of the Howe Avenue bridge by an average of 1 foot.

(3) Modifying the south levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the south levee is

consistent with the level of protection provided by the authorized levee along the east bank of the Sacramento River.

(4) Modifying the north levee of the Natomas Cross Canal for a distance of 5 miles to ensure that the height of the levee is equivalent to the height of the south levee as authorized by paragraph (3).

(5) Installing gates to the existing Mayhew Drain culvert and pumps to prevent backup of floodwater on the Folsom Boulevard side of the gates.

(6) Installing a slurry wall in the north levee of the American River from the east levee of the Natomas east Main Drain upstream for a distance of approximately 1.2 miles.

(7) Installing a slurry wall in the north levee of the American River from 300 feet west of Jacob Lane north for a distance of approximately 1 mile to the end of the existing levee.

(b) **COST LIMITATIONS.**—Section 101(a)(1)(A) of the Water Resources Development Act of 1996 (110 Stat. 3662) is amended by striking “at a total cost of” and all that follows through “\$14,225,000,” and inserting the following: “at a total cost of \$91,900,000, with an estimated Federal cost of \$68,925,000 and an estimated non-Federal cost of \$22,975,000,”.

(c) **COST SHARING.**—For the purposes of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), the modifications authorized by this section shall be subject to the same cost sharing in effect for the project for flood damage reduction, American and Sacramento Rivers, California, authorized by section 101(a)(1) of the Water Resources Development Act of 1996 (110 Stat. 3662).

**SEC. 367. MARTIN, KENTUCKY.**

The project for flood control, Martin, Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriations Act, 1981 (94 Stat. 1339), is modified to authorize the Secretary to take all necessary measures to prevent future losses that would occur as a result of a flood equal in magnitude to a 100-year frequency event.

**SEC. 368. SOUTHERN WEST VIRGINIA PILOT PROGRAM.**

Section 340(g) of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended to read as follows:

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out the pilot program under this section \$40,000,000 for fiscal years beginning after September 30, 1992. Such sums shall remain available until expended.”.

**SEC. 369. BLACK WARRIOR AND TOMBIGBEE RIVERS, JACKSON, ALABAMA.**

(a) **IN GENERAL.**—The project for navigation, Black Warrior and Tombigbee Rivers, vicinity of Jackson, Alabama, authorized by section 106 of the Energy and Water Development Appropriations Act, 1987 (100 Stat. 3341–199), is modified to authorize the Secretary to acquire land for mitigation of the habitat losses attributable to the project, including the navigation channel, dredged material disposal areas, and other areas directly affected by construction of the project.

(b) **CONSTRUCTION BEFORE ACQUISITION OF MITIGATION LAND.**—Notwithstanding section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283), the Secretary may construct the

project before acquisition of the mitigation land if the Secretary takes such actions as are necessary to ensure that any required mitigation land will be acquired not later than 2 years after initiation of construction of the new channel and that the acquisition will fully mitigate any adverse environmental impacts resulting from the project.

**SEC. 370. TROPICANA WASH AND FLAMINGO WASH, NEVADA.**

Any Federal costs associated with the Tropicana Wash and Flamingo Wash, Nevada, authorized by section 101(13) of the Water Resources Development Act of 1992 (106 Stat. 4803), incurred by the non-Federal interest to accelerate or modify construction of the project, in cooperation with the Corps of Engineers, shall be eligible for reimbursement by the Secretary.

**SEC. 371. COMITE RIVER, LOUISIANA.**

The Comite River Diversion Project for flood control, authorized as part of the project for flood control, Amite River and Tributaries, Louisiana, by section 101(11) of the Water Resources Development Act of 1992 (106 Stat. 4802) and modified by section 301(b)(5) of the Water Resources Development Act of 1996 (110 Stat. 3709), is further modified to authorize the Secretary to include the costs of highway relocations to be cost shared as a project construction feature.

**SEC. 372. ST. MARYS RIVER, MICHIGAN.**

The project for navigation, St. Marys River, Michigan, is modified to direct the Secretary to provide an additional foot of overdraft between Point Louise Turn and the Locks, Sault Sainte Marie, Michigan, consistent with the channels upstream of Point Louise Turn. The modification shall be carried out as operation and maintenance to improve navigation safety.

**SEC. 373. CHARLEVOIX, MICHIGAN.**

The Secretary shall review and, if consistent with authorized project purposes, reimburse the city of Charlevoix, Michigan, for the Federal share of costs associated with construction of the new revetment connection to the Federal navigation project at Charlevoix Harbor, Michigan.

**SEC. 374. WHITE RIVER BASIN, ARKANSAS AND MISSOURI.**

(a) IN GENERAL.—Subject to subsection (b), the project for flood control, power generation, and other purposes at the White River Basin, Arkansas and Missouri, authorized by section 4 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and modified by House Document 917, 76th Congress, 3d Session, and House Document 290, 77th Congress, 1st Session, approved August 18, 1941, and House Document 499, 83d Congress, 2d Session, approved September 3, 1954, and by section 304 of the Water Resources Development Act of 1996 (110 Stat. 3711) is further modified to authorize the Secretary to provide minimum flows necessary to sustain tail water trout fisheries by reallocating the following amounts of project storage: Beaver Lake, 1.5 feet; Table Rock, 2 feet; Bull Shoals Lake, 5 feet; Norfork Lake, 3.5 feet; and Greers Ferry Lake, 3 feet.

(b) REPORT.—

(1) IN GENERAL.—No funds may be obligated to carry out work on the modification under subsection (a) until completion

of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

(2) **TIMING.**—The Secretary shall submit the report to Congress not later than July 30, 2000.

(3) **CONTENTS.**—The report shall include determinations concerning whether—

(A) the modification under subsection (a) adversely affects other authorized project purposes; and

(B) Federal costs will be incurred in connection with the modification.

**SEC. 375. WAURIKA LAKE, OKLAHOMA, WATER CONVEYANCE FACILITIES.**

For the project for construction of the water conveyances authorized by the first section of Public Law 88-253 (77 Stat. 841), the requirements for the Waurika Project Master Conservancy District to repay the \$2,900,000 in costs (including interest) resulting from the October 1991 settlement of the claim before the United States Claims Court, and to make a payment of \$595,000 of the final cost representing a portion of the difference between the 1978 estimate of cost and the actual cost determined after completion of the project in 1991, are waived.

## TITLE IV—STUDIES

33 USC 2211  
note.

**SEC. 401. DEEP DRAFT HARBOR COST SHARING.**

(a) **IN GENERAL.**—The Secretary shall undertake a study of non-Federal cost-sharing requirements for the construction and operation and maintenance of deep draft harbor projects to determine whether—

(1) cost sharing adversely affects United States port development or domestic and international trade; and

(2) any revision of the cost-sharing requirements would benefit United States domestic and international trade.

Deadline.

(b) **RECOMMENDATIONS.**—

(1) **IN GENERAL.**—Not later than May 30, 2001, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives any recommendations that the Secretary may have in light of the study under subsection (a).

(2) **CONSIDERATIONS.**—In making recommendations, the Secretary shall consider—

(A) the potential economic, environmental, and budgetary impacts of any proposed revision of the cost-sharing requirements; and

(B) the effect that any such revision would have on regional port competition.

**SEC. 402. BOYDSVILLE, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of the reservoir and associated improvements to provide for flood control, recreation, water quality, and fish and wildlife purposes in the vicinity of Boydsville, Arkansas.



**SEC. 403. GREERS FERRY LAKE, ARKANSAS.**

The Secretary shall conduct a study to determine the feasibility of constructing water intake facilities at Greers Ferry Lake, Arkansas.

**SEC. 404. DEL NORTE COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine the feasibility of designating a permanent disposal site for dredged material from Federal navigation projects in Del Norte County, California.

**SEC. 405. FRAZIER CREEK, TULARE COUNTY, CALIFORNIA.**

The Secretary shall conduct a study to determine—

- (1) the feasibility of restoring Frazier Creek, Tulare County, California; and
- (2) the Federal interest in flood control, environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

**SEC. 406. MARE ISLAND STRAIT, CALIFORNIA.**

(a) IN GENERAL.—The Secretary shall conduct a general reevaluation to determine the Federal interest in reconfiguring the Mare Island Strait channel.

(b) CONSIDERATIONS.—In determining the Federal interest, the Secretary shall consider the benefits of economic activity associated with potential future uses of the channel and any other benefits that could be realized by increasing the width and depth of the channel to accommodate both current and potential future uses of the channel.

**SEC. 407. STRAWBERRY CREEK, BERKELEY, CALIFORNIA.**

The Secretary shall conduct a study to determine—

- (1) the feasibility of restoring Strawberry Creek, Berkeley, California; and
- (2) the Federal interest in environmental restoration, conservation of fish and wildlife resources, recreation, and water quality of the creek.

**SEC. 408. SWEETWATER RESERVOIR, SAN DIEGO COUNTY, CALIFORNIA.**

The Secretary shall conduct a study of the potential water quality problems and pollution abatement measures in the watershed in and around Sweetwater Reservoir, San Diego County, California.

**SEC. 409. WHITEWATER RIVER BASIN, CALIFORNIA.**

The Secretary shall complete a study to determine the feasibility of a flood damage reduction project in the Whitewater River basin (also known as “Thousand Palms”), California.

**SEC. 410. DESTIN-NORIEGA POINT, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of—

- (1) restoring Noriega Point, Florida, to serve as a breakwater for Destin Harbor; and
- (2) including Noriega Point as part of the East Pass, Florida, navigation project.

**SEC. 411. LITTLE ECONLACKHATCHEE RIVER BASIN, FLORIDA.**

The Secretary shall conduct a study of pollution abatement measures in the Little Econlackhatchee River basin, Florida.

**SEC. 412. PORT EVERGLADES, BROWARD COUNTY, FLORIDA.**

The Secretary shall conduct a study to determine the feasibility of constructing a sand bypassing project at the Port Everglades Inlet, Florida.

**SEC. 413. LAKE ALLATOONA, ETOWAH RIVER, AND LITTLE RIVER WATERSHED, GEORGIA.**

(a) IN GENERAL.—The Secretary, in cooperation with the Administrator of the Environmental Protection Agency, may carry out the following water-related environmental restoration and resource protection investigations into restoring Lake Allatoona, the Etowah River, and the Little River watershed, Georgia:

(1) LAKE ALLATOONA/ETOWAH RIVER SHORELINE RESTORATION INVESTIGATION.—Feasibility phase investigation to identify and recommend to Congress structural and nonstructural measures to alleviate shore erosion and sedimentation problems along the shores of Lake Allatoona and the Etowah River.

(2) LITTLE RIVER ENVIRONMENTAL RESTORATION INVESTIGATION.—Feasibility phase investigation to evaluate environmental problems and recommend environmental restoration measures (including appropriate environmental structural and nonstructural measures) for the Little River watershed, Georgia.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the period beginning with fiscal year 2000—

(1) \$850,000 to carry out subsection (a)(1); and

(2) \$500,000 to carry out subsection (a)(2).

**SEC. 414. BOISE, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking flood control on the Boise River in Boise, Idaho.

**SEC. 415. GOOSE CREEK WATERSHED, OAKLEY, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking flood damage reduction, water conservation, ground water recharge, ecosystem restoration, and related activities along the Goose Creek watershed near Oakley, Idaho.

**SEC. 416. LITTLE WOOD RIVER, GOODING, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of restoring and repairing the Lava Rock Little Wood River Containment System to prevent flooding in the city of Gooding, Idaho.

**SEC. 417. SNAKE RIVER, LEWISTON, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking bank stabilization and flood control on the Snake River at Lewiston, Idaho.

**SEC. 418. SNAKE RIVER AND PAYETTE RIVER, IDAHO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a flood control project along the Snake River and Payette River, in the vicinity of Payette, Idaho.

**SEC. 419. UPPER DES PLAINES RIVER AND TRIBUTARIES, ILLINOIS AND WISCONSIN.**

(a) IN GENERAL.—The Secretary shall conduct a study of the upper Des Plaines River and tributaries, Illinois and Wisconsin, upstream of the confluence with Salt Creek at Riverside, Illinois, to determine the feasibility of improvements in the interests of

flood damage reduction, environmental restoration and protection, water quality, recreation, and related purposes.

(b) SPECIAL RULE.—In conducting the study, the Secretary may not exclude from consideration and evaluation flood damage reduction measures based on restrictive policies regarding the frequency of flooding, the drainage area, and the amount of runoff.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary shall—

(1) consult with appropriate Federal and State agencies; and

(2) make maximum use of data in existence on the date of enactment of this Act and ongoing programs and efforts of Federal agencies and States.

**SEC. 420. CAMERON PARISH WEST OF CALCASIEU RIVER, LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a storm damage reduction and ecosystem restoration project for Cameron Parish west of Calcasieu River, Louisiana.

**SEC. 421. COASTAL LOUISIANA.**

The Secretary shall conduct a study to determine the feasibility of using dredged material from maintenance activities at Federal navigation projects in coastal Louisiana to benefit coastal areas in the State.

**SEC. 422. GRAND ISLE AND VICINITY, LOUISIANA.**

In carrying out a study of the storm damage reduction benefits to Grand Isle and vicinity, Louisiana, the Secretary shall include benefits that a storm damage reduction project for Grand Isle and vicinity, Louisiana, may have on the mainland coast of Louisiana as project benefits attributable to the Grand Isle project.

**SEC. 423. GULF INTRACOASTAL WATERWAY ECOSYSTEM, CHEF MENTEUR TO SABINE RIVER, LOUISIANA.**

(a) IN GENERAL.—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration and protection measures along the Gulf Intracoastal Waterway from Chef Menteur to Sabine River, Louisiana.

(b) MATTERS TO BE ADDRESSED.—The study shall address salt-water intrusion, tidal scour, erosion, compaction, subsidence, wind and wave action, bank failure, and other problems relating to ecosystem restoration and protection.

**SEC. 424. MUDDY RIVER, BROOKLINE AND BOSTON, MASSACHUSETTS.**

(a) IN GENERAL.—The Secretary shall evaluate the January 1999 study commissioned by the Boston Parks and Recreation Department, Boston, Massachusetts, and entitled “The Emerald Necklace Environmental Improvement Master Plan, Phase I Muddy River Flood Control, Water Quality and Habitat Enhancement”, to determine whether the plans outlined in the study for flood control, water quality, habitat enhancements, and other improvements to the Muddy River in Brookline and Boston, Massachusetts, are cost-effective, technically sound, environmentally acceptable, and in the Federal interest.

(b) REPORT.—Not later than June 30, 2000, the Secretary shall submit to Congress a report on the results of the evaluation. Deadline.

**SEC. 425. WESTPORT, MASSACHUSETTS.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of undertaking a navigation project for the town of Westport, Massachusetts.

(b) **CONSIDERATIONS.**—In determining the benefits of the project, the Secretary shall include the benefits derived from using dredged material for shore protection and storm damage reduction.

**SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.**

(a) **PLAN.**—The Secretary, in coordination with State and local governments and appropriate Federal and provincial authorities of Canada, shall develop a comprehensive management plan for St. Clair River and Lake St. Clair.

(b) **ELEMENTS.**—The plan shall include the following elements:

(1) Identification of the causes and sources of environmental degradation.

(2) Continuous monitoring of organic, biological, metallic, and chemical contamination levels.

(3) Timely dissemination of information of contamination levels to public authorities, other interested parties, and the public.

Deadline.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes the plan developed under subsection (a) and recommendations for potential restoration measures.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$400,000.

**SEC. 427. ST. CLAIR SHORES, MICHIGAN.**

The Secretary shall conduct a study to determine the feasibility of constructing a flood control project at St. Clair Shores, Michigan.

**SEC. 428. WOODTICK PENINSULA, MICHIGAN, AND TOLEDO HARBOR, OHIO.**

The Secretary shall conduct a study to determine the feasibility of using dredged material from Toledo Harbor, Ohio, to provide erosion reduction, navigation, and ecosystem restoration at Woodtick Peninsula, Michigan.

**SEC. 429. PASCAGOULA HARBOR, MISSISSIPPI.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine an alternative plan for dredged material management for the Pascagoula River portion of the project for navigation, Pascagoula Harbor, Mississippi, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4094).

(b) **CONTENTS.**—The study under subsection (a) shall—

(1) include an analysis of the feasibility of expanding the Singing River Island Disposal Area or constructing a new dredged material disposal facility; and

(2) identify methods of managing and reducing sediment transport into the Federal navigation channel.

**SEC. 430. TUNICA LAKE WEIR, MISSISSIPPI.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of constructing an outlet weir at Tunica Lake, Tunica County, Mississippi, and Lee County, Arkansas, for the purpose of stabilizing water levels in the lake.

(b) **ECONOMIC ANALYSIS.**—In carrying out the study, the Secretary shall include as part of the economic analysis the benefits derived from recreation uses at Tunica Lake and economic benefits associated with restoration of fish and wildlife habitat.

**SEC. 431. YELLOWSTONE RIVER, MONTANA.**

(a) **STUDY.**—The Secretary shall conduct a comprehensive study of the Yellowstone River from Gardiner, Montana, to the confluence of the Missouri River to determine the hydrologic, biological, and socioeconomic cumulative impacts on the river.

(b) **CONSULTATION AND COORDINATION.**—The Secretary shall conduct the study in consultation with the United States Fish and Wildlife Service, the United States Geological Survey, and the Natural Resources Conservation Service and with the full participation of the State of Montana and tribal and local entities, and provide for public participation.

(c) **REPORT.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study. Deadline.

**SEC. 432. LAS VEGAS VALLEY, NEVADA.**

(a) **IN GENERAL.**—The Secretary shall conduct a comprehensive study of water resources in the Las Vegas Valley, Nevada.

(b) **OBJECTIVES.**—The study shall identify problems and opportunities related to ecosystem restoration, water quality (particularly the quality of surface runoff), and flood control.

**SEC. 433. SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood damage reduction in the Southwest Valley, Albuquerque, New Mexico.

**SEC. 434. CAYUGA CREEK, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control for Cayuga Creek, New York.

**SEC. 435. LAKE CHAMPLAIN, NEW YORK AND VERMONT.**

The Secretary shall conduct a study to determine the feasibility of restoring Lake Champlain, New York and Vermont, to improve water quality, fish and wildlife habitat, and navigation.

**SEC. 436. OSWEGO RIVER BASIN, NEW YORK.**

The Secretary shall conduct a study to determine the feasibility of establishing a flood forecasting system in the Oswego River basin, New York.

**SEC. 437. WHITE OAK RIVER, NORTH CAROLINA.**

The Secretary shall conduct a study to determine whether there is a Federal interest in a project for water quality, environmental restoration and protection, and related purposes on the White Oak River, North Carolina.

**SEC. 438. ARCOLA CREEK WATERSHED, MADISON, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project to provide environmental restoration and protection for the Arcola Creek watershed, Madison, Ohio.

**SEC. 439. CLEVELAND HARBOR, CLEVELAND, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking repairs and related navigation improvements at Dike 14, Cleveland, Ohio.

**SEC. 440. TOUSSAINT RIVER, CARROLL TOWNSHIP, OHIO.**

The Secretary shall conduct a study to determine the feasibility of undertaking navigation improvements on the Toussaint River, Carroll Township, Ohio.

**SEC. 441. WESTERN LAKE ERIE BASIN, OHIO, INDIANA, AND MICHIGAN.**

(a) IN GENERAL.—The Secretary shall conduct a study to develop measures to improve flood control, navigation, water quality, recreation, and fish and wildlife habitat in a comprehensive manner in the western Lake Erie basin, Ohio, Indiana, and Michigan, including watersheds of the Maumee, Ottawa, and Portage Rivers.

(b) COOPERATION.—In carrying out the study, the Secretary shall—

(1) cooperate with interested Federal, State, and local agencies and nongovernmental organizations; and

(2) consider all relevant programs of the agencies.

Deadline.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study, including findings and recommendations.

**SEC. 442. SCHUYLKILL RIVER, NORRISTOWN, PENNSYLVANIA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for flood control for the Schuylkill River, Norristown, Pennsylvania.

**SEC. 443. SOUTH CAROLINA COASTAL AREAS.**

(a) IN GENERAL.—The Secretary shall review pertinent reports and conduct other studies and field investigations to determine the best available science and methods for management of contaminated dredged material and sediments in the coastal areas of South Carolina.

(b) FOCUS.—In carrying out subsection (a), the Secretary shall place particular focus on areas where the Corps of Engineers maintains deep draft navigation projects, such as Charleston Harbor, Georgetown Harbor, and Port Royal, South Carolina.

(c) COOPERATION.—The studies shall be conducted in cooperation with the appropriate Federal and State environmental agencies.

**SEC. 444. SANTEE DELTA FOCUS AREA, SOUTH CAROLINA.**

Deadline.

Not later than 18 months after the date of enactment of this Act, the Secretary shall complete a comprehensive study of the ecosystem in the Santee Delta focus area, South Carolina, to determine the feasibility of undertaking a project to enhance wetland habitat and public recreational opportunities in the area.

**SEC. 445. WACCAMAW RIVER, SOUTH CAROLINA.**

The Secretary shall conduct a study to determine the feasibility of undertaking a flood control project for the Waccamaw River in Horry County, South Carolina.

**SEC. 446. DAY COUNTY, SOUTH DAKOTA.**

The Secretary shall conduct—

(1) an investigation of flooding and other water resources problems between the James River and Big Sioux watersheds, South Dakota; and

(2) an assessment of flood damage reduction needs of the area.

**SEC. 447. NIOBRARA RIVER AND MISSOURI RIVER, SOUTH DAKOTA.**

The Secretary shall conduct a study of the Niobrara River watershed and the operations of Fort Randall Dam and Gavins Point Dam on the Missouri River, South Dakota, to determine the feasibility of alleviating the bank erosion, sedimentation, and related problems in the lower Niobrara River and the Missouri River below Fort Randall Dam.

**SEC. 448. CORPUS CHRISTI, TEXAS.**

The Secretary shall include, as part of the study authorized by a resolution of the Committee on Public Works and Transportation of the House of Representatives dated August 1, 1990, a review of two 175-foot-wide barge shelves on either side of the navigation channel at the Port of Corpus Christi, Texas.

**SEC. 449. MITCHELL'S CUT CHANNEL (CANEY FORK CUT), TEXAS.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for navigation, Mitchell's Cut Channel (Caney Fork Cut), Texas.

**SEC. 450. MOUTH OF COLORADO RIVER, TEXAS.**

The Secretary shall conduct a study to determine the feasibility of undertaking a project for navigation at the mouth of the Colorado River, Texas, to provide a minimum draft navigation channel extending from the Colorado River through Parkers Cut (also known as "Tiger Island Cut"), or an acceptable alternative, to Matagorda Bay.

**SEC. 451. SANTA CLARA RIVER, UTAH.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of undertaking measures to alleviate damage caused by flooding, bank erosion, and sedimentation along the watershed of the Santa Clara River, Utah, above the Gunlock Reservoir.

(b) **CONTENTS.**—The study shall include an analysis of watershed conditions and water quality, as related to flooding and bank erosion, along the Santa Clara River in the vicinity of Gunlock, Utah.

**SEC. 452. MOUNT ST. HELENS, WASHINGTON.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of undertaking ecosystem restoration improvements throughout the Cowlitz and Toutle River basins, Washington, including the 6,000 acres of wetland, riverine, riparian, and upland habitats lost or altered due to the eruption of Mount St. Helens in 1980 and subsequent emergency actions.

(b) **REQUIREMENTS.**—In carrying out the study, the Secretary shall—

(1) work in close coordination with local governments, watershed entities, the State of Washington, and other Federal agencies; and

(2) place special emphasis on—

(A) conservation and restoration strategies to benefit species that are listed or proposed for listing as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(B) other watershed restoration objectives.

**SEC. 453. KANAWHA RIVER, FAYETTE COUNTY, WEST VIRGINIA.**

The Secretary shall conduct a study to determine the feasibility of developing a public port along the Kanawha River in Fayette County, West Virginia, at a site known as “Longacre”.

**SEC. 454. WEST VIRGINIA PORTS.**

The Secretary shall conduct a study to determine the feasibility of expanding public port development in West Virginia along the Ohio River and the navigable portion of the Kanawha River from its mouth to river mile 91.0.

**SEC. 455. JOHN GLENN GREAT LAKES BASIN PROGRAM.**

(a) STRATEGIC PLANS.—

(1) STUDY.—The Secretary shall conduct a comprehensive study of the Great Lakes region to ensure the future use, management, and protection of water resources and related resources of the Great Lakes basin.

(2) REPORT.—

(A) IN GENERAL.—As expeditiously as possible, but not later than 3 years after the date of enactment of this Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report outlining a strategic plan for Corps of Engineers programs and proposed Corps of Engineers projects in the Great Lakes basin.

(B) CONTENTS.—The plan shall include—

(i) details of projects in the Great Lakes region relating to—

(I) navigation improvements, maintenance, and operations for commercial and recreational vessels;

(II) environmental restoration activities;

(III) water level maintenance activities;

(IV) technical and planning assistance to States and remedial action planning committees;

(V) sediment transport analysis, sediment management planning, and activities to support prevention of excess sediment loadings;

(VI) flood damage reduction and shoreline erosion prevention; and

(VII) all other relevant activities of the Corps of Engineers; and

(ii) an analysis of factors limiting use of programs and authorities of the Corps of Engineers in existence on the date of enactment of this Act in the Great Lakes basin, including the need for new or modified authorities.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for the period of fiscal years 2000 through 2003.

42 USC  
1962d-21.

Deadline.



## (b) GREAT LAKES BIOHYDROLOGICAL INFORMATION.—

## (1) INVENTORY.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall request each Federal agency that may possess information relevant to the Great Lakes biohydrological system to provide an inventory of all such information in the possession of the agency. Deadline.

(B) RELEVANT INFORMATION.—For the purpose of subparagraph (A), relevant information includes information on—

- (i) ground and surface water hydrology;
- (ii) natural and altered tributary dynamics;
- (iii) biological aspects of the system influenced by and influencing water quantity and water movement;
- (iv) meteorological projections and the impacts of weather conditions on Great Lakes water levels; and
- (v) other Great Lakes biohydrological system data relevant to sustainable water use management.

## (2) REPORT.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with the States, Indian tribes, and Federal agencies, and after requesting information from the provinces and the federal government of Canada, shall— Deadline.

- (i) compile the inventories of information;
- (ii) analyze the information for consistency and gaps; and
- (iii) submit to Congress, the International Joint Commission, and the Great Lakes States a report that includes recommendations on ways to improve the information base on the biohydrological dynamics of the Great Lakes ecosystem as a whole, so as to support environmentally sound decisions regarding diversions and consumptive uses of Great Lakes water.

(B) RECOMMENDATIONS.—The recommendations in the report under subparagraph (A) shall include recommendations relating to the resources and funds necessary for implementing improvement of the information base.

(C) CONSIDERATIONS.—In developing the report under subparagraph (A), the Secretary, in cooperation with the Secretary of State, the Secretary of Transportation, and the heads of other agencies as appropriate, shall consider and report on the status of the issues described and recommendations made in—

- (i) the Report of the International Joint Commission to the Governments of the United States and Canada under the 1977 reference issued in 1985; and
- (ii) the 1993 Report of the International Joint Commission to the Governments of Canada and the United States on Methods of Alleviating Adverse Consequences of Fluctuating Water Levels in the Great Lakes St. Lawrence Basin.

(c) GREAT LAKES RECREATIONAL BOATING.—Not later than 18 months after the date of enactment of this Act, the Secretary, using information and studies in existence on the date of enactment of this Act to the extent practicable, and in cooperation with the Deadline.

Great Lakes States, shall submit to Congress a report detailing the economic benefits of recreational boating in the Great Lakes basin, particularly at harbors benefiting from operation and maintenance projects of the Corps of Engineers.

(d) COOPERATION.—In undertaking activities under this section, the Secretary shall—

(1) encourage public participation; and

(2) cooperate, and, as appropriate, collaborate, with Great Lakes States, tribal governments, and Canadian federal, provincial, and tribal governments.

(e) WATER USE ACTIVITIES AND POLICIES.—The Secretary may provide technical assistance to the Great Lakes States to develop interstate guidelines to improve the consistency and efficiency of State-level water use activities and policies in the Great Lakes basin.

(f) COST SHARING.—The Secretary may seek and accept funds from non-Federal entities to be used to pay up to 25 percent of the cost of carrying out subsections (b), (c), (d), and (e).

#### **SEC. 456. GREAT LAKES NAVIGATIONAL SYSTEM.**

In consultation with the St. Lawrence Seaway Development Corporation, the Secretary shall review the Great Lakes Connecting Channel and Harbors Report dated March 1985 to determine the feasibility of undertaking any modification of the recommendations made in the report to improve commercial navigation on the Great Lakes navigation system, including locks, dams, harbors, ports, channels, and other related features.

33 USC 1267  
note.

#### **SEC. 457. NUTRIENT LOADING RESULTING FROM DREDGED MATERIAL DISPOSAL.**

(a) STUDY.—The Secretary shall conduct a study of nutrient loading that occurs as a result of discharges of dredged material into open-water sites in the Chesapeake Bay.

Deadline.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study.

#### **SEC. 458. UPPER MISSISSIPPI AND ILLINOIS RIVERS LEVEES AND STREAMBANKS PROTECTION.**

The Secretary shall conduct a study of erosion damage to levees and other flood control structures on the upper Mississippi and Illinois Rivers and the impact of increased barge and pleasure craft traffic on deterioration of the levees and other flood control structures.

33 USC 652 note.

#### **SEC. 459. UPPER MISSISSIPPI RIVER COMPREHENSIVE PLAN.**

(a) DEVELOPMENT.—The Secretary shall develop a plan to address water resource and related land resource problems and opportunities in the upper Mississippi and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the interest of systemic flood damage reduction by means of—

(1) structural and nonstructural flood control and floodplain management strategies;

(2) continued maintenance of the navigation project;

(3) management of bank caving and erosion;

(4) watershed nutrient and sediment management;

(5) habitat management;

- (6) recreation needs; and
- (7) other related purposes.
- (b) CONTENTS.—The plan under subsection (a) shall—
  - (1) contain recommendations on management plans and actions to be carried out by the responsible Federal and non-Federal entities;
  - (2) specifically address recommendations to authorize construction of a systemic flood control project for the upper Mississippi River; and
  - (3) include recommendations for Federal action where appropriate and recommendations for follow-on studies for problem areas for which data or current technology does not allow immediate solutions.
- (c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary shall—
  - (1) consult with appropriate Federal and State agencies; and
  - (2) make maximum use of data in existence on the date of enactment of this Act and ongoing programs and efforts of Federal agencies and States in developing the plan under subsection (a).
- (d) COST SHARING.—
  - (1) DEVELOPMENT.—Development of the plan under subsection (a) shall be at Federal expense.
  - (2) FEASIBILITY STUDIES.—Feasibility studies resulting from development of the plan shall be subject to cost sharing under section 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2215).
- (e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes the plan under subsection (a). Deadline.

#### **SEC. 460. SUSQUEHANNA RIVER AND UPPER CHESAPEAKE BAY.**

- (a) IN GENERAL.—The Secretary shall conduct a study of controlling and managing waterborne debris in the interest of navigation, flood control, environmental restoration, and other purposes in the Susquehanna River Basin, New York, Pennsylvania, and Maryland, and the upper Chesapeake Bay, Maryland.
- (b) EVALUATION OF TECHNOLOGIES AND PRACTICES.—The study shall include an evaluation of technologies and practices currently available, in use, or in development in the United States for debris removal programs at various dams and harbors and recommendations for applying those techniques and practices in the Susquehanna River and the upper Chesapeake Bay.
- (c) COOPERATION.—The study shall be conducted in cooperation with State agencies and other Federal agencies, the Susquehanna River Basin Commission, and owners of major dams.

## **TITLE V—MISCELLANEOUS PROVISIONS**

#### **SEC. 501. CORPS ASSUMPTION OF NRCS PROJECTS.**

- (a) LLAGAS CREEK, CALIFORNIA.—The Secretary may complete the remaining reaches of the Natural Resources Conservation Service flood control project at Llagas Creek, California, undertaken

pursuant to section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), substantially in accordance with the Natural Resources Conservation Service watershed plan for Llagas Creek, Department of Agriculture, and in accordance with the requirements of local cooperation as specified in section 4 of that Act (16 U.S.C. 1004), at a total cost of \$45,000,000, with an estimated Federal cost of \$21,800,000 and an estimated non-Federal cost of \$23,200,000.

(b) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—

(1) IN GENERAL.—The Thornton Reservoir project, an element of the project for flood control, Chicagoland Underflow Plan, Illinois, authorized by section 3(a)(5) of the Water Resources Development Act of 1988 (102 Stat. 4013), is modified to authorize the Secretary to include additional permanent flood control storage attributable to the Natural Resources Conservation Service Thornton Reservoir (Structure 84), Little Calumet River Watershed, Illinois, approved under the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.).

(2) LIMITATION.—No funds may be obligated to carry out work under the modification under paragraph (1) until completion and approval by the Secretary of a final report by the Chief of Engineers finding that the work is technically sound, environmentally acceptable, and economically justified.

(3) COST SHARING.—Costs for the Thornton Reservoir project shall be shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(4) TRANSITIONAL STORAGE.—The Secretary of Agriculture may cooperate with non-Federal interests to provide, on a transitional basis, flood control storage for the Natural Resources Conservation Service Thornton Reservoir (Structure 84) project in the west lobe of the Thornton quarry.

(5) CREDIT TOWARD NON-FEDERAL SHARE.—The Secretary may credit toward the non-Federal share of the costs of the Thornton Reservoir project all design and construction costs incurred by the non-Federal interests before the date of signing of the project cooperation agreement.

(6) REEVALUATION REPORT.—The Secretary shall determine the credits authorized by paragraph (5) that are integral to the Thornton Reservoir project and the current total project costs based on a limited reevaluation report.

**SEC. 502. ENVIRONMENTAL INFRASTRUCTURE.**

(a) IN GENERAL.—Section 219(e) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking paragraphs (5) and (6) and inserting the following:

“(5) \$25,000,000 for the project described in subsection (c)(2);

“(6) \$20,000,000 for the project described in subsection (c)(9);

“(7) \$30,000,000 for the project described in subsection (c)(16); and

“(8) \$30,000,000 for the project described in subsection (c)(17).”.

(b) ADDITIONAL ASSISTANCE.—Section 219 of the Water Resources Development Act of 1992 is amended by adding at the end the following:

“(f) ADDITIONAL ASSISTANCE.—The Secretary may provide assistance under subsection (a) and assistance for construction for the following:

“(1) ATLANTA, GEORGIA.—The project described in subsection (c)(2), modified to include \$25,000,000 for watershed restoration and development in the regional Atlanta watershed, including Big Creek and Rock Creek.

“(2) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—The project described in subsection (c)(9), modified to include \$20,000,000 for drainage facilities to alleviate flooding problems on Getty Avenue in the vicinity of St. Joseph’s Hospital for the city of Paterson, New Jersey, and Passaic County, New Jersey, and innovative facilities to manage and treat additional flows in the Passaic Valley, Passaic River basin, New Jersey.

“(3) NASHUA, NEW HAMPSHIRE.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Nashua, New Hampshire.

“(4) FALL RIVER AND NEW BEDFORD, MASSACHUSETTS.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the cities of Fall River and New Bedford, Massachusetts.

“(5) FINDLAY TOWNSHIP, PENNSYLVANIA.—\$11,000,000 for water and wastewater infrastructure in Findlay Township, Allegheny County, Pennsylvania.

“(6) DILLSBURG BOROUGH AUTHORITY, PENNSYLVANIA.—\$2,000,000 for water and wastewater infrastructure in Franklin Township, York County, Pennsylvania.

“(7) HAMPDEN TOWNSHIP, PENNSYLVANIA.—\$3,000,000 for water, sewer, and storm sewer improvements in Hampden Township, Pennsylvania.

“(8) TOWAMENCIN TOWNSHIP, PENNSYLVANIA.—\$1,500,000 for sanitary sewer and water and wastewater infrastructure in Towamencin Township, Pennsylvania.

“(9) DAUPHIN COUNTY, PENNSYLVANIA.—\$2,000,000 for a project to eliminate or control combined sewer overflows and water system rehabilitation for the city of Harrisburg, Dauphin County, Pennsylvania.

“(10) EASTERN SHORE AND SOUTHWEST VIRGINIA.—\$20,000,000 for water supply and wastewater infrastructure projects in the counties of Accomac, Northampton, Lee, Norton, Wise, Scott, Russell, Dickenson, Buchanan, and Tazewell, Virginia.

“(11) NORTHEAST PENNSYLVANIA.—\$20,000,000 for water related infrastructure in the counties of Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, Wayne, Sullivan, Bradford, and Monroe, Pennsylvania, including assistance for the Mountoursville Regional Sewer Authority, Lycoming County, Pennsylvania.

“(12) CALUMET REGION, INDIANA.—\$10,000,000 for water related infrastructure projects in the counties of Lake and Porter, Indiana.

“(13) CLINTON COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Clinton County, Pennsylvania.

“(14) PATTON TOWNSHIP, PENNSYLVANIA.—\$1,400,000 for water related infrastructure in Patton Township, Pennsylvania.

“(15) NORTH FAYETTE TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA.—\$500,000 for water related infrastructure in North Fayette Township, Allegheny County, Pennsylvania.

“(16) SPRINGDALE BOROUGH, PENNSYLVANIA.—\$500,000 for water related infrastructure in Springdale Borough, Pennsylvania.

“(17) ROBINSON TOWNSHIP, PENNSYLVANIA.—\$1,200,000 for water related infrastructure in Robinson Township, Pennsylvania.

“(18) UPPER ALLEN TOWNSHIP, PENNSYLVANIA.—\$3,400,000 for water related infrastructure in Upper Allen Township, Pennsylvania.

“(19) JEFFERSON TOWNSHIP, GREENE COUNTY, PENNSYLVANIA.—\$1,000,000 for water related infrastructure in Jefferson Township, Greene County, Pennsylvania.

“(20) LUMBERTON, NORTH CAROLINA.—\$1,700,000 for water and wastewater infrastructure projects in Lumberton, North Carolina.

“(21) BATON ROUGE, LOUISIANA.—\$10,000,000 for water related infrastructure for the parishes of East Baton Rouge, Ascension, and Livingston, Louisiana.

“(22) EAST SAN JOAQUIN COUNTY, CALIFORNIA.—\$25,000,000 for ground water recharge and conjunctive use projects in Stockton East Water District, California.

“(23) SACRAMENTO AREA, CALIFORNIA.—\$25,000,000 for regional water conservation and recycling projects in Placer and El Dorado Counties and the San Juan Suburban Water District, California.

“(24) CUMBERLAND COUNTY, TENNESSEE.—\$5,000,000 for water supply projects in Cumberland County, Tennessee.

“(25) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—\$5,000,000 for water supply treatment and distribution projects in the counties of Calhoun, Clarendon, Colleton, Dorchester, Orangeberg, and Sumter, South Carolina.

“(26) BRIDGEPORT, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Bridgeport, Connecticut.

“(27) HARTFORD, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of Hartford, Connecticut.

“(28) NEW HAVEN, CONNECTICUT.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of New Haven, Connecticut.

“(29) OAKLAND COUNTY, MICHIGAN.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the cities of Berkley, Ferndale, Madison Heights, Royal Oak, Birmingham, Hazel Park, Oak Park, Southfield, Clawson, Huntington Woods, Pleasant Ridge, and Troy, and the village of Beverly Hills, and the Charter Township of Royal Oak, Michigan.

“(30) DESOTO COUNTY, MISSISSIPPI.—\$10,000,000 for a wastewater treatment project in the county of DeSoto, Mississippi.

“(31) KANSAS CITY, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of Kansas City, Missouri.

“(32) ST. LOUIS, MISSOURI.—\$15,000,000 for a project to eliminate or control combined sewer overflows in the city of St. Louis, Missouri.

“(33) ELIZABETH, NEW JERSEY.—\$20,000,000 for a project to eliminate or control combined sewer overflows in the city of Elizabeth, New Jersey.

“(34) NORTH HUDSON, NEW JERSEY.—\$10,000,000 for a project to eliminate or control combined sewer overflows in the city of North Hudson, New Jersey.

“(35) INNER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the inner harbor project, New York, New York.

“(36) OUTER HARBOR PROJECT, NEW YORK, NEW YORK.—\$15,000,000 for a project to eliminate or control combined sewer overflows for the outer harbor project, New York, New York.

“(37) LEBANON, NEW HAMPSHIRE.—\$8,000,000 for a project to eliminate or control combined sewer overflows in the city of Lebanon, New Hampshire.

“(38) ASTORIA, OREGON.—\$5,000,000 for a project to eliminate or control combined sewer overflows in the city of Astoria, Oregon.

“(39) CACHE COUNTY, UTAH.—\$5,000,000 for a wastewater infrastructure project for Cache County, Utah.

“(40) LAWTON, OKLAHOMA.—\$5,000,000 for a wastewater infrastructure project for the city of Lawton, Oklahoma.

“(41) LANCASTER, CALIFORNIA.—\$1,500,000 for a project to provide water facilities for the Fox Field Industrial Corridor, Lancaster, California.

“(42) SAN RAMON VALLEY, CALIFORNIA.—\$15,000,000 for a project for recycled water for San Ramon Valley, California.

“(43) HARBOR/SOUTH BAY, CALIFORNIA.—\$15,000,000 for an industrial water reuse project for the Harbor/South Bay area, California.”.

### SEC. 503. CONTAMINATED SEDIMENT DREDGING TECHNOLOGY.

33 USC 2314  
note.

#### (a) REVIEW OF INNOVATIVE DREDGING TECHNOLOGIES.—

(1) IN GENERAL.—Not later than June 1, 2001, the Secretary shall complete a review of innovative dredging technologies designed to minimize or eliminate contamination of a water column upon removal of contaminated sediments.

Deadline.

#### (2) TESTING.—

(A) SELECTION OF TECHNOLOGY.—After completion of the review under paragraph (1), the Secretary shall select, from among the technologies reviewed, the technology that the Secretary determines will best increase the effectiveness of removing contaminated sediments and significantly reduce contamination of the water column.

(B) AGREEMENT.—Not later than December 31, 2001, the Secretary shall enter into an agreement with a public or private entity to test the selected technology in the vicinity of Peoria Lakes, Illinois.

Deadline.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$2,000,000.

(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES.—Section 8 of the Water Resources Development Act of 1988 (33 U.S.C. 2314) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

“(b) ACCELERATED ADOPTION OF INNOVATIVE TECHNOLOGIES FOR MANAGEMENT OF CONTAMINATED SEDIMENTS.—

“(1) TEST PROJECTS.—The Secretary shall approve an appropriate number of projects to test, under actual field conditions, innovative technologies for environmentally sound management of contaminated sediments.

“(2) DEMONSTRATION PROJECTS.—The Secretary may approve an appropriate number of projects to demonstrate innovative technologies that have been pilot tested under paragraph (1).

“(3) CONDUCT OF PROJECTS.—Each pilot project under paragraph (1) and demonstration project under paragraph (2) shall be conducted by a university with proven expertise in the research and development of contaminated sediment treatment technologies and innovative applications using waste materials.

“(4) LOCATION.—At least 1 of the projects under this subsection shall be conducted in New England by the University of New Hampshire.”.

#### **SEC. 504. DAM SAFETY.**

(a) ASSISTANCE.—The Secretary may provide assistance to enhance dam safety at the following locations:

(1) Healdsburg Veteran’s Memorial Dam, California.

(2) Kehly Run Dam, Pennsylvania.

(3) Sweet Arrow Lake Dam, Pennsylvania.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$6,000,000.

#### **SEC. 505. GREAT LAKES REMEDIAL ACTION PLANS.**

Section 401(a)(2) of the Water Resources Development Act of 1990 (33 U.S.C. 1268 note; 104 Stat. 4644; 110 Stat. 3763) is amended—

(1) by striking “Non-Federal” and inserting the following:

“(A) IN GENERAL.—Non-Federal”; and

(2) by adding at the end the following:

“(B) CONTRIBUTIONS BY ENTITIES.—Nonprofit public or private entities may contribute all or a portion of the non-Federal share.”.

#### **SEC. 506. PROJECTS FOR IMPROVEMENT OF THE ENVIRONMENT.**

Section 1135(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2309a(c)) is amended—

(1) by striking “If the Secretary” and inserting the following:

“(1) IN GENERAL.—If the Secretary”; and

(2) by adding at the end the following:

“(2) CONTROL OF SEA LAMPREY.—Congress finds that—

“(A) the Great Lakes navigation system has been instrumental in the spread of sea lamprey and the associated impacts on its fishery; and

“(B) the use of the authority under this subsection for control of sea lamprey at any Great Lakes basin location is appropriate.”.



**SEC. 507. MAINTENANCE OF NAVIGATION CHANNELS.**

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759) is amended by adding at the end the following:

“(12) Acadiana Navigation Channel, Louisiana.

“(13) Contraband Bayou, Louisiana, as part of the Calcasieu River and Pass Ship Channel.

“(14) Lake Wallula Navigation Channel, Washington.

“(15) Wadley Pass (also known as ‘McGriff Pass’), Suwannee River, Florida.”.

**SEC. 508. MEASUREMENTS OF LAKE MICHIGAN DIVERSIONS, ILLINOIS.**

42 USC  
1962d–20 note.

Section 1142(b) of the Water Resources Development Act of 1986 (100 Stat. 4253) is amended by striking “\$250,000 per fiscal year for each fiscal year beginning after September 30, 1986,” and inserting “\$1,250,000 for each of fiscal years 1999 through 2003”.

**SEC. 509. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

(a) **AUTHORIZED ACTIVITIES.**—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking “(e)(1)” and all that follows through the end of paragraph (1) and inserting the following:

“(e) **PROGRAM AUTHORITY.**—

“(1) **AUTHORITY.**—

“(A) **IN GENERAL.**—The Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may undertake, as identified in the master plan—

“(i) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

“(ii) implementation of a long-term resource monitoring, computerized data inventory and analysis, and applied research program.

“(B) **ADVISORY COMMITTEE.**—In carrying out subparagraph (A)(i), the Secretary shall establish an independent technical advisory committee to review projects, monitoring plans, and habitat and natural resource needs assessments.”.

(b) **REPORTS.**—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking paragraph (2) and inserting the following:

“(2) **REPORTS.**—Not later than December 31, 2004, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall submit to Congress a report that—

“(A) contains an evaluation of the programs described in paragraph (1);

“(B) describes the accomplishments of each of the programs;

“(C) provides updates of a systemic habitat needs assessment; and

“(D) identifies any needed adjustments in the authorization of the programs.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended—

(1) in paragraph (3)—

(A) by striking “(1)(A)” and inserting “(1)(A)(i)”; and

(B) by striking “Secretary not to exceed” and all that follows before the period at the end and inserting “Secretary \$22,750,000 for fiscal year 1999 and each fiscal year thereafter”;

(2) in paragraph (4)—

(A) by striking “(1)(B)” and inserting “(1)(A)(ii)”; and

(B) by striking “Secretary not to exceed” and all that follows before the period at the end and inserting “Secretary \$10,420,000 for fiscal year 1999 and each fiscal year thereafter”; and

(3) by striking paragraph (5) and inserting the following:

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out paragraph (1)(A)(i) \$350,000 for each of fiscal years 1999 through 2009.”.

(d) TRANSFER OF AMOUNTS.—Section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)) is amended by striking paragraph (6) and inserting the following:

“(6) TRANSFER OF AMOUNTS.—For fiscal year 1999 and each fiscal year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, may transfer not to exceed 20 percent of the amounts appropriated to carry out clause (i) or (ii) of paragraph (1)(A) to the amounts appropriated to carry out the other of those clauses.”.

(e) COST SHARING.—Section 1103(e)(7)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(7)(A)) is amended by inserting before the period at the end the following: “and, in the case of any project requiring non-Federal cost sharing, the non-Federal share of the cost of the project shall be 35 percent”.

(f) HABITAT NEEDS ASSESSMENT.—Section 1103(h)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 652(h)(2)) is amended—

(1) by striking “(2) The Secretary” and inserting the following:

“(2) DETERMINATION.—

“(A) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(B) REQUIREMENTS.—The Secretary shall—

“(i) complete the ongoing habitat needs assessment conducted under this paragraph not later than September 30, 2000; and

“(ii) include in each report under subsection (e)(2) the most recent habitat needs assessment conducted under this paragraph.”.

(g) CONFORMING AMENDMENTS.—Section 1103 of the Water Resources Development Act of 1986 (33 U.S.C. 652) is amended—

(1) in subsection (e)(7)—

(A) in subparagraph (A), by striking “(1)(A)” and inserting “(1)(A)(i)”; and

(B) in subparagraph (B), by striking “paragraphs (1)(B) and (1)(C)” and inserting “paragraph (1)(A)(ii)”; and

(2) in subsection (f)(2)—

- (A) by striking “(2)(A)” and inserting “(2)”; and
- (B) by striking subparagraph (B).

**SEC. 510. ATLANTIC COAST OF NEW YORK.**

Section 404(c) of the Water Resources Development Act of 1992 (106 Stat. 4863) is amended in the first sentence—

- (1) by striking “is” and inserting “are”; and
- (2) by inserting after “1997” the following: “, and an additional total of \$2,500,000 for fiscal years thereafter”.

**SEC. 511. WATER CONTROL MANAGEMENT.**

33 USC 2201  
note.

(a) **IN GENERAL.**—In evaluating potential improvements for water control management activities and consolidation of water control management centers, the Secretary may consider a regionalized water control management plan but may not implement such a plan until the date on which a report is submitted under subsection (b).

(b) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate a report containing—

Deadline.

- (1) a description of the primary objectives of streamlining water control management activities;
- (2) a description of the benefits provided by streamlining water control management activities through consolidation of centers for those activities;
- (3) a determination whether the benefits to users of establishing regional water control management centers will be retained in each district office of the Corps of Engineers that does not have a regional center;
- (4) a determination whether users of regional centers will receive a higher level of benefits from streamlining water control management activities; and
- (5) a list of the members of Congress who represent a district that includes a water control management center that is to be eliminated under a proposed regionalized plan.

**SEC. 512. BENEFICIAL USE OF DREDGED MATERIAL.**

The Secretary may carry out the following projects under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326):

- (1) **BODEGA BAY, CALIFORNIA.**—A project to make beneficial use of dredged material from a Federal navigation project in Bodega Bay, California.
- (2) **SABINE REFUGE, LOUISIANA.**—A project to make beneficial use of dredged material from Federal navigation projects in the vicinity of Sabine Refuge, Louisiana.
- (3) **HANCOCK, HARRISON, AND JACKSON COUNTIES, MISSISSIPPI.**—A project to make beneficial use of dredged material from a Federal navigation project in Hancock, Harrison, and Jackson Counties, Mississippi.
- (4) **ROSE CITY MARSH, ORANGE COUNTY, TEXAS.**—A project to make beneficial use of dredged material from a Federal navigation project in Rose City Marsh, Orange County, Texas.

(5) BESSIE HEIGHTS MARSH, ORANGE COUNTY, TEXAS.—A project to make beneficial use of dredged material from a Federal navigation project in Bessie Heights Marsh, Orange County, Texas.

**SEC. 513. DESIGN AND CONSTRUCTION ASSISTANCE.**

Section 507 of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended by striking paragraph (2) and inserting the following:

“(2) Expansion and improvement of Long Pine Run Dam, Pennsylvania, and associated water infrastructure, in accordance with subsections (b) through (e) of section 313 of the Water Resources Development Act of 1992 (106 Stat. 4845), at a total cost of \$20,000,000.”.

**SEC. 514. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.**

(a) DEFINITIONS.—In this section:

(1) MIDDLE MISSISSIPPI RIVER.—The term “middle Mississippi River” means the reach of the Mississippi River from the mouth of the Ohio River (river mile 0, upper Mississippi River) to the mouth of the Missouri River (river mile 195).

(2) MISSOURI RIVER.—The term “Missouri River” means the main stem and floodplain of the Missouri River (including reservoirs) from its confluence with the Mississippi River at St. Louis, Missouri, to its headwaters near Three Forks, Montana.

(3) PROJECT.—The term “project” means the project authorized by this section.

(b) PROTECTION AND ENHANCEMENT ACTIVITIES.—

(1) PLAN.—

Deadline.

(A) DEVELOPMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan for a project to protect and enhance fish and wildlife habitat of the Missouri River and the middle Mississippi River.

(B) ACTIVITIES.—

(i) IN GENERAL.—The plan shall provide for such activities as are necessary to protect and enhance fish and wildlife habitat without adversely affecting—

(I) the water-related needs of the region surrounding the Missouri River and the middle Mississippi River, including flood control, navigation, recreation, and enhancement of water supply; and

(II) private property rights.

(ii) REQUIRED ACTIVITIES.—The plan shall include—

(I) modification and improvement of navigation training structures to protect and enhance fish and wildlife habitat;

(II) modification and creation of side channels to protect and enhance fish and wildlife habitat;

(III) restoration and creation of island fish and wildlife habitat;

(IV) creation of riverine fish and wildlife habitat;

(V) establishment of criteria for prioritizing the type and sequencing of activities based on cost-effectiveness and likelihood of success; and  
(VI) physical and biological monitoring for evaluating the success of the project, to be performed by the River Studies Center of the United States Geological Survey in Columbia, Missouri.

(2) IMPLEMENTATION OF ACTIVITIES.—

(A) IN GENERAL.—Using funds made available to carry out this section, the Secretary shall carry out the activities described in the plan.

(B) USE OF EXISTING AUTHORITY FOR UNCONSTRUCTED FEATURES OF THE PROJECT.—Using funds made available to the Secretary under other law, the Secretary shall design and construct any feature of the project that may be carried out using the authority of the Secretary to modify an authorized project, if the Secretary determines that the design and construction will—

(i) accelerate the completion of activities to protect and enhance fish and wildlife habitat of the Missouri River or the middle Mississippi River; and

(ii) be compatible with the project purposes described in this section.

(c) INTEGRATION OF OTHER ACTIVITIES.—

(1) IN GENERAL.—In carrying out the activities described in subsection (b), the Secretary shall integrate the activities with other Federal, State, and tribal activities.

(2) NEW AUTHORITY.—Nothing in this section confers any new regulatory authority on any Federal or non-Federal entity that carries out any activity authorized by this section.

(d) PUBLIC PARTICIPATION.—In developing and carrying out the plan and the activities described in subsection (b), the Secretary shall provide for public review and comment in accordance with applicable Federal law, including—

(1) providing advance notice of meetings;

(2) providing adequate opportunity for public input and comment;

(3) maintaining appropriate records; and

(4) compiling a record of the proceedings of meetings.

(e) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the plan and the activities described in subsections (b) and (c), the Secretary shall comply with any applicable Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of the project shall be 35 percent.

(2) FEDERAL SHARE.—The Federal share of the cost of any 1 activity described in subsection (b) shall not exceed \$5,000,000.

(3) OPERATION AND MAINTENANCE.—The operation and maintenance of the project shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to pay the Federal share of the cost of carrying out this section \$30,000,000 for the period of fiscal years 2000 and 2001.

33 USC 2333.

**SEC. 515. IRRIGATION DIVERSION PROTECTION AND FISHERIES ENHANCEMENT ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary may provide technical planning and design assistance to non-Federal interests and may conduct other site-specific studies to formulate and evaluate fish screens, fish passages devices, and other measures to decrease the incidence of juvenile and adult fish inadvertently entering irrigation systems.

(b) **COOPERATION.**—Measures under subsection (a)—

(1) shall be developed in cooperation with Federal and State resource agencies; and

(2) shall not impair the continued withdrawal of water for irrigation purposes.

(c) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give priority based on—

(1) the objectives of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) cost-effectiveness; and

(3) the potential for reducing fish mortality.

(d) **NON-FEDERAL SHARE.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of measures under subsection (a) shall be 50 percent.

(2) **IN-KIND CONTRIBUTIONS.**—Not more than 50 percent of the non-Federal contribution may be made through the provision of services, materials, supplies, or other in-kind contributions.

(e) **NO CONSTRUCTION ACTIVITY.**—This section does not authorize any construction activity.

Deadline.

(f) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on—

(1) fish mortality caused by irrigation water intake devices;

(2) appropriate measures to reduce fish mortality;

(3) the extent to which those measures are currently being employed in arid States;

(4) the construction costs associated with those measures; and

(5) the appropriate Federal role, if any, to encourage the use of those measures.

33 USC 2334.

**SEC. 516. INNOVATIVE TECHNOLOGIES FOR WATERSHED RESTORATION.**

The Secretary shall examine using, and, if appropriate, encourage the use of, innovative treatment technologies, including membrane technologies, for watershed and environmental restoration and protection projects involving water quality.

**SEC. 517. EXPEDITED CONSIDERATION OF CERTAIN PROJECTS.**

The Secretary shall expedite completion of the reports for the following projects and, if justified, proceed directly to project preconstruction, engineering, and design:

(1) Sluice Creek, Guilford, Connecticut, and Lighthouse Point Park, New Haven, Connecticut.

(2) Alafia Channel, Tampa Harbor, Florida, project for navigation.

(3) Little Calumet River, Indiana.

(4) Ohio River Greenway, Indiana, project for environmental restoration and recreation.

(5) Mississippi River, West Baton Rouge Parish, Louisiana, project for waterfront and riverine preservation, restoration, and enhancement modifications.

(6) Extension of locks 20, 21, 22, 24, and 25 on the upper Mississippi River and the La Grange and Peoria locks on the Illinois River, project to provide lock chambers 110 feet in width and 1,200 feet in length.

**SEC. 518. DOG RIVER, ALABAMA.**

The Secretary shall provide \$1,500,000 for environmental restoration for a pilot project, in cooperation with non-Federal interests, to restore natural water depths in the Dog River, Alabama.

**SEC. 519. LEVEES IN ELBA AND GENEVA, ALABAMA.**

(a) ELBA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Elba, Alabama, at a total cost of \$12,900,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

(b) GENEVA, ALABAMA.—

(1) IN GENERAL.—The Secretary may repair and rehabilitate a levee in the city of Geneva, Alabama, at a total cost of \$16,600,000.

(2) COST SHARING.—The non-Federal share of the cost of repair and rehabilitation under paragraph (1) shall be 35 percent.

**SEC. 520. NAVAJO RESERVATION, ARIZONA, NEW MEXICO, AND UTAH.**

(a) IN GENERAL.—In cooperation with other appropriate Federal and local agencies, the Secretary shall undertake a survey of, and provide technical, planning, and design assistance for, watershed management, restoration, and development on the Navajo Indian Reservation, Arizona, New Mexico, and Utah.

(b) COST SHARING.—The Federal share of the cost of activities carried out under this section shall be 75 percent. Funds made available under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) may be used by the Navajo Nation in meeting the non-Federal share of the cost of the activities.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$12,000,000 for the period beginning with fiscal year 2000.

**SEC. 521. BEAVER LAKE, ARKANSAS, WATER SUPPLY STORAGE RE-ALLOCATION.**

The Secretary shall reallocate approximately 31,000 additional acre-feet at Beaver Lake, Arkansas, to water supply storage at no cost to the Beaver Water District or the Carroll-Boone Water District, except that at no time shall the bottom of the conservation pool be at an elevation that is less than 1,076 feet, NGVD.

**SEC. 522. BEAVER LAKE TROUT PRODUCTION FACILITY, ARKANSAS.**

Not later than 2 years after the date of enactment of this Act, the Secretary, in conjunction with the State of Arkansas, shall prepare a plan for the mitigation of effects of the Beaver Dam project on Beaver Lake, including the benefits of and schedule

Deadline.

for construction of the Beaver Lake trout production facility and related facilities.

**SEC. 523. CHINO DAIRY PRESERVE, CALIFORNIA.**

(a) **TECHNICAL ASSISTANCE.**—The Secretary, in coordination with the heads of other Federal agencies, shall provide technical assistance to State and local agencies in the study, design, and implementation of measures for flood damage reduction and environmental restoration and protection in the Santa Ana River watershed, California, with particular emphasis on structural and nonstructural measures in the vicinity of the Chino Dairy Preserve.

(b) **COST SHARING.**—The non-Federal share of the cost of activities assisted under subsection (a) shall be 50 percent.

(c) **COMPREHENSIVE STUDY.**—The Secretary shall conduct a feasibility study to determine the most cost-effective plan for flood damage reduction and environmental restoration and protection in the vicinity of the Chino Dairy Preserve, Santa Ana River watershed, Orange County and San Bernardino County, California.

**SEC. 524. ORANGE AND SAN DIEGO COUNTIES, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary, in cooperation with local governments, may prepare special area management plans for Orange and San Diego Counties, California, to demonstrate the effectiveness of using the plans to provide information regarding aquatic resources.

(b) **USE OF PLANS.**—The Secretary may—

(1) use plans described in subsection (a) in making regulatory decisions; and

(2) issue permits consistent with the plans.

**SEC. 525. RUSH CREEK, NOVATO, CALIFORNIA.**

The Secretary shall carry out a project for flood control under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Rush Creek, Novato, California, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

**SEC. 526. SANTA CRUZ HARBOR, CALIFORNIA.**

The Secretary may—

(1) modify the cooperative agreement with the Santa Cruz Port District, California, to reflect unanticipated additional dredging effort; and

(2) extend the agreement for 10 years.

**SEC. 527. LOWER ST. JOHNS RIVER BASIN, FLORIDA.**

(a) **COMPUTER MODEL.**—

(1) **IN GENERAL.**—The Secretary may apply the computer model developed under the St. Johns River basin feasibility study to assist non-Federal interests in developing strategies for improving water quality in the Lower St. Johns River basin, Florida.

(2) **COST SHARING.**—The non-Federal share of the cost of activities assisted under paragraph (1) shall be 50 percent.

(b) **TOPOGRAPHIC SURVEY.**—The Secretary may provide 1-foot contour topographic survey maps of the Lower St. Johns River basin, Florida, to non-Federal interests for analyzing environmental data and establishing benchmarks for subbasins.



**SEC. 528. MAYO'S BAR LOCK AND DAM, COOSA RIVER, ROME, GEORGIA.**

(a) **IN GENERAL.**—The Secretary may provide technical assistance (including planning, engineering, and design assistance) for the reconstruction of the Mayo's Bar Lock and Dam, Coosa River, Rome, Georgia.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of activities assisted under subsection (a) shall be 50 percent.

**SEC. 529. COMPREHENSIVE FLOOD IMPACT RESPONSE MODELING SYSTEM, CORALVILLE RESERVOIR AND IOWA RIVER WATERSHED, IOWA.**

(a) **IN GENERAL.**—The Secretary, in cooperation with the University of Iowa, shall conduct a study and develop a comprehensive flood impact response modeling system for Coralville Reservoir and the Iowa River watershed, Iowa.

(b) **STUDY.**—The study shall include—

(1) an evaluation of the combined hydrologic, geomorphic, environmental, economic, social, and recreational impacts of operating strategies within the watershed;

(2) creation of an integrated, dynamic flood impact model; and

(3) the development of a rapid response system to be used during flood and emergency situations.

(c) **REPORT TO CONGRESS.**—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit a report to Congress on the results of the study and modeling system and such recommendations as the Secretary determines to be appropriate. Deadline.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$3,000,000.

**SEC. 530. ADDITIONAL CONSTRUCTION ASSISTANCE IN ILLINOIS.**

The Secretary may carry out the project for Georgetown, Illinois, and the project for Olney, Illinois, referred to in House Report Number 104–741, accompanying the Safe Drinking Water Act Amendments of 1996 (Public Law 104–182).

**SEC. 531. KANOPOLIS LAKE, KANSAS.**

(a) **WATER STORAGE.**—The Secretary shall offer to the State of Kansas the right to purchase water storage in Kanopolis Lake, Kansas, at the average of—

(1) the cost calculated in accordance with the terms of the memorandum of understanding entitled “Memorandum of Understanding Between the State of Kansas and the U.S. Department of the Army Concerning the Purchase of Municipal and Industrial Water Supply Storage”, dated December 11, 1985; and

(2) the cost calculated in accordance with procedures established as of the date of enactment of this Act by the Secretary to determine the cost of water storage at other projects under the Secretary's jurisdiction.

(b) **EFFECTIVE DATE.**—For the purposes of this section, the effective date of the memorandum of understanding referred to in subsection (a)(1) shall be deemed to be the date of enactment of this Act.

**SEC. 532. SOUTHERN AND EASTERN KENTUCKY.**

Section 531 of the Water Resources Development Act of 1996 (110 Stat. 3773) is amended—

(1) in subsection (b)—

(A) by striking “and surface” and inserting “surface”; and

(B) by striking “development.” and inserting “development, and small stream flooding, local storm water drainage, and related problems.”;

(2) in subsection (d)(1), by adding at the end the following: “Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, with the consent of the affected local government, a non-Federal interest may include a nonprofit entity.”; and

(3) in subsection (h), by striking “\$10,000,000” and inserting “\$25,000,000”.

**SEC. 533. SOUTHEAST LOUISIANA.**

Section 533(c) of the Water Resources Development Act of 1996 (110 Stat. 3775) is amended by striking “\$100,000,000” and inserting “\$250,000,000”.

**SEC. 534. SNUG HARBOR, MARYLAND.**

(a) IN GENERAL.—The Secretary, in coordination with the Director of the Federal Emergency Management Agency, may—

(1) provide technical assistance to the residents of Snug Harbor, in the vicinity of Berlin, Maryland, for the purpose of flood damage reduction;

(2) conduct a study of a project consisting of nonstructural measures for flood damage reduction in the vicinity of Snug Harbor, Maryland, taking into account the relationship of both the Ocean City Inlet and Assateague Island to the flooding; and

(3) after completion of the study, carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(b) FEMA ASSISTANCE.—The Director, in coordination with the Secretary and under the authorities of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), may provide technical assistance and nonstructural measures for flood damage mitigation in the vicinity of Snug Harbor, Maryland.

(c) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of assistance under this section shall not exceed \$3,000,000.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under this section shall be determined in accordance with title I of the Water Resources Development Act of 1986 (33 U.S.C. 2211 et seq.) or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as appropriate.

**SEC. 535. WELCH POINT, ELK RIVER, CECIL COUNTY, AND CHESAPEAKE CITY, MARYLAND.**

(a) SPILLAGE OF DREDGED MATERIALS.—The Secretary shall carry out a study to determine whether the spillage of dredged materials that were removed as part of the project for navigation,

Inland Waterway from Delaware River to Chesapeake Bay, Delaware and Maryland, authorized by the first section of the Act of August 30, 1935 (49 Stat. 1030, chapter 831), is a significant impediment to vessels transiting the Elk River near Welch Point, Maryland. If the Secretary determines that the spillage is an impediment to navigation, the Secretary may conduct such dredging as may be required to permit navigation on the river.

(b) **DAMAGE TO WATER SUPPLY.**—The Secretary shall carry out a study to determine whether additional compensation is required to fully compensate the city of Chesapeake, Maryland, for damage to the city's water supply resulting from dredging of the Chesapeake and Delaware Canal project. If the Secretary determines that such additional compensation is required, the Secretary may provide the compensation to the city of Chesapeake.

**SEC. 536. CAPE COD CANAL RAILROAD BRIDGE, BUZZARDS BAY, MASSACHUSETTS.**

(a) **ALTERNATIVE TRANSPORTATION.**—The Secretary may provide up to \$300,000 for meeting the need for alternative transportation that may arise as a result of the operation, maintenance, repair, and rehabilitation of the Cape Cod Canal Railroad Bridge.

(b) **OPERATION AND MAINTENANCE CONTRACT RENEGOTIATION.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into negotiation with the owner of the railroad right-of-way for the Cape Cod Canal Railroad Bridge for the purpose of establishing the rights and responsibilities for the operation and maintenance of the Bridge. The Secretary may include in any new contract the termination of the prior contract numbered ER–W175–ENG–1.

Deadline.

**SEC. 537. ST. LOUIS, MISSOURI.**

(a) **DEMONSTRATION PROJECT.**—The Secretary, in consultation with local officials, shall conduct a demonstration project to improve water quality in the vicinity of St. Louis, Missouri.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,700,000 to carry out this section.

**SEC. 538. BEAVER BRANCH OF BIG TIMBER CREEK, NEW JERSEY.**

At the request of the State of New Jersey or a political subdivision of the State, using authority under law in effect on the date of enactment of this Act, the Secretary may—

(1) compile and disseminate information on floods and flood damage, including identification of areas subject to inundation by floods; and

(2) provide technical assistance regarding floodplain management for the Beaver Branch of Big Timber Creek, New Jersey.

**SEC. 539. LAKE ONTARIO AND ST. LAWRENCE RIVER WATER LEVELS, NEW YORK.**

On request, the Secretary may provide technical assistance to the International Joint Commission and the St. Lawrence River Board of Control in undertaking studies on the effects of fluctuating water levels on the natural environment, recreational boating, property flooding, and erosion along the shorelines of Lake Ontario and the St. Lawrence River in New York. The Commission and

the Board are encouraged to conduct such studies in a comprehensive and thorough manner before implementing any change to Water Regulation Plan 1958-D.

33 USC 2326b  
note.

**SEC. 540. NEW YORK-NEW JERSEY HARBOR, NEW YORK AND NEW JERSEY.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to analyze the economic and environmental benefits and costs of potential sediment management and contaminant reduction measures.

(b) **COOPERATIVE AGREEMENTS.**—In conducting the study, the Secretary may enter into cooperative agreements with non-Federal interests to investigate, develop, and support measures for sediment management and reduction of sources of contaminant that affect navigation in the Port of New York-New Jersey and the environmental conditions of the New York-New Jersey Harbor estuary.

**SEC. 541. SEA GATE REACH, CONEY ISLAND, NEW YORK, NEW YORK.**

The Secretary may construct a project for shoreline protection that includes a beachfill with revetment and T-groin for the Sea Gate Reach on Coney Island, New York, as identified in the March 1998 report prepared for the Corps of Engineers, New York District, entitled “Field Data Gathering, Project Performance Analysis and Design Alternative Solutions to Improve Sandfill Retention”, at a total cost of \$9,000,000, with an estimated Federal cost of \$5,850,000 and an estimated non-Federal cost of \$3,150,000.

**SEC. 542. WOODLAWN, NEW YORK.**

(a) **IN GENERAL.**—The Secretary shall provide planning, design, and other technical assistance to non-Federal interests for identifying and mitigating sources of contamination at Woodlawn Beach in Woodlawn, New York.

(b) **COST SHARING.**—The non-Federal share of the cost of assistance provided under subsection (a) shall be 50 percent.

**SEC. 543. FLOODPLAIN MAPPING, NEW YORK.**

(a) **IN GENERAL.**—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of New York.

(b) **REQUIREMENTS.**—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately show the flood inundation of each property by flood risk in the floodplain. The maps shall be produced in a high resolution format and shall be made available to all flood prone areas in the State of New York in an electronic format.

(c) **PARTICIPATION OF FEMA.**—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) **FORMS OF ASSISTANCE.**—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) **FEDERAL SHARE.**—The Federal share of the cost of the project shall be 50 percent.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$10,000,000 for the period beginning with fiscal year 2000.

**SEC. 544. TOUSSAINT RIVER, CARROLL TOWNSHIP, OTTAWA COUNTY, OHIO.**

The Secretary may provide technical assistance for the removal of military ordnance from the Toussaint River, Carroll Township, Ottawa County, Ohio.

**SEC. 545. SARDIS RESERVOIR, OKLAHOMA.**

(a) **IN GENERAL.**—The Secretary shall accept from the State of Oklahoma or an agent of the State an amount, determined under subsection (b), as prepayment of 100 percent of the water supply cost obligation of the State under Contract No. DACW56-74-JC-0314 for water supply storage at Sardis Reservoir, Oklahoma.

(b) **DETERMINATION OF AMOUNT.**—The amount to be paid by the State of Oklahoma under subsection (a) shall be subject to adjustment in accordance with accepted discount purchase methods for Federal Government properties as determined by an independent accounting firm designated by the Director of the Office of Management and Budget. The cost of the determination shall be paid for by the State of Oklahoma or an agent of the State.

(c) **EFFECT.**—Nothing in this section affects any of the rights or obligations of the parties to the contract referred to in subsection (a).

**SEC. 546. SKINNER BUTTE PARK, EUGENE, OREGON.**

(a) **STUDY.**—The Secretary shall conduct a study of the south bank of the Willamette River, in the area of Skinner Butte Park from Ferry Street Bridge to the Valley River footbridge, to determine the feasibility of carrying out a project to stabilize the river bank, and to restore and enhance riverine habitat, using a combination of structural and bioengineering techniques.

(b) **FEDERAL PARTICIPATION.**—If, on completion of the study, the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified, the Secretary may participate with non-Federal interests in the project.

(c) **COST SHARING.**—The non-Federal share of the cost of the project shall be 35 percent.

(d) **LAND, EASEMENTS, AND RIGHTS-OF-WAY.**—

(1) **IN GENERAL.**—The non-Federal interest shall provide land, easements, rights-of-way, relocations, and dredged material disposal areas necessary for construction of the project.

(2) **CREDIT TOWARD NON-FEDERAL SHARE.**—The value of the land, easements, rights-of-way, relocations, and dredged material disposal areas provided by the non-Federal interests shall be credited toward the non-Federal share.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$1,000,000 for the period beginning with fiscal year 2000.

**SEC. 547. WILLAMETTE RIVER BASIN, OREGON.**

(a) **IN GENERAL.**—The Secretary, the Director of the Federal Emergency Management Agency, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall, using authorities under law in effect on the date of enactment of this Act, assist the State of Oregon in developing and implementing a comprehensive basin-wide strategy in the Willamette River basin, Oregon, for coordinated and integrated management of land and water resources to improve water quality,

reduce flood hazards, ensure sustainable economic activity, and restore habitat for native fish and wildlife.

(b) **TECHNICAL ASSISTANCE, STAFF, AND FINANCIAL SUPPORT.**—The heads of the Federal agencies may provide technical assistance, staff, and financial support for development of the basin-wide management strategy.

(c) **FLEXIBILITY.**—The heads of the Federal agencies shall exercise flexibility to reduce barriers to efficient and effective implementation of the basin-wide management strategy.

**SEC. 548. BRADFORD AND SULLIVAN COUNTIES, PENNSYLVANIA.**

The Secretary may provide assistance for water-related environmental infrastructure and resource protection and development projects in Bradford and Sullivan Counties, Pennsylvania, using the funds and authorities provided in title I of the Energy and Water Development Appropriations Act, 1999 (Public Law 105–245), under the heading “CONSTRUCTION, GENERAL” (112 Stat. 1840) for similar projects in Lackawanna, Lycoming, Susquehanna, Wyoming, Pike, and Monroe Counties, Pennsylvania.

**SEC. 549. ERIE HARBOR, PENNSYLVANIA.**

The Secretary may reimburse the appropriate non-Federal interest not more than \$78,366 for architectural and engineering costs incurred in connection with the Erie Harbor basin navigation project, Pennsylvania.

**SEC. 550. POINT MARION LOCK AND DAM, PENNSYLVANIA.**

(a) **IN GENERAL.**—The project for navigation, Point Marion Lock and Dam, borough of Point Marion, Pennsylvania, authorized by section 301(a) of the Water Resources Development Act of 1986 (100 Stat. 4110), is modified to direct the Secretary, in the operation and maintenance of the project, to mitigate damages to the shoreline, at a total cost of \$2,000,000.

(b) **ALLOCATION.**—The cost of the mitigation shall be allocated as an operation and maintenance cost of a Federal navigation project.

**SEC. 551. SEVEN POINTS’ HARBOR, PENNSYLVANIA.**

(a) **IN GENERAL.**—The Secretary may, at full Federal expense, construct a breakwater at the entrance to Seven Points’ Harbor, Pennsylvania.

(b) **OPERATION AND MAINTENANCE COSTS.**—All operation and maintenance costs associated with the facility constructed under this section shall be the responsibility of the lessee of the marina complex at Seven Points’ Harbor.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$850,000.

**SEC. 552. SOUTHEASTERN PENNSYLVANIA.**

Section 566(b) of the Water Resources Development Act of 1996 (110 Stat. 3786) is amended by inserting “environmental restoration,” after “water supply and related facilities,”.

**SEC. 553. UPPER SUSQUEHANNA-LACKAWANNA, PENNSYLVANIA, WATERSHED MANAGEMENT AND RESTORATION STUDY.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine the feasibility of a comprehensive floodplain management and watershed restoration project for the Upper Susquehanna-Lackawanna Watershed, Pennsylvania.

(b) **GEOGRAPHIC INFORMATION SYSTEM.**—In conducting the study, the Secretary shall use a geographic information system.

(c) **PLANS.**—The study shall formulate plans for comprehensive floodplain management and environmental restoration.

(d) **CREDIT TOWARD NON-FEDERAL SHARE.**—Non-Federal interests may receive credit toward the non-Federal share for in-kind services and materials that contribute to the study. The Secretary may credit non-Corps Federal assistance provided to the non-Federal interest toward the non-Federal share of the costs of the study to the maximum extent authorized by law.

**SEC. 554. AGUADILLA HARBOR, PUERTO RICO.**

The Secretary shall conduct a study to determine whether erosion and additional storm damage risks that exist in the vicinity of Aguadilla Harbor, Puerto Rico, are the result of a Federal navigation project. If the Secretary determines that such erosion and additional storm damage risks are the result of the project, the Secretary shall take appropriate measures to mitigate the erosion and storm damage.

**SEC. 555. OAHE DAM TO LAKE SHARPE, SOUTH DAKOTA, STUDY.**

Section 441 of the Water Resources Development Act of 1996 (110 Stat. 3747) is amended—

(1) by inserting “(a) **INVESTIGATION.**—” before “The Secretary”; and

(2) by adding at the end the following:

“(b) **REPORT.**—Not later than September 30, 1999, the Secretary shall submit to Congress a report on the results of the investigation under this section. The report shall include the examination of financing options for regular maintenance and preservation of the lake. The report shall be prepared in coordination and cooperation with the Natural Resources Conservation Service, other Federal agencies, and State and local officials.”.

Deadline.

**SEC. 556. NORTH PADRE ISLAND STORM DAMAGE REDUCTION AND ENVIRONMENTAL RESTORATION PROJECT.**

The Secretary is directed to carry out a project for ecosystem restoration and storm damage reduction at North Padre Island, Corpus Christi Bay, Texas, at a total estimated cost of \$30,000,000, with an estimated Federal cost of \$19,500,000 and an estimated non-Federal cost of \$10,500,000, if the Secretary determines that the work is technically sound and environmentally acceptable. The Secretary shall make such a determination not later than 270 days after the date of enactment of this Act.

**SEC. 557. NORTHERN WEST VIRGINIA.**

The projects described in the following reports are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the reports, and subject to a favorable report of the Chief of Engineers:

(1) **PARKERSBURG, WEST VIRGINIA.**—Report of the Corps of Engineers entitled “Parkersburg/Vienna Riverfront Park Feasibility Study”, dated June 1998, at a total cost of \$8,400,000, with an estimated Federal cost of \$4,200,000, and an estimated non-Federal cost of \$4,200,000.

(2) **WEIRTON, WEST VIRGINIA.**—Report of the Corps of Engineers entitled “Feasibility Master Plan for Weirton Port and Industrial Center, West Virginia Public Port Authority”, dated

December 1997, at a total cost of \$18,000,000, with an estimated Federal cost of \$9,000,000, and an estimated non-Federal cost of \$9,000,000.

(3) ERICKSON/WOOD COUNTY, WEST VIRGINIA.—Report of the Corps of Engineers entitled “Feasibility Master Plan for Erickson/Wood County Port District, West Virginia Public Port Authority”, dated July 7, 1997, at a total cost of \$28,000,000, with an estimated Federal cost of \$14,000,000, and an estimated non-Federal cost of \$14,000,000.

**SEC. 558. MISSISSIPPI RIVER COMMISSION.**

Section 8 of the Act of May 15, 1928 (33 U.S.C. 702h; 45 Stat. 537, chapter 569) (commonly known as the “Flood Control Act of 1928”), is amended by striking “\$7,500” and inserting “\$21,500”.

33 USC 2335.

**SEC. 559. COASTAL AQUATIC HABITAT MANAGEMENT.**

(a) IN GENERAL.—The Secretary may cooperate with the Secretaries of Agriculture and the Interior, the Administrators of the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, other appropriate Federal, State, and local agencies, and affected private entities, in the development of a management strategy to address problems associated with toxic microorganisms and the resulting degradation of ecosystems in the tidal and nontidal wetlands and waters of the United States.

(b) ASSISTANCE.—As part of the management strategy, the Secretary may provide planning, design, and other technical assistance to each participating State in the development and implementation of nonregulatory measures to mitigate environmental problems and restore aquatic resources.

(c) COST SHARING.—The Federal share of the cost of measures undertaken under this section shall not exceed 65 percent.

(d) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$7,000,000 for the period beginning with fiscal year 2000.

33 USC 2336.

**SEC. 560. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.**

(a) IN GENERAL.—The Secretary may provide technical, planning, and design assistance to Federal and non-Federal interests for carrying out projects to address water quality problems caused by drainage and related activities from abandoned and inactive noncoal mines.

(b) SPECIFIC MEASURES.—Assistance provided under subsection (a) may be in support of projects for the purposes of—

(1) managing drainage from abandoned and inactive noncoal mines;

(2) restoring and protecting streams, rivers, wetlands, other waterbodies, and riparian areas degraded by drainage from abandoned and inactive noncoal mines; and

(3) demonstrating management practices and innovative and alternative treatment technologies to minimize or eliminate adverse environmental effects associated with drainage from abandoned and inactive noncoal mines.

(c) NON-FEDERAL SHARE.—The non-Federal share of the cost of assistance under subsection (a) shall be 50 percent, except that



the Federal share with respect to projects located on land owned by the United States shall be 100 percent.

(d) EFFECT ON AUTHORITY OF SECRETARY OF THE INTERIOR.—Nothing in this section affects the authority of the Secretary of the Interior under title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.).

(e) TECHNOLOGY DATABASE FOR RECLAMATION OF ABANDONED MINES.—The Secretary may provide assistance to non-Federal and nonprofit entities to develop, manage, and maintain a database of conventional and innovative, cost-effective technologies for reclamation of abandoned and inactive noncoal mine sites. Such assistance shall be provided through the Rehabilitation of Abandoned Mine Sites Program managed by the Sacramento District Office of the Corps of Engineers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000.

**SEC. 561. BENEFICIAL USE OF WASTE TIRE RUBBER.**

33 USC 2314  
note.

(a) IN GENERAL.—The Secretary shall, when appropriate, encourage the beneficial use of waste tire rubber (including crumb rubber and baled tire products) recycled from tires.

(b) INCLUDED BENEFICIAL USES.—Beneficial uses under subsection (a) may include marine pilings, underwater framing, floating docks with built-in flotation, utility poles, and other uses associated with transportation and infrastructure projects receiving Federal funds.

(c) USE OF WASTE TIRE RUBBER.—The Secretary shall encourage the use, when appropriate, of waste tire rubber (including crumb rubber) in projects described in subsection (b).

**SEC. 562. SITE DESIGNATION.**

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking “January 1, 2000” and inserting “January 1, 2003”.

**SEC. 563. LAND CONVEYANCES.**

(a) TORONTO LAKE AND EL DORADO LAKE, KANSAS.—

(1) IN GENERAL.—The Secretary shall convey to the State of Kansas, by quitclaim deed and without consideration, all right, title, and interest of the United States in and to the 2 parcels of land described in paragraph (2) on which correctional facilities operated by the Kansas Department of Corrections are situated.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are—

(A) the parcel located in Butler County, Kansas, adjacent to the El Dorado Lake Project, consisting of approximately 32.98 acres; and

(B) the parcel located in Woodson County, Kansas, adjacent to the Toronto Lake Project, consisting of approximately 51.98 acres.

(3) CONDITIONS.—

(A) USE OF LAND.—A conveyance of a parcel under paragraph (1) shall be subject to the condition that all right, title, and interest in and to the parcel shall revert to the United States if the parcel is used for a purpose other than that of a correctional facility.

(B) COSTS.—The Secretary may require such additional terms, conditions, reservations, and restrictions in connection with the conveyance as the Secretary determines are necessary to protect the interests of the United States, including a requirement that the State pay all reasonable administrative costs associated with the conveyance.

(b) PIKE COUNTY, MISSOURI.—

(1) LAND EXCHANGE.—Subject to paragraphs (3) and (4), at such time as Holnam Inc. conveys all right, title, and interest in and to the parcel of land described in paragraph (2)(A) to the United States, the Secretary shall convey all right, title, and interest in the parcel of land described in paragraph (2)(B) to Holnam Inc.

(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are the following:

(A) NON-FEDERAL LAND.—152.45 acres with existing flowage easements situated in Pike County, Missouri, described as a portion of Government Tract Number FM-9 and all of Government Tract Numbers FM-11, FM-10, FM-12, FM-13, and FM-16, owned and administered by Holnam Inc.

(B) FEDERAL LAND.—152.61 acres situated in Pike County, Missouri, known as Government Tract Numbers FM-17 and a portion of FM-18, administered by the Corps of Engineers.

(3) CONDITIONS.—The exchange of land under paragraph (1) shall be subject to the following conditions:

(A) DEEDS.—

(i) NON-FEDERAL LAND.—The conveyance of the land described in paragraph (2)(A) to the Secretary shall be by a warranty deed acceptable to the Secretary.

(ii) FEDERAL LAND.—The instrument of conveyance used to convey the land described in paragraph (2)(B) to Holnam Inc. shall contain such reservations, terms, and conditions as the Secretary considers necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(B) REMOVAL OF IMPROVEMENTS.—Holnam Inc. may remove any improvements on the land described in paragraph (2)(A). The Secretary may require Holnam Inc. to remove any improvements on the land described in paragraph (2)(A). In either case, Holnam Inc. shall hold the United States harmless from liability, and the United States shall not incur cost associated with the removal or relocation of any of the improvements.

(C) TIME LIMIT FOR EXCHANGE.—The land exchange under paragraph (1) shall be completed not later than 2 years after the date of enactment of this Act.

(D) LEGAL DESCRIPTION.—The Secretary shall provide the legal description of the land described in paragraph (2). The legal description shall be used in the instruments of conveyance of the land.

(E) ADMINISTRATIVE COSTS.—The Secretary shall require Holnam Inc. to pay reasonable administrative costs associated with the exchange.

(4) VALUE OF PROPERTIES.—If the appraised fair market value, as determined by the Secretary, of the land conveyed to Holnam Inc. by the Secretary under paragraph (1) exceeds the appraised fair market value, as determined by the Secretary, of the land conveyed to the United States by Holnam Inc. under paragraph (1), Holnam Inc. shall make a payment equal to the excess in cash or a cash equivalent to the United States.

(c) CANDY LAKE PROJECT, OSAGE COUNTY, OKLAHOMA.—

(1) DEFINITIONS.—In this subsection:

(A) FAIR MARKET VALUE.—The term “fair market value” means the amount for which a willing buyer would purchase and a willing seller would sell a parcel of land, as determined by a qualified, independent land appraiser.

(B) PREVIOUS OWNER OF LAND.—The term “previous owner of land” means a person (including a corporation) that conveyed, or a descendant of a deceased individual who conveyed, land to the Corps of Engineers for use in the Candy Lake project in Osage County, Oklahoma.

(2) CONVEYANCES.—

(A) IN GENERAL.—The Secretary shall convey all right, title, and interest of the United States in and to the land acquired by the United States for the Candy Lake project in Osage County, Oklahoma.

(B) PREVIOUS OWNERS OF LAND.—

(i) IN GENERAL.—The Secretary shall give a previous owner of land the first option to purchase the land described in subparagraph (A).

(ii) APPLICATION.—

(I) IN GENERAL.—A previous owner of land that desires to purchase the land described in paragraph (1) that was owned by the previous owner of land, or by the individual from whom the previous owner of land is descended, shall file an application to purchase the land with the Secretary not later than 180 days after the official date of notice to the previous owner of land under paragraph (3).

(II) FIRST TO FILE HAS FIRST OPTION.—If more than 1 application is filed to purchase a parcel of land described in subparagraph (A), the first option to purchase the parcel of land shall be determined in the order in which applications for the parcel of land were filed.

(iii) IDENTIFICATION OF PREVIOUS OWNERS OF LAND.—As soon as practicable after the date of enactment of this Act, the Secretary shall, to the extent practicable, identify each previous owner of land.

(iv) CONSIDERATION.—Consideration for land conveyed under this subsection shall be the fair market value of the land.

(C) DISPOSAL.—Any land described in subparagraph

(A) for which an application to purchase the land has not been filed under subparagraph (B)(ii) within the applicable time period shall be disposed of in accordance with law.

(D) EXTINGUISHMENT OF EASEMENTS.—All flowage easements acquired by the United States for use in the Candy Lake project in Osage County, Oklahoma, are extinguished.

(3) NOTICE.—

(A) IN GENERAL.—The Secretary shall notify—

(i) each person identified as a previous owner of land under paragraph (2)(B)(iii), not later than 90 days after identification, by United States mail; and

(ii) the general public, not later than 90 days after the date of enactment of this Act, by publication in the Federal Register.

(B) CONTENTS OF NOTICE.—Notice under this paragraph shall include—

(i) a copy of this subsection;

(ii) information sufficient to separately identify each parcel of land subject to this subsection; and

(iii) specification of the fair market value of each parcel of land subject to this subsection.

(C) OFFICIAL DATE OF NOTICE.—The official date of notice under this subsection shall be the later of—

(i) the date on which actual notice is mailed; or

(ii) the date of publication of the notice in the Federal Register.

(d) LAKE HUGO, OKLAHOMA, AREA LAND CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall convey at fair market value to Choctaw County Industrial Authority, Oklahoma, the parcels of land described in paragraph (2).

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcel of land to be conveyed under paragraph (1) is the parcel lying above elevation 445.2 feet (NGVD) located in the  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  and the  $S\frac{1}{2}SW\frac{1}{4}$  of Section 13 and the  $N\frac{1}{2}NW\frac{1}{4}$  of Section 24, T 6 S, R 18 E, of the Indian Meridian, in Choctaw County, Oklahoma, the parcel also being part of the Sawyer Bluff Public Use Area and including parts of Hugo Lake Tracts 134 and 139, and more particularly described as follows: Beginning at a point on the east line of Section 13, the point being 100.00 feet north of the southeast corner of  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  of Section 13; thence  $S\ 01^{\circ}\ 36'\ 24''$  100.00 to a Corps of Engineers brass-capped monument at the southeast corner of  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  of Section 13; thence  $S\ 88^{\circ}\ 16'\ 57''\ W$ , along the south line of the  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  of Section 13, 2649.493 feet, more or less, to a Corps of Engineers brass-capped monument on the centerline of Section 13; thence  $S\ 01^{\circ}\ 20'\ 53''\ E$ , along the centerline of Section 13, 1316.632 feet to a Corps of Engineers brass-capped monument; thence  $S\ 00^{\circ}\ 41'\ 35''\ E$ , along the centerline of Section 24, 1000.00 feet, more or less, to a point lying 50.00 feet north and 300.00 feet, more or less, east of Road B of the Sawyer Bluff Public Use Area; thence westerly and northwesterly, parallel to Road B, to the approximate location of the 445.2-foot contour; thence meandering northerly along the 445.2-foot contour to a point approximately 100.00 feet west and 100.00 feet north of the southwest corner of the  $S\frac{1}{2}N\frac{1}{2}SE\frac{1}{4}$  of Section 13;

Federal Register,  
publication.

thence east, paralleling the south line of the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 13, 2649.493 feet, more or less, to the point of beginning.

(B) SURVEY.—The exact description and acreage of the parcel shall be determined by a metes and bounds survey provided by the Choctaw County Industrial Authority.

(e) CONVEYANCE OF PROPERTY IN MARSHALL COUNTY, OKLAHOMA.—

(1) IN GENERAL.—The Secretary shall convey to the State of Oklahoma all right, title, and interest of the United States in and to real property located in Marshall County, Oklahoma, and included in the Lake Texoma (Denison Dam), Oklahoma and Texas, project, consisting of approximately 1,580 acres and leased to the State of Oklahoma for public park and recreation purposes.

(2) CONSIDERATION.—Consideration for the conveyance under paragraph (1) shall be the fair market value of the real property, as determined by the Secretary. All costs associated with the conveyance under paragraph (1) shall be paid by the State of Oklahoma.

(3) DESCRIPTION.—The exact acreage and legal description of the real property to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be paid by the State of Oklahoma.

(4) ENVIRONMENTAL COMPLIANCE.—Before making the conveyance under paragraph (1), the Secretary shall—

(A) conduct an environmental baseline survey to determine whether there are levels of contamination for which the United States would be responsible under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(B) ensure that the conveyance complies with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) OTHER TERMS AND CONDITIONS.—The conveyance under paragraph (1) shall be subject to such other terms and conditions as the Secretary considers appropriate to protect the interests of the United States, including reservation by the United States of a flowage easement over all portions of the real property to be conveyed that are at or below elevation 645.0 NGVD.

(f) SUMMERFIELD CEMETERY ASSOCIATION, OKLAHOMA.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall transfer to the Summerfield Cemetery Association, Oklahoma, all right, title, and interest of the United States in and to the land described in paragraph (3) for use as a cemetery.

(2) REVERSION.—If the land to be transferred under this subsection ever ceases to be used as a not-for-profit cemetery or for another public purpose, the land shall revert to the United States.

(3) DESCRIPTION.—The land to be conveyed under this subsection is the approximately 10 acres of land located in Leflore County, Oklahoma, and described as follows:

## INDIAN BASIN MERIDIAN

## SECTION 23, TOWNSHIP 5 NORTH, RANGE 23 EAST

SW SE SW NW  
NW NE NW SW  
N $\frac{1}{2}$  SW SW NW.

(4) CONSIDERATION.—The conveyance under this subsection shall be without consideration. All costs associated with the conveyance shall be paid by the Summerfield Cemetery Association, Oklahoma.

(5) OTHER TERMS AND CONDITIONS.—The conveyance under this subsection shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

(g) DEXTER, OREGON.—

(1) IN GENERAL.—The Secretary shall convey to the Dexter Sanitary District all right, title, and interest of the United States in and to a parcel of land consisting of approximately 5 acres located at Dexter Lake, Oregon, under lease to the Dexter Sanitary District.

(2) CONSIDERATION.—Land to be conveyed under this subsection shall be conveyed without consideration. If the land is no longer held in public ownership or no longer used for wastewater treatment purposes, title to the land shall revert to the Secretary.

(3) TERMS AND CONDITIONS.—The conveyance by the United States shall be subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(4) SURVEYS.—The exact acreage and description of the land to be conveyed under paragraph (1) shall be determined by such surveys as the Secretary considers necessary. The cost of the surveys shall be borne by the Dexter Sanitary District.

(h) CHARLESTON, SOUTH CAROLINA.—The Secretary may convey the property of the Corps of Engineers known as the “Equipment and Storage Yard”, located on Meeting Street in Charleston, South Carolina, in as-is condition for fair market value, with all proceeds from the conveyance to be applied by the Corps of Engineers, Charleston District, to offset a portion of the costs of moving or leasing an office facility in the city of Charleston, South Carolina.

(i) RICHARD B. RUSSELL DAM AND LAKE, SOUTH CAROLINA.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the Secretary shall convey to the State of South Carolina all right, title, and interest of the United States in and to the parcels of land described in paragraph (2)(A) that are being managed, as of the date of enactment of this Act, by the South Carolina Department of Natural Resources for fish and wildlife mitigation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420) and modified by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4140).

(2) LAND DESCRIPTION.—

(A) IN GENERAL.—The parcels of land to be conveyed are described in Exhibits A, F, and H of Army Lease

No. DACW21-1-93-0910 and associated supplemental agreements or are designated in red in Exhibit A of Army License No. DACW21-3-85-1904, excluding all designated parcels in the license that are below elevation 346 feet mean sea level or that are less than 300 feet measured horizontally from the top of the power pool.

(B) MANAGEMENT OF EXCLUDED PARCELS.—Management of the excluded parcels shall continue in accordance with the terms of Army License No. DACW21-3-85-1904 until the Secretary and the State enter into an agreement under paragraph (6).

(C) SURVEY.—The exact acreage and legal description of the land shall be determined by a survey satisfactory to the Secretary, with the cost of the survey borne by the State.

(3) COSTS OF CONVEYANCE.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) PERPETUAL STATUS.—

(A) IN GENERAL.—All land conveyed under this subsection shall be retained in public ownership and shall be managed in perpetuity for fish and wildlife mitigation purposes in accordance with a plan approved by the Secretary.

(B) REVERSION.—If any parcel of land is not managed for fish and wildlife mitigation purposes in accordance with the plan, title to the parcel shall revert to the United States.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

(6) FISH AND WILDLIFE MITIGATION AGREEMENT.—

(A) IN GENERAL.—The Secretary may pay the State of South Carolina not more than \$4,850,000, subject to the Secretary and the State entering into a binding agreement for the State to manage for fish and wildlife mitigation purposes in perpetuity the parcels of land conveyed under this subsection and excluded parcels designated in Exhibit A of Army License No. DACW21-3-85-1904.

(B) FAILURE OF PERFORMANCE.—The agreement shall specify the terms and conditions under which payment will be made and the rights of, and remedies available to, the Federal Government to recover all or a portion of the payment if the State fails to manage any parcel in a manner satisfactory to the Secretary.

(j) CLARKSTON, WASHINGTON.—

(1) IN GENERAL.—The Secretary shall convey to the Port of Clarkston, Washington, all right, title, and interest of the United States in and to a portion of the land described in the Department of the Army Lease No. DACW68-1-97-22, consisting of approximately 31 acres, the exact boundaries of which shall be determined by the Secretary and the Port of Clarkston.

(2) ADDITIONAL LAND.—The Secretary may convey to the Port of Clarkston, Washington, such additional land located

in the vicinity of Clarkston, Washington, as the Secretary determines to be excess to the needs of the Columbia River Project and appropriate for conveyance.

(3) TERMS AND CONDITIONS.—The conveyances made under paragraphs (1) and (2) shall be subject to such terms and conditions as the Secretary considers necessary to protect the interests of the United States, including a requirement that the Port of Clarkston pay all administrative costs associated with the conveyances, including the cost of land surveys and appraisals and costs associated with compliance with applicable environmental laws (including regulations).

(4) USE OF LAND.—The Port of Clarkston shall be required to pay the fair market value, as determined by the Secretary, of any land conveyed under paragraphs (1) and (2) that is not retained in public ownership and used for public park or recreation purposes, except that the Secretary shall have a right of reverter to reclaim possession and title to any such land.

(k) MATEWAN, WEST VIRGINIA.—

(1) IN GENERAL.—The United States shall convey by quitclaim deed to the town of Matewan, West Virginia, all right, title, and interest of the United States in and to 4 parcels of land that the Secretary determines to be excess to the structural project for flood control constructed by the Corps of Engineers along the Tug Fork River under section 202 of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339).

(2) PROPERTY DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

(A) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of a 40-foot-wide street right-of-way (known as McCoy Alley), having an approximate coordinate value of N228,695, E1,662,397, in the line common to the land designated as U.S.A. Tract No. 834, and the land designated as U.S.A. Tract No. 837, said point being South 51°52' East 81.8 feet from an iron pin and cap marked M-12 on the boundary of the Matewan Area Structural Project, on the north right-of-way line of said street, at a corner common to designated U.S.A. Tracts Nos. 834 and 836; thence, leaving the right-of-way of said street, with the line common to the land of said Tract No. 834, and the land of said Tract No. 837.

South 14°37' West 46 feet to the corner common to the land of said Tract No. 834, and the land of said Tract No. 837; thence, leaving the land of said Tract No. 837, severing the lands of said Project.

South 14°37' West 46 feet.

South 68°07' East 239 feet.

North 26°05' East 95 feet to a point on the southerly right-of-way line of said street; thence, with the right-of-way of said street, continuing to sever the lands of said Project.



South 63°55' East 206 feet; thence, leaving the right-of-way of said street, continuing to sever the lands of said Project.

South 26°16' West 63 feet; thence, with a curve to the left having a radius of 70 feet, a delta of 33°58', an arc length of 41 feet, the chord bearing.

South 09°17' West 41 feet; thence, leaving said curve, continuing to sever the lands of said Project.

South 07°42' East 31 feet to a point on the right-of-way line of the floodwall; thence, with the right-of-way of said floodwall, continuing to sever the lands of said Project.

South 77°04' West 71 feet.

North 77°10' West 46 feet.

North 67°07' West 254 feet.

North 67°54' West 507 feet.

North 57°49' West 66 feet to the intersection of the right-of-way line of said floodwall with the southerly right-of-way line of said street; thence, leaving the right-of-way of said floodwall and with the southerly right-of-way of said street, continuing to sever the lands of said Project.

North 83°01' East 171 feet.

North 89°42' East 74 feet.

South 83°39' East 168 feet.

South 83°38' East 41 feet.

South 77°26' East 28 feet to the point of beginning, containing 2.59 acres, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(B) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at an iron pin and cap designated Corner No. M2-2 on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,755 E1,661,242, and being at the intersection of the right-of-way line of the floodwall with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said floodwall and with said Project boundary, and the southerly right-of-way of said Railroad.

North 59°45' East 34 feet.

North 69°50' East 44 feet.

North 58°11' East 79 feet.

North 66°13' East 102 feet.

North 69°43' East 98 feet.

North 77°39' East 18 feet.

North 72°39' East 13 feet to a point at the intersection of said Project boundary, and the southerly right-of-way of said Railroad, with the westerly right-of-way line of State Route 49/10; thence, leaving said Project boundary, and the southerly right-of-way of said Railroad, and with the westerly right-of-way of said road.

South 03°21' East 100 feet to a point at the intersection of the westerly right-of-way of said road with the right-of-way of said floodwall; thence, leaving the right-of-way of said road, and with the right-of-way line of said floodwall.

South 79°30' West 69 feet.

South 78°28' West 222 feet.

South 80°11' West 65 feet.

North 38°40' West 14 feet to the point of beginning, containing 0.53 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(C) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point on the southerly right-of-way line of the Norfolk and Western Railroad, having an approximate coordinate value of N228,936 E1,661,672, and being at the intersection of the easterly right-of-way line of State Route 49/10 with the boundary of the Matewan Area Structural Project; thence, leaving the right-of-way of said road, and with said Project boundary, and the southerly right-of-way of said Railroad.

North 77°49' East 89 feet to an iron pin and cap designated as U.S.A. Corner No. M-4.

North 79°30' East 74 feet to an iron pin and cap designated as U.S.A. Corner No. M-5-1; thence, leaving the southerly right-of-way of said Railroad, and continuing with the boundary of said Project.

South 06°33' East 102 to an iron pipe and cap designated U.S.A. Corner No. M-6-1 on the northerly right-of-way line of State Route 49/28; thence, leaving the boundary of said Project, and with the right-of-way of said road, severing the lands of said Project.

North 80°59' West 171 feet to a point at the intersection of the northerly right-of-way line of said State Route 49/28 with the easterly right-of-way line of said State Route 49/10; thence, leaving the right-of-way of said State Route 49/28 and with the right-of-way of said State Route 49/10.

North 03°21' West 42 feet to the point of beginning, containing 0.27 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(D) A certain parcel of land in the State of West Virginia, Mingo County, town of Matewan, being more particularly bounded and described as follows:

Beginning at a point at the intersection of the easterly right-of-way line of State Route 49/10 with the right-of-way line of the floodwall, having an approximate coordinate value of N228,826 E1,661,679; thence, leaving the right-of-way of said floodwall, and with the right-of-way of said State Route 49/10.

North 03°21' West 23 feet to a point at the intersection of the easterly right-of-way line of said State Route 49/10 with the southerly right-of-way line of State Route 49/28; thence, leaving the right-of-way of said State Route 49/10 and with the right-of-way of said State Route 49/28.

South 80°59' East 168 feet.

North 82°28' East 45 feet to an iron pin and cap designated as U.S.A. Corner No. M-8-1 on the boundary of the Western Area Structural Project; thence, leaving the right-of-way of said State Route 49/28, and with said Project boundary.

South 08°28' East 88 feet to an iron pin and cap designated as U.S.A. Corner No. M-9-1 point on the northerly right-of-way line of a street (known as McCoy Alley); thence, leaving said Project boundary and with the northerly right-of-way of said street.

South 83°01' West 38 feet to a point on the right-of-way line of said floodwall; thence, leaving the right-of-way of said street, and with the right-of-way of said floodwall.

North 57°49' West 180 feet.

South 79°30' West 34 feet to a point of beginning, containing 0.24 acre, more or less.

The bearings and coordinate used in this subparagraph are referenced to the West Virginia State Plane Coordinate System, South Zone.

(I) McNARY NATIONAL WILDLIFE REFUGE.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the McNary National Wildlife Refuge is transferred from the Secretary to the Secretary of the Interior.

(2) LAND EXCHANGE WITH THE PORT OF WALLA WALLA, WASHINGTON.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior may exchange approximately 188 acres of land located south of Highway 12 and comprising a portion of the McNary National Wildlife Refuge for approximately 122 acres of land owned by the Port of Walla Walla, Washington, and located at the confluence of the Snake River and the Columbia River.

(B) TERMS AND CONDITIONS.—The land exchange under subparagraph (A) shall be carried out in accordance with such terms and conditions as the Secretary of the Interior determines to be necessary to protect the interests of the United States, including a requirement that the Port pay—

(i) reasonable administrative costs (not to exceed \$50,000) associated with the exchange; and

(ii) any excess (as determined by the Secretary of the Interior) of the fair market value of the parcel conveyed by the Secretary of the Interior over the fair market value of the parcel conveyed by the Port.

(C) USE OF FUNDS.—The Secretary of the Interior may retain any funds received under subparagraph (B)(ii) and, without further Act of appropriation, may use the funds

16 USC 668dd  
note.

Deadline.

to acquire replacement habitat for the Mid-Columbia River National Wildlife Refuge Complex.

(3) **MANAGEMENT.**—The McNary National Wildlife Refuge and land conveyed by the Port of Walla Walla, Washington, under paragraph (2) shall be managed in accordance with applicable laws, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 564. MCNARY POOL, WASHINGTON.**

(a) **EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.**—With respect to each deed listed in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) **AFFECTED DEEDS.**—The deeds with the following county auditor's file numbers are referred to in subsection (a):

(1) Auditor's File Numbers 521608 and 529071 of Benton County, Washington.

(2) Auditor's File Numbers 262980, 263334, 318437, and 404398 of Franklin County, Washington.

(3) Auditor's File Numbers 411133, 447417, 447418, 462156, 563333, and 569593 of Walla Walla County, Washington.

(4) Auditor's File Number 285215 of Umatilla County, Oregon, executed by the United States.

(c) **NO EFFECT ON OTHER RIGHTS.**—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes.

**SEC. 565. NAMINGS.**

(a) **FRANCIS BLAND FLOODWAY DITCH, ARKANSAS.**—

(1) **DESIGNATION.**—8-Mile Creek in Paragould, Arkansas, shall be known and designated as the “Francis Bland Floodway Ditch”.

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the creek referred to in paragraph (1) shall be deemed to be a reference to the “Francis Bland Floodway Ditch”.

(b) **LAWRENCE BLACKWELL MEMORIAL BRIDGE, ARKANSAS.**—

(1) **DESIGNATION.**—The bridge over lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall be known and designated as the “Lawrence Blackwell Memorial Bridge”.

(2) **LEGAL REFERENCE.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in paragraph (1) shall be deemed to be a reference to the “Lawrence Blackwell Memorial Bridge”.

(c) JOHN H. CHAFEE NATIONAL WILDLIFE REFUGE.—Title II of Public Law 100-610 (16 U.S.C. 668dd note; 102 Stat. 3176) is amended—

(1) in the title heading, by striking “PETTAQUAMSCUTT COVE” and inserting “JOHN H. CHAFEE”;

(2) in section 201—

(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) John H. Chafee has been a steadfast champion for the conservation of fish, wildlife, and natural resources throughout a distinguished career of public service to the people of Rhode Island and the United States.”;

(3) in section 202, by striking “Pettaquamscutt Cove” and inserting “John H. Chafee”; and

(4) in section 203(1), by striking “Pettaquamscutt Cove” and inserting “John H. Chafee”.

**SEC. 566. FOLSOM DAM AND RESERVOIR ADDITIONAL STORAGE AND ADDITIONAL FLOOD CONTROL STUDIES.**

(a) FOLSOM FLOOD CONTROL STUDIES.—

(1) IN GENERAL.—The Secretary, in consultation with the State of California and local water resources agencies, shall undertake a study of increasing surcharge flood control storage at the Folsom Dam and Reservoir.

(2) LIMITATIONS.—The study of the Folsom Dam and Reservoir undertaken under paragraph (1) shall assume that there is to be no increase in conservation storage at the Folsom Reservoir.

(3) REPORT.—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study under this subsection.

Deadline.

(b) AMERICAN AND SACRAMENTO RIVERS FLOOD CONTROL STUDY.—

(1) IN GENERAL.—The Secretary shall undertake a study of all levees on the American River and on the Sacramento River downstream and immediately upstream of the confluence of such Rivers to access opportunities to increase potential flood protection through levee modifications.

(2) DEADLINE FOR COMPLETION.—Not later than March 1, 2000, the Secretary shall transmit to Congress a report on the results of the study undertaken under this subsection.

**SEC. 567. WALLOPS ISLAND, VIRGINIA.**

(a) EMERGENCY ACTION.—The Secretary shall take emergency action to protect Wallops Island, Virginia, from damaging coastal storms, by improving and extending the existing seawall, replenishing and renourishing the beach, and constructing protective dunes.

(b) REIMBURSEMENT.—The Secretary may seek reimbursement from other Federal agencies whose resources are protected by the emergency action taken under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$8,000,000.

**SEC. 568. DETROIT RIVER, MICHIGAN.**

(a) **GREENWAY CORRIDOR STUDY.**—The Secretary shall conduct a study to determine the feasibility of a project for shoreline protection, frontal erosion, and associated purposes in the Detroit River shoreline area from the Belle Isle Bridge to the Ambassador Bridge in Detroit, Michigan.

(b) **POTENTIAL MODIFICATIONS.**—As part of the study, the Secretary shall review potential project modifications to any Corps of Engineers project within the Detroit River shoreline area.

(c) **REPAIR AND REHABILITATION.**—

(1) **IN GENERAL.**—The Secretary may repair and rehabilitate the seawalls on the Detroit River in Detroit, Michigan, if the Secretary determines that such work is technically sound, environmentally acceptable, and economically justified.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out paragraph (1) \$1,000,000 for the period beginning with fiscal year 2000.

**SEC. 569. NORTHEASTERN MINNESOTA.**

(a) **DEFINITION OF NORTHEASTERN MINNESOTA.**—In this section, the term “northeastern Minnesota” means the counties of Cook, Lake, St. Louis, Koochiching, Itasca, Cass, Crow Wing, Aitkin, Carlton, Pine, Kanabec, Mille Lacs, Morrison, Benton, Sherburne, Isanti, and Chisago, Minnesota.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in northeastern Minnesota.

(c) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in northeastern Minnesota, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share

may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis. Deadline.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$40,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 570. ALASKA.

(a) DEFINITION OF NATIVE CORPORATION.—In this section, the term “Native Corporation” has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in Alaska.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Alaska, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENTS.—The Secretary may provide assistance for a project under this section only if the project is publicly owned or is owned by a Native Corporation.

(e) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program

Deadline.



carried out under this section, including a recommendation concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 571. CENTRAL WEST VIRGINIA.

(a) DEFINITION OF CENTRAL WEST VIRGINIA.—In this section, the term “central West Virginia” means the counties of Mason, Jackson, Putnam, Kanawha, Roane, Wirt, Calhoun, Clay, Nicholas, Braxton, Gilmer, Lewis, Upshur, Randolph, Pendleton, Hardy, Hampshire, Morgan, Berkeley, and Jefferson, West Virginia.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central West Virginia.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in central West Virginia, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

##### (e) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

##### (3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

Deadline.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including a recommendation concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### **SEC. 572. SACRAMENTO METROPOLITAN AREA WATERSHED RESTORATION, CALIFORNIA.**

(a) LIMITATION.—The Secretary may undertake studies to determine the extent of ground water contamination and the feasibility of prevention and cleanup of such contamination resulting from the acts of a Federal department or agency—

(1) at or in the vicinity of McClellan Air Force Base, Mather Air Force Base, or Sacramento Army Depot, California; or

(2) at any place in the Sacramento metropolitan area watershed where the Federal Government would be a responsible party under any Federal environmental law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for the period beginning with fiscal year 2000.

#### **SEC. 573. ONONDAGA LAKE, NEW YORK.**

(a) IN GENERAL.—The Secretary shall—

(1) plan, design, and construct projects that are consistent with the Onondaga Lake Management Plan and comply with the amended consent judgment and the project labor agreement for the environmental restoration, conservation, and management of Onondaga Lake, New York; and

(2) provide, in coordination with the Administrator of the Environmental Protection Agency, financial assistance,

including grants to the State of New York and political subdivisions of the State, for the development and implementation of projects to restore, conserve, and manage the lake.

(b) PARTNERSHIP.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish and lead a partnership with appropriate Federal agencies (including the Environmental Protection Agency) and the State of New York and political subdivisions of the State for the purpose of development and implementation of the projects.

(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

(A) IN GENERAL.—The partnership shall coordinate the actions taken under this section with actions to restore and conserve Onondaga Lake taken under other provisions of Federal or State law.

(B) NO EFFECT ON OTHER LAW.—Except as provided in subsection (g), this section does not alter, modify, or affect any other provision of Federal or State law.

(3) TERMINATION.—Unless the Secretary and the Governor of the State of New York agree otherwise, the partnership established under this subsection shall terminate not later than the date that is 15 years after the date of enactment of this Act.

(c) REVISIONS TO THE ONONDAGA LAKE MANAGEMENT PLAN.—

(1) IN GENERAL.—In consultation with the partnership established under subsection (b) and after providing for public review and comment, the Secretary and the Administrator of the Environmental Protection Agency shall approve revisions to the Onondaga Lake Management Plan if the Governor of the State of New York concurs in the approval.

(2) NO EFFECT ON MODIFICATION OF AMENDED CONSENT JUDGMENT.—Paragraph (1) has no effect on the conditions under which the amended consent judgment referred to in subsection (a)(1) may be modified.

(d) COST SHARING.—

(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of a project constructed under subsection (a) shall be not less than 30 percent of the total cost of the project and may be provided through the provision of in-kind services.

(2) ADMINISTRATION AND MANAGEMENT.—The Secretary's administration and management of the project shall be at full Federal expense.

(e) NO EFFECT ON LIABILITY.—The provision of financial assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

(g) REPEAL.—Title IV of the Great Lakes Critical Programs Act of 1990 (104 Stat. 3010) and section 411 of the Water Resources Development Act of 1990 (104 Stat. 4648) are repealed effective on the date that is 1 year after the date of enactment of this Act.

**SEC. 574. EAST LYNN LAKE, WEST VIRGINIA.**

The Secretary shall defer any decision relating to the leasing of mineral resources underlying East Lynn Lake, West Virginia, project lands to the Federal entity vested with such leasing authority.

**SEC. 575. EEL RIVER, CALIFORNIA.**

(a) **IN GENERAL.**—The Secretary shall conduct a study to determine whether flooding in the city of Ferndale, California, is the result of the Federal flood control project on the Eel River.

(b) **MITIGATION MEASURES.**—If the Secretary determines that the flooding is the result of the project, the Secretary shall take appropriate measures (including dredging of the Salt River and construction of sediment ponds at the confluence of Francis, Reas, and Williams Creeks) to mitigate the flooding.

**SEC. 576. NORTH LITTLE ROCK, ARKANSAS.**

The Secretary—

(1) shall review a report prepared by the non-Federal interest concerning flood protection for the Dark Hollow area of North Little Rock, Arkansas; and

(2) if the Secretary determines that the report meets the evaluation and design standards of the Corps of Engineers and that the project is economically justified, technically sound, and environmentally acceptable, may carry out the project.

**SEC. 577. UPPER MISSISSIPPI RIVER, MISSISSIPPI PLACE, ST. PAUL, MINNESOTA.**

Contracts.

(a) **IN GENERAL.**—The Secretary may enter into a cooperative agreement to participate in a project for the planning, design, and construction of infrastructure and other improvements at Mississippi Place, St. Paul, Minnesota.

(b) **COST SHARING.**—

(1) **IN GENERAL.**—The Federal share of the cost of the project shall be 50 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(2) **CREDIT FOR NON-FEDERAL WORK.**—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for reasonable costs incurred by the non-Federal interest as a result of participation in the planning, design, and construction of the project.

(3) **LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit toward the non-Federal share of the cost of the project for land, easements, rights-of-way, and relocations provided by the non-Federal interest with respect to the project.

(4) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for the project shall be 100 percent.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$3,000,000 to carry out this section.

**SEC. 578. DREDGING OF SALT PONDS IN THE STATE OF RHODE ISLAND.**

The Secretary may acquire for the State of Rhode Island a dredge and associated equipment with the capacity to dredge approximately 100 cubic yards per hour for use by the State in dredging salt ponds in the State.

**SEC. 579. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.**

Section 567(a) of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended by adding at the end the following:

“(3) The Chemung River watershed, New York, at an estimated Federal cost of \$5,000,000.”.

**SEC. 580. CUMBERLAND, MARYLAND, FLOOD PROJECT MITIGATION.**

(a) **IN GENERAL.**—The project for flood control and other purposes, Cumberland, Maryland, authorized by section 5 of the Act of June 22, 1936 (commonly known as the “Flood Control Act of 1936”) (49 Stat. 1574, chapter 688), is modified to authorize the Secretary to undertake, as a separate part of the project, restoration of the historic Chesapeake and Ohio Canal substantially in accordance with the Chesapeake and Ohio Canal National Historic Park, Cumberland, Maryland, Rewatering Design Analysis, dated February 1998, at a total cost of \$15,000,000, with an estimated Federal cost of \$9,750,000 and an estimated non-Federal cost of \$5,250,000.

(b) **IN-KIND SERVICES.**—The non-Federal interest for the restoration project under subsection (a)—

(1) may provide all or a portion of the non-Federal share of project costs in the form of in-kind services; and

(2) shall receive credit toward the non-Federal share of project costs for design and construction work performed by the non-Federal interest before execution of a project cooperation agreement and for land, easements, and rights-of-way required for the restoration and acquired by the non-Federal interest before execution of such an agreement.

(c) **OPERATION AND MAINTENANCE.**—The operation and maintenance of the restoration project under subsection (a) shall be the full responsibility of the National Park Service.

**SEC. 581. CITY OF MIAMI BEACH, FLORIDA.**

Section 5(b)(3)(C)(i) of the Act of August 13, 1946 (33 U.S.C. 426h), is amended by inserting before the semicolon the following: “, including the city of Miami Beach, Florida”.

**SEC. 582. RESEARCH AND DEVELOPMENT PROGRAM FOR COLUMBIA AND SNAKE RIVERS SALMON SURVIVAL.**

Section 511 of the Water Resources Development Act of 1996 (16 U.S.C. 3301 note; Public Law 104-303) is amended by striking subsection (a) and all that follows and inserting the following:

“(a) **SALMON SURVIVAL ACTIVITIES.**—

“(1) **IN GENERAL.**—In conjunction with the Secretary of Commerce and the Secretary of the Interior, the Secretary shall accelerate ongoing research and development activities, and may carry out or participate in additional research and development activities, for the purpose of developing innovative methods and technologies for improving the survival of salmon, especially salmon in the Columbia/Snake River Basin.

“(2) **ACCELERATED ACTIVITIES.**—Accelerated research and development activities referred to in paragraph (1) may include research and development related to—

“(A) impacts from water resources projects and other impacts on salmon life cycles;

“(B) juvenile and adult salmon passage;

“(C) light and sound guidance systems;

- “(D) surface-oriented collector systems;
- “(E) transportation mechanisms; and
- “(F) dissolved gas monitoring and abatement.

“(3) ADDITIONAL ACTIVITIES.—Additional research and development activities referred to in paragraph (1) may include research and development related to—

“(A) studies of juvenile salmon survival in spawning and rearing areas;

“(B) estuary and near-ocean juvenile and adult salmon survival;

“(C) impacts on salmon life cycles from sources other than water resources projects;

“(D) cryopreservation of fish gametes and formation of a germ plasma repository for threatened and endangered populations of native fish; and

“(E) other innovative technologies and actions intended to improve fish survival, including the survival of resident fish.

“(4) COORDINATION.—The Secretary shall coordinate any activities carried out under this subsection with appropriate Federal, State, and local agencies, affected Indian tribes, and the Northwest Power Planning Council.

Deadline.

“(5) REPORT.—Not later than 3 years after the date of enactment of the Water Resources Development Act of 1999, the Secretary shall submit to Congress a report on the research and development activities carried out under this subsection, including any recommendations of the Secretary concerning the research and development activities.

“(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$10,000,000 to carry out research and development activities under paragraph (3).

“(b) ADVANCED TURBINE DEVELOPMENT.—

“(1) IN GENERAL.—In conjunction with the Secretary of Energy, the Secretary shall accelerate efforts toward developing and installing in Corps of Engineers-operated dams innovative, efficient, and environmentally safe hydropower turbines, including design of fish-friendly turbines, for use on the Columbia/Snake River hydrosystem.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$35,000,000 to carry out this subsection.

“(c) MANAGEMENT OF PREDATION ON COLUMBIA/SNAKE RIVER SYSTEM NATIVE FISHES.—

“(1) NESTING AVIAN PREDATORS.—In conjunction with the Secretary of Commerce and the Secretary of the Interior, and consistent with a management plan to be developed by the United States Fish and Wildlife Service, the Secretary shall carry out methods to reduce nesting populations of avian predators on dredge spoil islands in the Columbia River under the jurisdiction of the Secretary.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$1,000,000 to carry out research and development activities under this subsection.

“(d) IMPLEMENTATION.—Nothing in this section affects the authority of the Secretary to implement the results of the research and development carried out under this section or any other law.”.

**SEC. 583. LARKSPUR FERRY CHANNEL, CALIFORNIA.**

The Secretary shall work with the Secretary of Transportation on a proposed solution to carry out the project to maintain the Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148).

**SEC. 584. HOLES CREEK FLOOD CONTROL PROJECT, OHIO.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the non-Federal share of project costs for the project for flood control, Holes Creek, Ohio, shall not exceed the sum of—

(1) the total amount projected as the non-Federal share as of September 30, 1996, in the Project Cooperation Agreement executed on that date; and

(2) 100 percent of the amount of any increases in the cost of the locally preferred plan over the cost estimated in the Project Cooperation Agreement.

(b) REIMBURSEMENT.—The Secretary shall reimburse the non-Federal interest any amount paid by the non-Federal interest in excess of the non-Federal share.

**SEC. 585. SAN JACINTO DISPOSAL AREA, GALVESTON, TEXAS.**

33 USC 59hh.

Section 108 of the Energy and Water Development Appropriations Act, 1994 (107 Stat. 1320), is amended—

(1) in the first sentence of subsection (a), by inserting “all or any part of” after “absolute title to”;

(2) by striking subsection (b) and inserting the following: “(b) COMPENSATION FOR CONVEYANCE.—

“(1) IN GENERAL.—Upon receipt of compensation from the city of Galveston, the Secretary shall convey the parcel, or any part of the parcel, as described in subsection (a).

“(2) FULL PARCEL.—If the full 605-acre parcel is conveyed, the compensation shall be—

“(A) conveyance to the Department of the Army of fee simple absolute title to a parcel of land containing approximately 564 acres on Pelican Island, Texas, in the Eneas Smith Survey, A–190, Pelican Island, city of Galveston, Galveston County, Texas, adjacent to property currently owned by the United States, with the fair market value of the parcel being determined in accordance with subsection (d); and

“(B) payment to the United States of an amount equal to the difference between the fair market value of the parcel to be conveyed under subsection (a) and the fair market value of the parcel to be conveyed under subparagraph (A).

“(3) PARTIAL PARCEL.—If the conveyance is 125 acres or less, compensation shall be an amount equal to the fair market value of the parcel to be conveyed, with the fair market value of the parcel being determined in accordance with subsection (d).”; and

(3) in the second sentence of subsection (c)—

(A) by inserting “, or any part of the parcel,” after “parcel”; and

(B) by inserting “, if any,” after “LCA”.

**SEC. 586. WATER MONITORING STATION.**

Section 584(b) of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended by striking “\$50,000” and inserting “\$100,000”.

**SEC. 587. OVERFLOW MANAGEMENT FACILITY, RHODE ISLAND.**

Section 585 of the Water Resources Development Act of 1996 (110 Stat. 3791) is amended—

(1) in subsection (a), by striking “river” and inserting “sewer”; and

(2) in subsection (b), by striking “\$30,000,000” and inserting “\$60,000,000”.

**SEC. 588. LOWER CHENA RIVER, ALASKA.**

The Secretary may expend up to \$500,000 in fiscal year 2000 to complete the dredging project initiated on the Lower Chena River, Alaska.

**SEC. 589. NUMANA DAM FISH PASSAGE, NEVADA.**

After the date of enactment of this Act, the Secretary shall complete planning, design, and construction of the Numana Dam Fish Passage Project, currently being evaluated under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), under section 906(b) of that Act (33 U.S.C. 2283(b)).

**SEC. 590. EMBREY DAM, VIRGINIA.**

(a) IN GENERAL.—The Secretary shall remove the Embrey Dam on the Rappahannock River at Fredericksburg, Virginia, at full Federal expense.

(b) USE OF EXISTING STUDIES.—The Secretary shall expedite the feasibility study and preconstruction, engineering, and design of the project by using, to the maximum extent practicable, existing studies prepared by the State and non-Federal interests.

(c) AUTHORIZATION.—There is authorized to be appropriated to carry out this section \$10,000,000.

**SEC. 591. ENVIRONMENTAL REMEDIATION, FRONT ROYAL, VIRGINIA.**

(a) PARTICIPATION OF SECRETARY.—

(1) AUTHORIZATION.—The Secretary shall participate with other Federal departments and agencies in environmental restoration and remediation activities (including the demolition of contaminated buildings) at the Avtex Fibers facility in Front Royal, Virginia, at full Federal expense.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$12,000,000.

(b) PARTICIPATION OF SECRETARY OF DEFENSE.—

(1) REQUIREMENT.—The Secretary of Defense shall make available \$5,000,000 for environmental restoration and remediation activities (including the demolition of contaminated buildings) at the Avtex Fibers facility in Front Royal, Virginia.

(2) SOURCE OF FUNDS.—The amount made available under paragraph (1) shall be derived from amounts in the Environmental Restoration Account, Formerly Used Defense Sites, established by section 2703 of title 10, United States Code.



**SEC. 592. MISSISSIPPI.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in Mississippi.

(b) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Mississippi, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(c) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) **CREDIT FOR INTEREST.**—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) **LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.**—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project

on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

Deadline.

(f) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 593. CENTRAL NEW MEXICO.

(a) DEFINITION OF CENTRAL NEW MEXICO.—In this section, the term “central New Mexico” means the counties of Bernalillo, Sandoval, and Valencia, New Mexico.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a pilot program to provide environmental assistance to non-Federal interests in central New Mexico.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in central New Mexico, including projects for wastewater treatment and related facilities, water supply, conservation, and related facilities, stormwater retention and remediation, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the total construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis. Deadline.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for the period beginning with fiscal year 2000, to remain available until expended.

#### SEC. 594. OHIO.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in Ohio.

(b) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Ohio, including projects for—

- (1) wastewater treatment and related facilities;
- (2) combined sewer overflow, water supply, storage, treatment, and related facilities;
- (3) mine drainage;

(4) environmental restoration; and

(5) surface water resource protection and development.

(c) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(d) PROJECT COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a project cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each project cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities development plan or resource protection plan, including appropriate plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each project cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a project cooperation agreement with the Secretary.

(C) CREDIT FOR CERTAIN FINANCING COSTS.—In case of a delay in the reimbursement of the non-Federal share of the costs of a project, the non-Federal interest shall receive credit for reasonable interest and other associated financing costs necessary for the non-Federal interest to provide the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including costs associated with obtaining permits necessary for the placement of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed under an agreement entered into under this subsection shall be 100 percent.

(e) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(f) **REPORT.**—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis. Deadline.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$60,000,000.

**SEC. 595. RURAL NEVADA AND MONTANA.**

(a) **DEFINITION OF RURAL NEVADA.**—In this section, the term “rural Nevada” means—

(1) the counties of Lincoln, White Pine, Nye, Eureka, Elko, Humboldt, Pershing, Churchill, Storey, Lyon, Carson, Douglas, Mineral, Esmeralda, and Lander, Nevada;

(2) the portions of Washoe County, Nevada, that are located outside the cities of Reno and Sparks; and

(3) the portions of Clark County, Nevada, that are located outside the cities of Las Vegas, North Las Vegas, and Henderson and the unincorporated portion of the county in the Las Vegas Valley.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program for providing environmental assistance to non-Federal interests in rural Nevada and Montana.

(c) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in rural Nevada and Montana, including projects for—

- (1) wastewater treatment and related facilities;
- (2) water supply and related facilities;
- (3) environmental restoration; and
- (4) surface water resource protection and development.

(d) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project costs.

(D) LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

Deadline.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall submit to Congress a report on the results of the program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2001—

(1) \$25,000,000 for rural Nevada; and

(2) \$25,000,000 for Montana;

to remain available until expended.

#### **SEC. 596. PHOENIX, ARIZONA.**

Section 1608 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h-6) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) The Secretary, in cooperation with the city of Phoenix, Arizona, shall participate in the planning, design, and construction of the Phoenix Metropolitan Water Reclamation and Reuse Project to utilize fully wastewater from the regional wastewater treatment plant for direct municipal, industrial, agricultural and environmental purposes, groundwater recharge and indirect potable reuse in the Phoenix metropolitan area.”;

(2) in subsection (b), by striking the first sentence; and

(3) by striking subsection (c).

**SEC. 597. NATIONAL HARBOR, MARYLAND.**

(a) **IN GENERAL.**—The first section of Public Law 99-215 (99 Stat. 1724) is amended in the first sentence of subsection (a)(2) by striking “solely” and inserting “for transportation or”.

(b) **REVISION OF QUITCLAIM DEED.**—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall—

Deadline.

(1) with the consent of the grantee, withdraw and revise any terms or conditions in the quitclaim deed of December 16, 1986, between the United States and the Maryland-National Capital Park and Planning Commission that limit the authority of the Maryland-National Capital Park and Planning Commission to use the property for transportation purposes; and

(2) prepare, execute, and record a deed that is consistent with this section and the amendment made by subsection (a).

(c) **EFFECT ON ENVIRONMENTAL LAW.**—Nothing in this section abrogates any requirement of any environmental law.

## **TITLE VI—CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION**

**SEC. 601. DEFINITIONS.**

In this title, the following definitions apply:

(1) **COMMISSION.**—The term “Commission” means the South Dakota Cultural Resources Advisory Commission established by section 605(j).

(2) **RESTORATION.**—The term “restoration” means mitigation of the habitat of wildlife.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Army.

(4) **TERRESTRIAL WILDLIFE HABITAT.**—The term “terrestrial wildlife habitat” means a habitat for a wildlife species (including game and nongame species) that existed or exists on an upland habitat (including a prairie grassland, woodland, bottom land forest, scrub, or shrub) or an emergent wetland habitat.

(5) **WILDLIFE.**—The term “wildlife” has the meaning given the term in section 8 of the Fish and Wildlife Coordination Act (16 U.S.C. 666b).

**SEC. 602. TERRESTRIAL WILDLIFE HABITAT RESTORATION.**

(a) **TERRESTRIAL WILDLIFE HABITAT RESTORATION PLANS.**—

(1) **IN GENERAL.**—In accordance with this subsection and in consultation with the Secretary and the Secretary of the Interior, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall, as a condition of the receipt of funds under this title, each develop a plan for the restoration of terrestrial wildlife habitat loss that occurred as a result of flooding related to the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

(2) SUBMISSION OF PLAN TO SECRETARY.—On completion of a plan for terrestrial wildlife habitat restoration, the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe shall submit the plan to the Secretary.

(3) REVIEW BY SECRETARY AND SUBMISSION TO COMMITTEES.—The Secretary shall review the plan and submit the plan, with any comments, to the appropriate committees of the Senate and the House of Representatives.

(4) FUNDING FOR CARRYING OUT PLANS.—

(A) STATE OF SOUTH DAKOTA.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota, each of the committees referred to in paragraph (3) shall notify the Secretary of the receipt of the plan.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary shall make available to the State of South Dakota funds from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State and only after the Trust Fund is fully capitalized.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—

(i) NOTIFICATION.—On receipt of the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, each of the committees referred to in paragraph (3) shall notify the Secretary of the Treasury of the receipt of each of the plans.

(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, and only after the Trust Fund is fully capitalized.

(C) TRANSITION PERIOD.—

(i) IN GENERAL.—During the period described in clause (ii), the Secretary shall—

(I) fund the terrestrial wildlife habitat restoration programs being carried out on the date of enactment of this Act on Oahe and Big Bend project land and the plans established under this section at a level that does not exceed the highest amount of funding that was provided for the programs during a previous fiscal year; and

(II) fund the activities described in sections 603(d)(3) and 604(d)(3).



(ii) PERIOD.—Clause (i) shall apply during the period—

(I) beginning on the date of enactment of this Act; and

(II) ending on the date on which funds are made available for use from the South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund under section 603(d)(3)(A)(i) and the Cheyenne River Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund under section 604(d)(3)(A)(i).

(b) PROGRAMS FOR THE PURCHASE OF WILDLIFE HABITAT LEASES.—

(1) IN GENERAL.—The State of South Dakota may use funds made available under section 603(d)(3)(A)(iii) to develop a program for the purchase of wildlife habitat leases that meets the requirements of this subsection.

(2) DEVELOPMENT OF A PLAN.—

(A) IN GENERAL.—If the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe elects to conduct a program under this subsection, the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe (in consultation with the United States Fish and Wildlife Service and the Secretary and with an opportunity for public comment) shall develop a plan to lease land for the protection and development of wildlife habitat, including habitat for threatened and endangered species, associated with the Missouri River ecosystem.

(B) USE FOR PROGRAM.—The plan shall be used by the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe in carrying out the program carried out under paragraph (1).

(3) CONDITIONS OF LEASES.—Each lease covered under a program carried out under paragraph (1) shall specify that the owner of the property that is subject to the lease shall provide—

(A) public access for sportsmen during hunting season; and

(B) public access for other outdoor uses covered under the lease, as negotiated by the landowner and the State of South Dakota, the Cheyenne River Sioux Tribe, or the Lower Brule Sioux Tribe.

(4) USE OF ASSISTANCE.—

(A) STATE OF SOUTH DAKOTA.—If the State of South Dakota conducts a program under this subsection, the State may use funds made available under section 603(d)(3)(A)(iii) to—

(i) acquire easements, rights-of-way, or leases for management and protection of wildlife habitat, including habitat for threatened and endangered species, and public access to wildlife on private property in the State of South Dakota;

(ii) create public access to Federal or State land through the purchase of easements or rights-of-way that traverse such private property; or

(iii) lease land for the creation or restoration of a wetland on such private property.

(B) CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE.—If the Cheyenne River Sioux Tribe or the Lower Brule Sioux Tribe conducts a program under this subsection, the Tribe may use funds made available under section 604(d)(3)(A)(iii) for the purposes described in subparagraph (A).

(c) FEDERAL OBLIGATION FOR TERRESTRIAL WILDLIFE HABITAT MITIGATION FOR THE BIG BEND AND OaHE PROJECTS IN SOUTH DAKOTA.—The establishment of the trust funds under sections 603 and 604 and the development and implementation of plans for terrestrial wildlife habitat restoration developed by the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe in accordance with this section shall be considered to satisfy the Federal obligation under the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for terrestrial wildlife habitat mitigation for the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe for the Big Bend and Oahe projects carried out as part of the Pick-Sloan Missouri River Basin program.

**SEC. 603. SOUTH DAKOTA TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund” (referred to in this section as the “Fund”).

(b) FUNDING.—For the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Fund under this subsection is equal to at least \$108,000,000, the Secretary of the Treasury shall transfer \$10,000,000 from the general fund of the Treasury to the Fund.

(c) INVESTMENTS.—

(1) IN GENERAL.—At the request of the Secretary, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed by the United States as to both principal and interest.

(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the fund in obligations that carry the highest rate of interest among available obligations of the required maturity.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available, without fiscal year limitation, to the State of South Dakota for use in accordance with paragraph (3) after the Fund has been fully capitalized.

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(A), the Secretary shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the State of South Dakota for use as State funds in accordance with paragraph (3) after the Fund has been fully capitalized.

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the State of South Dakota shall use the amounts transferred under paragraph (2) only to—

- (i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the State developed under section 602(a); and
- (ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the State;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the State of South Dakota by the Secretary;

(III) purchase and administer wildlife habitat leases under section 602(b);

(IV) carry out other activities described in section 602; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

Appropriation  
authorization.

**SEC. 604. CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.**

(a) ESTABLISHMENT.—There are established in the Treasury of the United States 2 funds to be known as the “Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund” and the “Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund” (each of which is referred to in this section as a “Fund”).

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), for the fiscal year during which this Act is enacted and each fiscal year thereafter until the aggregate amount deposited in the Funds under this subsection is equal to at least \$57,400,000, the Secretary of the Treasury shall transfer \$5,000,000 from the general fund of the Treasury to the Funds.

(2) ALLOCATION.—Of the total amount of funds deposited in the Funds for a fiscal year, the Secretary of the Treasury shall deposit—

(A) 74 percent of the funds into the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration Trust Fund; and

(B) 26 percent of the funds into the Lower Brule Sioux Tribe Terrestrial Wildlife Habitat Restoration Trust Fund.

(c) INVESTMENTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest the amounts deposited under subsection (b) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(2) INTEREST RATE.—The Secretary of the Treasury shall invest amounts in the Funds in obligations that carry the highest rate of interest among available obligations of the required maturity.

(d) PAYMENTS.—

(1) IN GENERAL.—All amounts credited as interest under subsection (c) shall be available after the Trust Funds are fully capitalized, without fiscal year limitation, to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for their use in accordance with paragraph (3).

(2) WITHDRAWAL AND TRANSFER OF FUNDS.—Subject to section 602(a)(4)(B), the Secretary of the Treasury shall withdraw amounts credited as interest under paragraph (1) and transfer the amounts to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for use in accordance with paragraph (3).

(3) USE OF TRANSFERRED FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall use the amounts transferred under paragraph (2) only to—

(i) fully fund the annually scheduled work described in the terrestrial wildlife habitat restoration plan of the respective Tribe developed under section 602(a); and

(ii) with any remaining funds—

(I) protect archaeological, historical, and cultural sites located along the Missouri River on land transferred to the respective Tribe;

(II) fund all costs associated with the ownership, management, operation, administration, maintenance, and development of recreation areas and other lands that are transferred to the respective Tribe by the Secretary;

(III) purchase and administer wildlife habitat leases under section 602(b);

(IV) carry out other activities described in section 602; and

(V) develop and maintain public access to, and protect, wildlife habitat and recreation areas along the Missouri River.

(B) PROHIBITION.—The amounts transferred under paragraph (2) shall not be used for the purchase of land in fee title.

(e) TRANSFERS AND WITHDRAWALS.—Except as provided in subsection (d), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subsection (b).

(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated to the Secretary of the Treasury such sums as are necessary to pay the administrative expenses of the Fund.

#### **SEC. 605. TRANSFER OF FEDERAL LAND TO STATE OF SOUTH DAKOTA.**

(a) IN GENERAL.—

## (1) TRANSFER.—

(A) IN GENERAL.—The Secretary shall transfer to the Department of Game, Fish and Parks of the State of South Dakota (referred to in this section as the “Department”) the land and recreation areas described in subsections (b) and (c) for fish and wildlife purposes, or public recreation uses, in perpetuity.

(B) PERMITS, RIGHTS-OF-WAY, AND EASEMENTS.—All permits, rights-of-way, and easements granted by the Secretary to the Oglala Sioux Tribe for land on the west side of the Missouri River between the Oahe Dam and Highway 14, and all permits, rights-of-way, and easements on any other land administered by the Secretary and used by the Oglala Sioux Rural Water Supply System, are granted to the Oglala Sioux Tribe in perpetuity to be held in trust under section 3(e) of the Mni Wiconi Project Act of 1988 (102 Stat. 2568).

(2) USES.—The Department shall maintain and develop the land outside the recreation areas for fish and wildlife purposes in accordance with—

(A) fish and wildlife purposes in effect on the date of enactment of this Act; or

(B) a plan developed under section 602.

(3) CORPS OF ENGINEERS.—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(4) SECRETARY.—The Secretary shall retain the right to inundate with water the land transferred to the Department under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(b) LAND TRANSFERRED.—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavin’s Point projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary for the implementation of the Pick-Sloan Missouri River Basin program;

(3) is located outside the external boundaries of a reservation of an Indian Tribe; and

(4) is located within the State of South Dakota.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and facilities within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located outside the external boundaries of a reservation of an Indian Tribe;

(3) is located within the State of South Dakota;

(4) is not the recreation area known as “Cottonwood”, “Training Dike”, or “Tailwaters”; and

(5) is located below Gavin’s Point Dam in the State of South Dakota in accordance with boundary agreements and reciprocal fishing agreements between the State of South Dakota and the State of Nebraska in effect on the date of

enactment of this Act, which agreements shall continue to be honored by the State of South Dakota as the agreements apply to any land or recreation areas transferred under this title to the State of South Dakota below Gavin's Point Dam and on the waters of the Missouri River.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the Department, shall prepare a map of the land and recreation areas transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures; which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Army and the Secretary of the Department shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the Trust Fund described in section 603.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred in fee title to the Department on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.—The Department shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(g) HUNTING AND FISHING.—

(1) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and outside the exterior boundaries of an Indian reservation in South Dakota.

(2) JURISDICTION.—

(A) TRANSFERRED LAND.—On transfer of the land under this section to the State of South Dakota, jurisdiction over the land shall be the same as that over other land owned by the State of South Dakota.

(B) LAND BETWEEN THE MISSOURI RIVER WATER'S EDGE AND THE LEVEL OF THE EXCLUSIVE FLOOD POOL.—Jurisdiction over land between the Missouri River water's edge and the level of the exclusive flood pool outside Indian reservations in the State of South Dakota shall be the same as that exercised by the State on other land owned by the State, and that jurisdiction shall follow the fluctuations of the water's edge.

(C) **FEDERAL LAND.**—Jurisdiction over land and water owned by the Federal Government within the boundaries of the State of South Dakota that are not affected by this title shall remain unchanged.

(3) **EASEMENTS AND ACCESS.**—The Secretary shall provide the State of South Dakota with easements and access on land and water below the level of the exclusive flood pool outside Indian reservations in the State of South Dakota for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887).

(h) **APPLICABILITY OF LAW.**—Notwithstanding any other provision of this Act, the following provisions of law shall apply to land transferred under this section:

(1) The National Historic Preservation Act (16 U.S.C. 470 et seq.), including sections 106 and 304 of that Act (16 U.S.C. 470f, 470w-3).

(2) The Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), including sections 4, 6, 7, and 9 of that Act (16 U.S.C. 470cc, 470ee, 470ff, 470hh).

(3) The Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.), including subsections (a) and (d) of section 3 of that Act (25 U.S.C. 3003).

(i) **IMPACT AID.**—The land transferred under subsection (a) shall be deemed to continue to be owned by the United States for purposes of section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702).

#### **SEC. 606. TRANSFER OF CORPS OF ENGINEERS LAND FOR INDIAN TRIBES.**

(a) **IN GENERAL.**—

(1) **TRANSFER.**—The Secretary of the Army shall transfer to the Secretary of the Interior the land and recreation areas described in subsections (b) and (c) for the use of the Indian Tribes in perpetuity.

(2) **CORPS OF ENGINEERS.**—The transfer shall not interfere with the Corps of Engineers operation of a project under this section for an authorized purpose of the project under the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701-1 et seq.), or other applicable law.

(3) **SECRETARY OF THE ARMY.**—The Secretary of the Army shall retain the right to inundate with water the land transferred to the Secretary of the Interior under this section or draw down a project reservoir, as necessary to carry out an authorized purpose of a project.

(4) **TRUST.**—The Secretary of the Interior shall hold in trust for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe the land transferred under this section that is located within the external boundaries of the reservation of the Indian Tribes.

(b) **LAND TRANSFERRED.**—The land described in this subsection is land that—

(1) is located above the top of the exclusive flood pool of the Big Bend and Oahe projects of the Pick-Sloan Missouri River Basin program;

(2) was acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program; and

(3) is located within the external boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe.

(c) RECREATION AREAS TRANSFERRED.—A recreation area described in this section includes the land and facilities within a recreation area that—

(1) the Secretary determines, at the time of the transfer, is a recreation area classified for recreation use by the Corps of Engineers on the date of enactment of this Act;

(2) is located within the external boundaries of a reservation of an Indian Tribe; and

(3) is located within the State of South Dakota.

(d) MAP.—

(1) IN GENERAL.—The Secretary, in consultation with the governing bodies of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, shall prepare a map of the land transferred under this section.

(2) LAND.—The map shall identify—

(A) land reasonably expected to be required for project purposes during the 20-year period beginning on the date of enactment of this Act; and

(B) dams and related structures; which shall be retained by the Secretary.

(3) AVAILABILITY.—The map shall be on file in the appropriate offices of the Secretary.

(e) SCHEDULE FOR TRANSFER.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Chairmen of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe shall jointly develop a schedule for transferring the land and recreation areas under this section.

(2) TRANSFER DEADLINE.—All land and recreation areas shall be transferred not later than 1 year after the full capitalization of the State and tribal Trust Fund described in section 604.

(f) TRANSFER CONDITIONS.—The land and recreation areas described in subsections (b) and (c) shall be transferred to, and held in trust by, the Secretary of the Interior on the following conditions:

(1) RESPONSIBILITY FOR DAMAGE.—The Secretary shall not be responsible for any damage to the land caused by flooding, sloughing, erosion, or other changes to the land caused by the operation of any project of the Pick-Sloan Missouri River Basin program (except as otherwise provided by Federal law).

(2) HUNTING AND FISHING.—

(A) IN GENERAL.—Except as provided in this section, nothing in this title affects jurisdiction over the waters of the Missouri River below the water's edge and within the exterior boundaries of the Cheyenne River Sioux and Lower Brule Sioux Tribe reservations.

(B) JURISDICTION.—



(i) **IN GENERAL.**—On transfer of the land to the respective tribes under this section, jurisdiction over the land and on land between the water's edge and the level of the exclusive flood pool within the respective Tribe's reservation boundaries shall be the same as that over land held in trust by the Secretary of the Interior on the Cheyenne River Sioux Reservation and the Lower Brule Sioux Reservation, and that jurisdiction shall follow the fluctuations of the water's edge.

(ii) **JURISDICTION UNAFFECTED.**—Jurisdiction over land and water owned by the Federal Government and held in trust for the Cheyenne River Sioux Tribe and Lower Brule Sioux Tribe that is not affected by this title shall remain unchanged.

(C) **EASEMENTS AND ACCESS.**—The Secretary shall provide the Tribes with such easements and access on land and water below the level of the exclusive flood pool inside the respective Indian reservations for recreational and other purposes (including for boat docks, boat ramps, and related structures), so long as the easements would not prevent the Corps of Engineers from carrying out its mission under the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (commonly known as the "Flood Control Act of 1944") (58 Stat. 887).

(3) **EASEMENTS, RIGHTS-OF-WAY, LEASES, AND COST-SHARING AGREEMENTS.**—

(A) **MAINTENANCE.**—The Secretary of the Interior shall maintain all easements, rights-of-way, leases, and cost-sharing agreements that are in effect as of the date of the transfer.

(B) **PAYMENTS TO COUNTY.**—The Secretary of the Interior shall pay any affected county 100 percent of the receipts from the easements, rights-of-way, leases, and cost-sharing agreements described in subparagraph (A).

(g) **EXTERIOR INDIAN RESERVATION BOUNDARIES.**—Nothing in this section diminishes, changes, or otherwise affects the exterior boundaries of a reservation of an Indian Tribe.

#### **SEC. 607. ADMINISTRATION.**

(a) **IN GENERAL.**—Nothing in this title diminishes or affects—

(1) any water right of an Indian Tribe;

(2) any other right of an Indian Tribe, except as specifically provided in another provision of this title;

(3) any treaty right that is in effect on the date of enactment of this Act;

(4) any external boundary of an Indian reservation of an Indian Tribe;

(5) any authority of the State of South Dakota that relates to the protection, regulation, or management of fish, terrestrial wildlife, and cultural and archaeological resources, except as specifically provided in this title; or

(6) any authority of the Secretary, the Secretary of the Interior, or the head of any other Federal agency under a law in effect on the date of enactment of this Act, including—

(A) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(B) the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.);

(C) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(D) the Act entitled “An Act for the protection of the bald eagle”, approved June 8, 1940 (16 U.S.C. 668 et seq.);

(E) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(F) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(G) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(H) the Federal Water Pollution Control Act (commonly known as the “Clean Water Act”) (33 U.S.C. 1251 et seq.);

(I) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(J) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **FEDERAL LIABILITY FOR DAMAGE.**—Nothing in this title relieves the Federal Government of liability for damage to private property caused by the operation of the Pick-Sloan Missouri River Basin program.

(c) **FLOOD CONTROL.**—Notwithstanding any other provision of this title, the Secretary shall retain the authority to operate the Pick-Sloan Missouri River Basin program for purposes of meeting the requirements of the Act of December 22, 1944 (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.).

#### **SEC. 608. STUDY.**

(a) **IN GENERAL.**—The Secretary shall arrange for the United States Geological Survey, in consultation with the Bureau of Indian Affairs and other appropriate Federal agencies, to complete, not later than October 31, 1999, a comprehensive study of the potential impacts of the transfer of land under sections 605(b) and 606(b), including potential impacts on South Dakota Sioux Tribes having water claims within the Missouri River Basin, on water flows in the Missouri River.

(b) **NO TRANSFER PENDING DETERMINATION.**—No transfer of land under section 605(b) or 606(b) shall occur until the Secretary determines, based on the study, that the transfer of land under either section will not significantly reduce the amount of water flow to the downstream States of the Missouri River.

(c) **STATE WATER RIGHTS.**—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any State.

(d) **INDIAN WATER RIGHTS.**—The results of the study shall not affect, and shall not be taken into consideration in, any proceeding to quantify the water rights of any Indian Tribe or tribal nation.

#### **SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

(a) **SECRETARY.**—There are authorized to be appropriated to the Secretary such sums as are necessary—

(1) to pay the administrative expenses incurred by the Secretary in carrying out this title;

(2) to fund the implementation of terrestrial wildlife habitat restoration plans under section 602(a) and other activities under sections 603(d)(3) and 604(d)(3); and

(3) to fund the annual expenses (not to exceed the Federal cost as of the date of enactment of this Act) of operating recreation areas to be transferred under sections 605(c) and 606(c) or leased by the State of South Dakota or Indian Tribes, until such time as the trust funds under sections 603 and 604 are fully capitalized.

(b) SECRETARY OF THE INTERIOR.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to pay the administrative expenses incurred by the Secretary of the Interior in carrying out this title.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—S. 507 (H.R. 1480):

HOUSE REPORTS: Nos. 106–106, Pt. 1 accompanying H.R. 1480 (Comm. on Transportation and Infrastructure) and 106–298 (Comm. of Conference).

SENATE REPORTS: No. 106–34 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 19, considered and passed Senate.

July 22, considered and passed House, amended, in lieu of H.R. 1480.

Aug. 5, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Aug. 17, Presidential statement.



Public Law 106–54  
106th Congress

An Act

Aug. 17, 1999  
[S. 606]

For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SATISFACTION OF CLAIMS AGAINST THE UNITED STATES.**

(a) **PAYMENT OF CLAIMS.**—The Secretary of the Treasury shall pay, out of money not otherwise appropriated—

(1) to the Global Exploration and Development Corporation, a Florida corporation incorporated in Delaware, \$9,500,000;

(2) to Kerr-McGee Corporation, an Oklahoma corporation incorporated in Delaware, \$10,000,000; and

(3) to Kerr-McGee Chemical, LLC, a limited liability company organized under the laws of Delaware, \$0.

(b) **CONDITION OF PAYMENT.**—

(1) **GLOBAL EXPLORATION AND DEVELOPMENT CORPORATION.**—The payment authorized by subsection (a)(1) is in settlement and compromise of all claims of Global Exploration and Development Corporation, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(2) **KERR-MCGEE CORPORATION AND KERR-MCGEE CHEMICAL, LLC.**—The payment authorized by subsections (a)(2) and (a)(3) are in settlement and compromise of all claims of Kerr-McGee Corporation and Kerr-McGee Chemical, LLC, as described in the recommendations of the United States Court of Federal Claims set forth in 36 Fed. Cl. 776.

(c) **LIMITATION ON FEES.**—Not more than 15 percent of the sums authorized to be paid by subsection (a) shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this subsection shall be fined not more than \$1,000.

**SEC. 2. CRIMINAL PROHIBITION ON THE DISTRIBUTION OF CERTAIN INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.**

(a) **UNLAWFUL CONDUCT.**—Section 842 of title 18, United States Code, is amended by adding at the end the following:

“(p) **DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.**—

“(1) **DEFINITIONS.**—In this subsection—

“(A) the term ‘destructive device’ has the same meaning as in section 921(a)(4);

“(B) the term ‘explosive’ has the same meaning as in section 844(j); and

“(C) the term ‘weapon of mass destruction’ has the same meaning as in section 2332a(c)(2).

“(2) PROHIBITION.—It shall be unlawful for any person—

“(A) to teach or demonstrate the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute by any means information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, with the intent that the teaching, demonstration, or information be used for, or in furtherance of, an activity that constitutes a Federal crime of violence; or

“(B) to teach or demonstrate to any person the making or use of an explosive, a destructive device, or a weapon of mass destruction, or to distribute to any person, by any means, information pertaining to, in whole or in part, the manufacture or use of an explosive, destructive device, or weapon of mass destruction, knowing that such person intends to use the teaching, demonstration, or information for, or in furtherance of, an activity that constitutes a Federal crime of violence.”.

(b) PENALTIES.—Section 844 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “person who violates any of subsections” and inserting the following: “person who—

“(1) violates any of subsections”;

(B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(2) violates subsection (p)(2) of section 842, shall be fined under this title, imprisoned not more than 20 years, or both.”; and

(2) in subsection (j), by inserting “and section 842(p)” after “this section”.

### SEC. 3. SETTLEMENT OF CLAIMS OF MENOMINEE INDIAN TRIBE OF WISCONSIN.

(a) PAYMENT.—The Secretary of the Treasury shall pay to the Menominee Indian Tribe of Wisconsin, out of any funds in the Treasury of the United States not otherwise appropriated, \$32,052,547 for damages sustained by the Menominee Indian Tribe of Wisconsin by reason of—

(1) the enactment and implementation of the Act entitled “An Act to provide for a per capita distribution of Menominee tribal funds and authorize the withdrawal of the Menominee Tribe from Federal jurisdiction”, approved June 17, 1954 (68 Stat. 250 et seq., chapter 303); and

(2) the mismanagement by the United States of assets of the Menominee Indian Tribe held in trust by the United States before April 30, 1961, the effective date of termination of Federal supervision of the Menominee Indian Tribe of Wisconsin.

(b) EFFECT OF PAYMENT.—Payment of the amount referred to in subsection (a) shall be in full satisfaction of any claims that the Menominee Indian Tribe of Wisconsin may have against

the United States with respect to the damages referred to in that subsection.

(c) REQUIREMENTS FOR PAYMENT.—The payment to the Menominee Indian Tribe of Wisconsin under subsection (a) shall—

(1) have the status of a judgment of the United States Court of Federal Claims for the purposes of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

(2) be made in accordance with the requirements of that Act on the condition that, of the amounts remaining after payment of attorney fees and litigation expenses—

(A) at least 30 percent shall be distributed on a per capita basis; and

(B) the balance shall be set aside and programmed to serve tribal needs, including funding for—

(i) educational, economic development, and health care programs; and

(ii) such other programs as the circumstances of the Menominee Indian Tribe of Wisconsin may justify.

(d) LIMITATION ON FEES.—Not more than 15 percent of the sums authorized to be paid by subsection (a) shall be paid to or received by any agent or attorney for services rendered in connection with the recovery of such sums. Any person violating this subsection shall be fined not more than \$1,000.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—S. 606:

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.

Aug. 2, considered and passed House, amended.

Aug. 4, Senate concurred in House amendment.



Public Law 106–55  
106th Congress

An Act

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes.

Aug. 17, 1999  
[S. 1546]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADMINISTRATIVE AUTHORITIES OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.**

(a) ESTABLISHMENT AND COMPOSITION.—Section 201 of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

22 USC 6431.

(1) in subsection (c)—

(A) by striking “The” and inserting “(1) IN GENERAL.—The”;

(2) by inserting after the first sentence the following new sentences: “The term of each member of the Commission appointed to the first two-year term of the Commission shall be considered to have begun on May 15, 1999, and shall end on May 14, 2001, regardless of the date of appointment to the Commission. The term of each member of the Commission appointed to the second two-year term of the Commission shall begin on May 15, 2001, and shall end on May 14, 2003, regardless of the date of appointment to the Commission. In the case in which a vacancy in the membership of the Commission is filled during a two-year term of the Commission, such membership on the Commission shall terminate at the end of that two-year term of the Commission.”; and

(3) by amending subsection (h) to read as follows:

“(h) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide to the Commission on a reimbursable basis (or, in the discretion of the Administrator, on a nonreimbursable basis) such administrative support services as the Commission may request to carry out the provisions of this title.”.

(b) POWERS OF THE COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended—

(1) by striking section 202(f);

22 USC 6432.

(2) by redesignating sections 203, 204, 205, and 206 as sections 205, 206, 207, and 209, respectively;

22 USC 6433–  
6436.

(3) by inserting after section 202 the following:

**“SEC. 203. POWERS OF THE COMMISSION.**

22 USC 6432a.

“(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out its duties under this title, hold hearings,

sit and act at times and places in the United States, take testimony and receive evidence as the Commission considers advisable to carry out the purposes of this Act.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission, subject to applicable law.

“(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(d) ADMINISTRATIVE PROCEDURES.—The Commission may adopt such rules and regulations, relating to administrative procedure, as may be reasonably necessary to enable it to carry out the provisions of this title.

“(e) VIEWS OF THE COMMISSION.—The Members of the Commission may speak in their capacity as private citizens. Statements on behalf of the Commission shall be issued in writing over the names of the Members. The Commission shall in its written statements clearly describe its statutory authority, distinguishing that authority from that of appointed or elected officials of the United States Government. Oral statements, where practicable, shall include a similar description.

“(f) TRAVEL.—The Members of the Commission may, with the approval of the Commission, conduct such travel as is necessary to carry out the purpose of this title. Each trip must be approved by a majority of the Commission. This provision shall not apply to the Ambassador-at-Large, whose travel shall not require approval by the Commission.

22 USC 6432b.

**“SEC. 204. COMMISSION PERSONNEL MATTERS.**

“(a) IN GENERAL.—The Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least six of the nine members of the Commission.

“(b) COMPENSATION.—The Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(c) PROFESSIONAL STAFF.—The Commission and the Executive Director shall hire Commission staff on the basis of professional and nonpartisan qualifications. Commissioners may not individually hire staff of the Commission. Staff shall serve the Commission as a whole and may not be assigned to the particular service of a single Commissioner or a specified group of Commissioners. This subsection does not prohibit staff personnel from assisting individual members of the Commission with particular needs related to their duties.



“(d) STAFF AND SERVICES OF OTHER FEDERAL AGENCIES.—

“(1) DEPARTMENT OF STATE.—The Secretary of State shall assist the Commission by providing on a reimbursable or non-reimbursable basis to the Commission such staff and administrative services as may be necessary and appropriate to perform its functions.

“(2) OTHER FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal department or agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its functions under this title. The detail of any such personnel shall be without interruption or loss of civil service or Foreign Service status or privilege.

“(e) SECURITY CLEARANCES.—The Executive Director shall be required to obtain a security clearance. The Executive Director may request, on a needs-only basis and in order to perform the duties of the Commission, that other personnel of the Commission be required to obtain a security clearance. The level of clearance shall be the lowest necessary to appropriately perform the duties of the Commission.

“(f) COST.—The Commission shall reimburse all appropriate Government agencies for the cost of obtaining clearances for members of the commission, for the executive director, and for any other personnel.”;

(4) in section 207(a) (as redesignated by this Act), by striking all that follows “3,000,000” and inserting “to carry out the provisions of this title.”; and

(5) by inserting after section 207 (as redesignated) the following:

**“SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.**

22 USC 6435a.

“(a) COOPERATION WITH NONGOVERNMENTAL ORGANIZATIONS, THE DEPARTMENT OF STATE, AND CONGRESS.—The Commission shall seek to effectively and freely cooperate with all entities engaged in the promotion of religious freedom abroad, governmental and nongovernmental, in the performance of the Commission’s duties under this title.

“(b) CONFLICT OF INTEREST AND ANTINEPOTISM.—

“(1) MEMBER AFFILIATIONS.—Except as provided in paragraph (3), in order to ensure the independence and integrity of the Commission, the Commission may not compensate any nongovernmental agency, project, or person related to or affiliated with any member of the Commission, whether in that member’s direct employ or not. Staff employed by the Commission may not serve in the employ of any nongovernmental agency, project, or person related to or affiliated with any member of the Commission while employed by the Commission.

“(2) STAFF COMPENSATION.—Staff of the Commission may not receive compensation from any other source for work performed in carrying out the duties of the Commission while employed by the Commission.

“(3) EXCEPTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), paragraph (1) shall not apply to payments made for items such as conference fees or the purchase of periodicals or other similar expenses, if such payments would not cause

the aggregate value paid to any agency, project, or person for a fiscal year to exceed \$250.

“(B) LIMITATION.—Notwithstanding subparagraph (A), the Commission shall not give special preference to any agency, project, or person related to or affiliated with any member of the Commission.

“(4) DEFINITIONS.—In this subsection, the term ‘affiliated’ means the relationship between a member of the Commission and—

“(A) an individual who holds the position of officer, trustee, partner, director, or employee of an agency, project, or person of which that member, or relative of that member of, the Commission is an officer, trustee, partner, director, or employee; or

“(B) a nongovernmental agency or project of which that member, or a relative of that member, of the Commission is an officer, trustee, partner, director, or employee.

“(c) CONTRACT AUTHORITY.—

“(1) IN GENERAL.—Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Code, or under other contracting authority other than that allowed under this title.

“(2) EXPERT STUDY.—In the case of a study requested under section 605 of this Act, the Commission may, subject to the availability of appropriations, contract with experts and shall provide the funds for such a study. The Commission shall not be required to provide the funds for that part of the study conducted by the Comptroller General of the United States.

“(d) GIFTS.—

“(1) IN GENERAL.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of services or property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of services or property, unless he or she in good faith believes such gifts or donations to have a value of less than \$50 and a cumulative value during a calendar year of less than \$100.

“(2) EXCEPTIONS.—This subsection shall not apply to the following:

“(A) Gifts provided on the basis of a personal friendship with a Commissioner or employee, unless the Commissioner or employee has reason to believe that the gift was provided because of the Commissioner’s position and not because of the personal friendship.

“(B) Gifts provided on the basis of a family relationship.

“(C) The acceptance of training, invitations to attend or participate in conferences or such other events as are related to the conduct of the duties of the Commission, or food or refreshment associated with such activities.

“(D) Items of nominal value or gifts of estimated value of \$10 or less.

“(E) De minimis gifts provided by a foreign leader or state, not exceeding a value of \$260. Gifts believed by Commissioners to be in excess of \$260, but which would create offense or embarrassment to the United States Government if refused, shall be accepted and turned over to the United States Government in accordance with the Foreign Gifts and Decorations Act of 1966 and the rules and regulations governing such gifts provided to Members of Congress.

“(F) Informational materials such as documents, books, videotapes, periodicals, or other forms of communications.

“(G) Goods or services provided by any agency or component of the Government of the United States, including any commission established under the authority of such Government.

“(e) ANNUAL FINANCIAL REPORT.—In addition to providing the reports required under section 202, the Commission shall provide, each year no later than January 1, to the Committees on International Relations and Appropriations of the House of Representatives, and to the Committees on Foreign Relations and Appropriations of the Senate, a financial report detailing and identifying its expenditures for the preceding fiscal year.”. Deadline.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) (as redesignated) is amended by striking “4 years after the initial appointment of all the Commissioners” and inserting “on May 14, 2003”.

## SEC. 2. TECHNICAL CORRECTIONS.

(a) PRESIDENTIAL ACTIONS.—Section 402(c) of the International Religious Freedom Act of 1998 (22 U.S.C. 6442(c)) is amended—

(1) in paragraph (1), in the text above subparagraph (A), by striking “and (4)” and inserting “(4), and (5)”; and

(2) in paragraph (4)—

(A) by inserting “UNDER THIS ACT” after “EXCEPTION FOR ONGOING PRESIDENTIAL ACTION”;

(B) by inserting “and” at the end of subparagraph (B);

(C) by striking at the end of subparagraph (C) “; and” and inserting a period; and

(D) in subparagraph (D), by striking “(D) at” and inserting “(5) EXCEPTION FOR ONGOING, MULTIPLE, BROAD-BASED SANCTIONS IN RESPONSE TO HUMAN RIGHTS VIOLATIONS.—At”.

(b) CLERICAL CORRECTION.—Section 201(b)(1)(B)(iii) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(b)(1)(B)(iii)) is amended by striking “three” and inserting “Three”.

Approved August 17, 1999.

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LEGISLATIVE HISTORY—S. 1546:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed Senate and House.



Public Law 106–56  
106th Congress

An Act

To amend title 5, United States Code, to increase the amount of leave time available to a Federal employee in any year in connection with serving as an organ donor, and for other purposes.

Sept. 24, 1999  
[H.R. 457]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Organ Donor  
Leave Act.

**SECTION 1. INCREASED LEAVE TIME TO SERVE AS AN ORGAN DONOR.**

(a) **SHORT TITLE.**—This Act may be cited as the “Organ Donor Leave Act”.

5 USC 6301 note.

(b) **IN GENERAL.**—Subsection (b) of the first section 6327 of title 5, United States Code (relating to absence in connection with serving as a bone-marrow or organ donor) is amended to read as follows:

“(b) An employee may, in any calendar year, use—

“(1) not to exceed 7 days of leave under this section to serve as a bone-marrow donor; and

“(2) not to exceed 30 days of leave under this section to serve as an organ donor.”.

(c) **TECHNICAL AMENDMENTS.**—(1) The second section 6327 of title 5, United States Code (relating to absence in connection with funerals of fellow Federal law enforcement officers) is redesignated as section 6328.

(2) The table of sections at the beginning of chapter 63 of title 5, United States Code, is amended by adding after the item relating to section 6327 the following:

“6328. Absence in connection with funerals of fellow Federal law enforcement officers.”.

Approved September 24, 1999.

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**LEGISLATIVE HISTORY—H.R. 457:**

HOUSE REPORTS: No. 106–174 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 26, considered and passed House.

Sept. 8, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Sept. 24, Presidential statement.



Public Law 106–57  
106th Congress

An Act

Sept. 29, 1999  
[H.R. 1905]

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes.

Legislative  
Branch  
Appropriations  
Act, 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

Congressional  
Operations  
Appropriations  
Act, 2000.  
2 USC 60a note.

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, \$10,000; the President Pro Tempore of the Senate, \$10,000; Majority Leader of the Senate, \$10,000; Minority Leader of the Senate, \$10,000; Majority Whip of the Senate, \$5,000; Minority Whip of the Senate, \$5,000; and Chairmen of the Majority and Minority Conference Committees, \$3,000 for each Chairman; in all, \$56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY  
LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, \$89,968,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, \$1,721,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, \$437,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, \$2,644,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, \$1,634,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, \$6,525,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,132,000 for each such committee; in all, \$2,264,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY  
AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,151,000 for each such committee; in all, \$2,302,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$277,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, \$14,202,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$34,794,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,246,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$21,332,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$3,901,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,035,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE,  
SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SEC-  
RETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$3,000; Sergeant at Arms and Doorkeeper of the Senate, \$3,000; Secretary for the Majority of the Senate, \$3,000; Secretary for the Minority of the Senate, \$3,000; in all, \$12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, \$71,604,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON  
INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$66,261,000.

MISCELLANEOUS ITEMS

For miscellaneous items, \$8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$245,703,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

ADMINISTRATIVE PROVISIONS

Effective date.

SECTION 1. Effective in the case of any fiscal year which begins on or after October 1, 1999, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

“(iii) subject to subparagraph (B)—

“(I) in case the Senator represents Alabama, \$116,300, Alaska, \$221,600, Arizona, \$128,975, Arkansas, \$118,250, California, \$168,950, Colorado, \$124,100, Connecticut,



\$105,575, Delaware, \$95,825, Florida, \$120,200, Georgia, \$116,300, Hawaii, \$245,000, Idaho, \$128,000, Illinois, \$138,725, Indiana, \$116,300, Iowa, \$119,225, Kansas, \$119,225, Kentucky, \$115,325, Louisiana, \$120,200, Maine, \$110,450, Maryland, \$100,700, Massachusetts, \$114,350, Michigan, \$124,100, Minnesota, \$120,200, Mississippi, \$118,250, Missouri, \$121,175, Montana, \$128,000, Nebraska, \$120,200, Nevada, \$129,950, New Hampshire, \$106,550, New Jersey, \$110,450, New Mexico, \$125,075, New York, \$145,550, North Carolina, \$112,400, North Dakota, \$119,225, Ohio, \$129,950, Oklahoma, \$123,125, Oregon, \$132,875, Pennsylvania, \$128,975, Rhode Island, \$104,600, South Carolina, \$110,450, South Dakota, \$120,200, Tennessee, \$116,300, Texas, \$149,450, Utah, \$128,000, Vermont, \$105,575, Virginia, \$106,550, Washington, \$135,800, West Virginia, \$105,575, Wisconsin, \$119,225, Wyoming, \$123,125, plus

“(II) the amount that is equal to the Senator’s share for the fiscal year, as determined in accordance with regulations of the Committee on Rules and Administration, of the amount made available within the Senators’ Official Personnel and Office Expense Account in the contingent fund of the Senate for official mail expenses of Senators, plus”.

(b) Subparagraph (B) of section 506(b)(3) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)(3)) is amended—

(1) by striking “that part of the amount referred to in subparagraph (A)(iii) that is not specifically allocated for official mail expenses” and inserting “the amount referred to in subparagraph (A)(iii)(I)”; and

(2) by striking “the part of the amount referred to in subparagraph (A)(iii) that is allocated for official mail expenses” and inserting “the amount referred to in subparagraph (A)(iii)(II)”.

(c) The amendments made by this section shall apply to any fiscal year which begins on or after October 1, 1999.

SEC. 2. Effective on and after October 1, 1999, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as increased by section 8 of Public Law 105-275, increased by an additional \$50,000 each.

SEC. 3. SENATE OFFICE SPACE ALLOCATIONS. Section 3 under the heading “ADMINISTRATIVE PROVISIONS” in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975 (2 U.S.C. 59; 88 Stat. 428) is amended—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (2) and inserting the following:

“(1) 5,000 square feet if the population of the State of the Senator is less than 3,000,000;”;

(B) by striking “8,000” in paragraph (13) and inserting “8,200”; and

(C) by redesignating paragraphs (3) through (13) as paragraphs (2) through (12), respectively; and

(2) in subsection (c)(2)—

(A) by striking “\$30,000” and inserting “\$40,000”;

Effective date.  
Applicability.  
2 USC 58 note.  
Effective date.

Effective date.

(B) by striking “4,800” and inserting “5,000”;  
 (C) by striking “\$734” and inserting “\$1,000”; and

(D) by adding at the end the following: “Effective beginning with the 106th Congress, the aggregate amount in effect under this paragraph for any Congress shall be increased by the inflation adjustment factor for the calendar year in which the Congress begins. For purposes of the preceding sentence, the inflation adjustment factor for any calendar year is a fraction the numerator of which is the implicit price deflator for the gross domestic product as computed and published by the Department of Commerce for the preceding calendar year and the denominator of which is such deflator for the calendar year 1998.”.

SEC. 4. Section 6(c) of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 2 U.S.C. 121b–1(c)) is amended by adding at the end the following:

“(3) The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d), except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to approval of such activities by the Committee on Rules and Administration.”.

SEC. 5. The first section of Public Law 87–82 (40 U.S.C. 174j–1) is amended by adding at the end the following: “The provisions of section 4 of the Act of July 31, 1946 (40 U.S.C. 193d), except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.”.

2 USC 274 note.

SEC. 6. The Legislative Counsel may, subject to the approval of the President pro tempore of the Senate, designate one of the Senior Counsels appointed under section 102 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 274 note; Public Law 95–391; 92 Stat. 771) as Deputy Legislative Counsel. The Deputy Legislative Counsel shall perform the functions of the Legislative Counsel during the absence or disability of the Legislative Counsel, or when the office is vacant.

SEC. 7. Section 814(i) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 2291 note) is amended by striking “September 30, 1999” and inserting “September 30, 2002”.

## HOUSE OF REPRESENTATIVES

### SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, \$760,884,000, as follows:

### HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, \$14,202,000, including: Office of the Speaker, \$1,740,000, including \$25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, \$1,705,000, including \$10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, \$2,071,000, including \$10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, \$1,423,000, including \$5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy

Minority Whip, \$1,057,000, including \$5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, \$406,000; Republican Steering Committee, \$757,000; Republican Conference, \$1,244,000; Democratic Steering and Policy Committee, \$1,337,000; Democratic Caucus, \$664,000; nine minority employees, \$1,218,000; training and program development—majority, \$290,000; and training and program development—minority, \$290,000: *Provided*, That the amounts otherwise provided under this heading for the various leadership offices shall be reduced in a manner approved by the Committee on Appropriations such that the aggregate amount appropriated under this heading is \$142,000 less than the aggregate amount otherwise provided.

#### MEMBERS' REPRESENTATIONAL ALLOWANCES

##### INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, \$406,279,000.

#### COMMITTEE EMPLOYEES

##### STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, \$93,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

#### COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, \$21,095,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2000.

#### SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, \$90,150,000, including: for salaries and expenses of the Office of the Clerk, including not more than \$3,500, of which not more than \$2,500 is for the Family Room, for official representation and reception expenses, \$14,881,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than \$750 for official representation and reception expenses, \$3,746,000; for salaries and expenses of the Office of the Chief Administrative Officer, \$57,289,000, of which \$2,500,000 shall remain available until expended, including \$25,519,000 for salaries, expenses and temporary personal services of House Information Resources, of which \$24,641,000 is provided herein: *Provided*, That of the amount provided for House Information Resources, \$6,260,000 shall be for net expenses of telecommunications: *Provided further*,

That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, \$3,926,000; for salaries and expenses of the Office of General Counsel, \$840,000; for the Office of the Chaplain, \$136,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and \$2,000 for preparing the Digest of Rules, \$1,172,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, \$2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, \$5,085,000; for salaries and expenses of the Corrections Calendar Office, \$825,000; and for other authorized employees, \$205,000.

#### ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, \$135,422,000, including: supplies, materials, administrative costs and Federal tort claims, \$2,741,000; official mail for committees, leadership offices, and administrative offices of the House, \$410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$131,595,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, \$676,000.

#### CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

#### ADMINISTRATIVE PROVISIONS

2 USC 130f.

SEC. 101. (a) COMPLIANCE WITH ADMISSION REQUIREMENTS.—The General Counsel of the House of Representatives and any other counsel in the Office of the General Counsel of the House of Representatives, including any counsel specially retained by the Office of General Counsel, shall be entitled, for the purpose of performing the counsel's functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(b) NOTIFICATION BY ATTORNEY GENERAL.—The Attorney General shall notify the General Counsel of the House of Representatives with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the House to direct the General Counsel to

intervene as a party in such proceeding pursuant to applicable rules of the House of Representatives.

(c) GENERAL COUNSEL DEFINITION.—In this section, the term “General Counsel of the House of Representatives” means—

(1) the head of the Office of General Counsel established and operating under clause 8 of rule II of the Rules of the House of Representatives;

(2) the head of any successor office to the Office of General Counsel which is established after the date of the enactment of this Act; and

(3) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to the House in connection with the matters described in this section.

(d) EFFECTIVE DATE.—The provisions of this section shall become effective beginning with the date of the enactment of this Act.

SEC. 102. Section 104(a) of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2439) is amended by striking “(2 U.S.C. 59(e)(2))” and inserting “(2 U.S.C. 59e(e)(2))”. 2 USC 59e.

SEC. 103. (a) CLARIFICATION OF RULES REGARDING USE OF FUNDS FOR OFFICIAL MAIL.—

(1) IN GENERAL.—Section 311(e)(1) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking “There is established” and all that follows through “shall be prescribed—” and inserting the following: “The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—”; and

(B) in subparagraph (A), by striking “the Allowance” and inserting “official mail (except as provided in subparagraph (B))”.

(2) LIMITATIONS ON AVAILABILITY OF FUNDS.—Section 311(e)(2) of such Act (2 U.S.C. 59e(e)(2)), as amended by section 104(a) of the Legislative Branch Appropriations Act, 1999, is amended—

(A) in the matter preceding subparagraph (A), by striking “The Official Mail Allowance” and inserting “Funds used for official mail”;

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B).

(3) REPEAL OF OBSOLETE TRANSFER AUTHORITY.—Section 311(e) of such Act (2 U.S.C. 59e(e)) is amended by striking paragraph (3).

(4) CONFORMING AMENDMENTS.—(A) Section 1(a) of House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57(a)), is amended by striking “the Official Mail Allowance” each place it appears and inserting “official mail”.

(B) Section 311(a)(3) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(a)(3)) is amended by striking

“costs charged against the Official Mail Allowance for” and inserting “costs incurred for official mail by”.

(b) REPEAL OF OBSOLETE REFERENCES TO CLERK HIRE ALLOWANCE.—

(1) IN GENERAL.—Section 104(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92(a)) is amended by striking “clerk hire” each place it appears.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act (2 U.S.C. 92(a)) is amended by striking “**CLERK HIRE**”.

Applicability.  
2 USC 57 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress.

SEC. 104. REQUIRING AMOUNTS REMAINING IN MEMBERS’ REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for “HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS’ REPRESENTATIONAL ALLOWANCES” shall be available only for fiscal year 2000. Any amount remaining after all payments are made under such allowances for fiscal year 2000 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

## JOINT ITEMS

For Joint Committees, as follows:

### JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$3,200,000, to be disbursed by the Secretary of the Senate.

### JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$6,456,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

### OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of \$1,500 per month to the Attending Physician; (2) an allowance of \$500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$500 per month to one assistant and \$400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,002,600 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for

all the purposes thereof, \$1,898,000, to be disbursed by the Chief Administrative Officer of the House.

#### CAPITOL POLICE BOARD

##### CAPITOL POLICE

##### SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than \$600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, \$78,501,000, of which \$37,725,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and \$40,776,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

##### GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than \$2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and \$85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, \$6,574,000, to be disbursed by the Capitol Police Board or their delegee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2000 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

##### ADMINISTRATIVE PROVISION

SEC. 105. Amounts appropriated for fiscal year 2000 for the Capitol Police Board for the Capitol Police may be transferred between the headings “SALARIES” and “GENERAL EXPENSES” upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading “SALARIES”;

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided

to the Sergeant at Arms and Doorkeeper of the Senate under the heading “SALARIES”; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

#### CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$2,293,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 43 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

#### STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations Acts as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,000,000.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), including not more than \$2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$26,221,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

#### ADMINISTRATIVE PROVISION

Performance  
awards.  
2 USC 608.

Effective date.  
Applicability.

SEC. 106. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to enhance staff recruitment and to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1999.



## ARCHITECT OF THE CAPITOL

## CAPITOL BUILDINGS AND GROUNDS

## CAPITOL BUILDINGS

## SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than \$1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed \$20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, \$46,836,000, of which \$4,390,000 shall remain available until expended.

## CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$5,427,000, of which \$155,000 shall remain available until expended.

## SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$64,038,000, of which \$22,305,000 shall remain available until expended.

## HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, \$37,279,000, of which \$4,442,000 shall remain available until expended.

## CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal

Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$38,054,000, of which \$3,000,000 shall remain available until expended: *Provided*, That not more than \$4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2000.

#### LIBRARY OF CONGRESS

##### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$71,244,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### GOVERNMENT PRINTING OFFICE

##### CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$73,577,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code.

This title may be cited as the “Congressional Operations Appropriations Act, 2000”.

## TITLE II—OTHER AGENCIES

## BOTANIC GARDEN

## SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$3,425,000.

## LIBRARY OF CONGRESS

## SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$256,779,000, of which not more than \$6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2000, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2000 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,850,000: *Provided further*, That of the total amount appropriated, \$10,321,380 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, \$2,347,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further*, That of the total amount appropriated, \$5,579,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: *Provided further*, That of the total amount appropriated, \$600,000 is to remain available until expended for the purpose of digitizing archival materials relating to ethnic groups of

California, including Japanese Americans, which amount shall be transferred to an educational archive able to conduct such a project as approved by the Library.

#### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$37,628,000, of which not more than \$20,800,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2000 under 17 U.S.C. 708(d): *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than \$5,454,000 shall be derived from collections during fiscal year 2000 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$26,254,000: *Provided further*, That not more than \$100,000 of the amount appropriated is available for the maintenance of an “International Copyright Institute” in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$47,984,000, of which \$14,019,000 shall remain available until expended.

#### FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, \$5,415,000.

#### ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than \$198,390, of which \$59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term “manager or supervisor” means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2000, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$98,788,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. The Library of Congress may use available funds, now and hereafter, to enter into contracts for the lease or acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into multi-year contracts for the acquisition of property and services pursuant to sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c). 41 USC 253l–2.

SEC. 208. (a) Notwithstanding any other provision of law regarding the qualifications and method of appointment of employees of the Library of Congress, the Librarian of Congress, using such method of appointment as the Librarian may select, may appoint not more than three individuals who meet such qualifications as the Librarian may impose to serve as management specialists for a term not to exceed 3 years.

(b) No individual appointed as a management specialist under subsection (a) may serve in such position after December 31, 2004.

2 USC 136a-2  
note.

SEC. 209. (a) Section 904 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 136a-2) is amended to read as follows:

“SEC. 904. Notwithstanding any other provision of law—

“(1) the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code; and

“(2) the Deputy Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.”.

(b) Section 203(c)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(c)(1)) is amended by striking the second sentence and inserting the following: “The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.”.

(c) The amendments made by this section shall apply with respect to the first pay period which begins on or after the date of the enactment of this Act and each subsequent pay period.

Effective date.  
Applicability.  
2 USC 136a-2  
note.

#### ARCHITECT OF THE CAPITOL

##### LIBRARY BUILDINGS AND GROUNDS

##### STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$16,033,000, of which \$3,650,000 shall remain available until expended.

#### GOVERNMENT PRINTING OFFICE

##### OFFICE OF SUPERINTENDENT OF DOCUMENTS

##### SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$29,986,000: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed \$175,000: *Provided further*, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1998 and 1999 to depository and other designated libraries.

##### GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section

9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than \$2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings “OFFICE OF SUPERINTENDENT OF DOCUMENTS” and “SALARIES AND EXPENSES” together may not be available for the full-time equivalent employment of more than 3,313 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: *Provided further*, That expenses for attendance at meetings shall not exceed \$75,000.

#### ADMINISTRATIVE PROVISION

SEC. 210. (a) Section 311 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(c) Notwithstanding any other provision of law, section 3709 of the Revised Statutes (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Government Printing Office as if the reference to ‘\$25,000’ in clause (1) of such section were a reference to ‘\$100,000’.”

(b) The heading of section 311 of title 44, United States Code, is amended by striking “AUTHORITY” and inserting “AUTHORITY; SMALL PURCHASE THRESHOLD”.

(c) The table of sections for chapter 3 of title 44, United States Code, is amended by striking the item relating to section 311 and inserting the following:

“311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority; small purchase threshold.”

#### GENERAL ACCOUNTING OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than \$7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or

31 USC 9105  
note.

intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$379,000,000: *Provided*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than \$1,400,000 of such funds shall be available for use in fiscal year 2000: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

### TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2000 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

Contracts.  
Public  
information.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available



for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress. Notice.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$1,500.

SEC. 308. Section 308 of the Legislative Branch Appropriations Act, 1999 (Public Law 105-275; 112 Stat. 2452) is amended—

40 USC 166b-7  
note.

(1) in subsection (b), by striking “(40 U.S.C. 174j-1(b)(1))” and inserting “(40 U.S.C. 174j-1 note)”;

(2) in subsection (c), by striking “(40 U.S.C. 174j-1(c))” and inserting “(40 U.S.C. 174j-1 note)”;

(3) in subsection (d), by striking “(40 U.S.C. 174j-1(e))” and inserting “(40 U.S.C. 174j-1 note)”.

SEC. 309. Section 316 of Public Law 101-302 is amended in the first sentence of subsection (a) by striking “1999” and inserting “2000”. 40 USC 188b-6.

SEC. 310. Chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-569) is amended in the matter under the subheading “CAPITOL VISITOR CENTER” under the heading “ARCHITECT OF THE CAPITOL” by striking “the Committee on Rules and Administration of the Senate, the Committee on House Oversight of the House of Representatives, the Committees on Appropriations of the House of Representatives and of the Senate, and other appropriate committees of the House of Representatives and of the Senate” and inserting “the United States Capitol Preservation Commission established under section 801 of the Arizona-Idaho Conservation Act of 1988 (40 U.S.C. 188a)”.

SEC. 311. TRADE DEFICIT REVIEW COMMISSION. (a) APPROPRIATIONS.—Section 127(i) of the Trade Deficit Review Commission Act

(19 U.S.C. 2213 note) is amended by adding at the end the following new sentence:

“Amounts appropriated pursuant to this subsection shall remain available until the date which is 90 days after the date on which the Commission submits the final report described in subsection (e).”.

19 USC 2213  
note.

(b) APPLICABILITY OF CERTAIN PAY AUTHORITIES TO MEMBERS OF THE COMMISSION.—Section 127(g) of the Trade Deficit Review Commission Act is amended by adding at the end the following new paragraph:

“(6) APPLICABILITY OF CERTAIN PAY AUTHORITIES.—

“(A) IN GENERAL.—An individual who is a member of the Commission and is an annuitant or otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission is not subject to the provisions of section 8344 or 8468 (whichever is applicable) with respect to such membership.

“(B) UNIFORMED SERVICE.—An individual who is a member of the Commission and is a member or former member of a uniformed service is not subject to the provisions of subsections (b) and (c) of section 5532, United States Code, with respect to membership on the Commission.”.

19 USC 2213  
note.

(c) TERMINATION OF COMMISSION AND OTHER MATTERS.—Section 127 of the Trade Deficit Review Commission Act is amended by adding at the end the following new subsections:

“(j) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App.) shall not apply to the Commission.

“(k) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits the final report under subsection (e).”.

SEC. 312. CREDITABLE SERVICE WITH CONGRESSIONAL CAMPAIGN COMMITTEES. Section 8332(m)(1)(A) of title 5, United States Code, is amended to read as follows:

“(A) such employee has at least 4 years and 6 months of service on such committees as of December 12, 1980; and”.

SEC. 313. Section 507 of Public Law 104-1 (109 Stat. 43; 2 U.S.C. 1436) is repealed.

Legislative  
Branch  
Supplemental  
Appropriations  
Act, 1999.

#### TITLE IV—FISCAL YEAR 1999 SUPPLEMENTAL LEGISLATIVE BRANCH FUNDS

##### HOUSE OF REPRESENTATIVES

##### PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Marta Macias  
Brown.

For payment to Marta Macias Brown, widow of George E. Brown, Jr., late a Representative from the State of California, \$136,700: *Provided*, That this provision shall take effect on the date of the enactment of this Act.

##### ADMINISTRATIVE PROVISION

SEC. 401. (a) The Legislative Branch Appropriations Act, 1999 (Public Law 105-275; 112 Stat. 2437) is amended in the item relating to “HOUSE OF REPRESENTATIVES—Salaries and

Expenses—salaries, officers and employees” by striking “\$24,282,000” and inserting “\$24,982,000”.

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999. Effective date.

This title may be cited as the “Legislative Branch Supplemental Appropriations Act, 1999”.

This Act may be cited as the “Legislative Branch Appropriations Act, 2000”.

Approved September 29, 1999.

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LEGISLATIVE HISTORY—H.R. 1905 (S. 1206):

HOUSE REPORTS: Nos. 106–156 (Comm. on Appropriations) and 106–290 (Comm. of Conference).

SENATE REPORTS: No. 106–75 accompanying S. 1206 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

June 10, considered and passed House.

June 16, considered and passed Senate, amended, in lieu of S. 1206.

Aug. 5, House and Senate agreed to conference report.



Public Law 106–58  
106th Congress

An Act

Sept. 29, 1999  
[H.R. 2490]

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

Treasury and  
General  
Government  
Appropriations  
Act, 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes, namely:

Treasury  
Department  
Appropriations  
Act, 2000.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed \$2,900,000 for official travel expenses; not to exceed \$150,000 for official reception and representation expenses; not to exceed \$258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, \$134,034,000.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$43,961,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$30,716,000.

## INSPECTOR GENERAL FOR TAX ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed \$6,000,000 for official travel expenses; and not to exceed \$500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, \$112,207,000.

## TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, \$23,000,000, to remain available until expended.

## FINANCIAL CRIMES ENFORCEMENT NETWORK

## SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$27,818,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

## VIOLENT CRIME REDUCTION PROGRAMS

## (INCLUDING TRANSFER OF FUNDS)

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(1) As authorized by section 190001(e), \$119,000,000; of which \$27,920,000 shall be available to the Bureau of Alcohol, Tobacco and Firearms, including \$3,000,000 for administering the Gang Resistance Education and Training program; of which

\$4,200,000 shall be available to the United States Secret Service for forensic and related support of investigations of missing and exploited children, of which \$2,200,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended; of which \$61,000,000 shall be available for the United States Customs Service; of which \$1,863,000 shall be available for the Financial Crimes Enforcement Network; of which \$9,200,000 shall be available to the Federal Law Enforcement Training Center; and of which \$14,817,000 shall be available for Interagency Crime and Drug Enforcement.

(2) As authorized by section 32401, \$13,000,000 to the Bureau of Alcohol, Tobacco and Firearms for disbursement through grants, cooperative agreements, or contracts to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated to State and local law enforcement and prevention organizations.

#### FEDERAL LAW ENFORCEMENT TRAINING CENTER

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed \$9,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, \$84,027,000, of which up to \$16,511,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2002: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement

training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED  
EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, \$21,611,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary for the detection and investigation of individuals involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, \$61,083,000, of which \$7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$201,320,000, of which not to exceed \$10,635,000 shall remain available until September 30, 2002, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the

investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed \$15,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and provision of laboratory assistance to State and local agencies, with or without reimbursement, \$565,959,000, of which \$39,000,000 may be used for the Youth Crime Gun Interdiction Initiative; of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2000: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any one installation or site of a State or local authority who has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees in writing to the original grantor to return that equipment or to repay that grant or subsidy to the Federal Government: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

#### UNITED STATES CUSTOMS SERVICE

##### SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for



police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed \$40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, \$1,705,364,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed \$4,000,000 shall be available until expended for research, of which \$725,000 shall be provided to a northern plains agricultural economics program in North and/or South Dakota to conduct a research program on the bilateral United States/Canadian bilateral trade of agricultural commodities and products; of which not less than \$100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than \$200,000 shall be available for Project Alert; not to exceed \$5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed \$8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed \$5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be \$30,000.

#### HARBOR MAINTENANCE FEE COLLECTION

##### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103-182, \$3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

#### OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts,

\$108,688,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2000 without the prior approval of the Committees on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$182,219,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2000 shall be reduced by not more than \$4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at \$177,819,000, and in addition, \$20,000, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,312,535,000, of which up to \$3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed \$25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$3,336,838,000, of which not to exceed \$1,000,000 shall remain available until September 30, 2002, for research, and of which not to exceed \$150,000 shall be for official reception and representation expenses associated with hosting the Inter-American Center of Tax Administration (CIAT) 2000 Conference.

## EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), \$144,000,000, of which not to exceed \$10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

## INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$1,455,401,000 which shall remain available until September 30, 2001.

## ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

26 USC 7803  
note.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

Confidentiality.  
26 USC 6103  
note.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

Communications  
and tele-  
communications.

SEC. 105. Notwithstanding any other provision of law, no reorganization of the field office structure of the Internal Revenue Service Criminal Investigation Division will result in a reduction of criminal investigators in Wisconsin and South Dakota from the 1996 level.

## UNITED STATES SECRET SERVICE

## SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 777 vehicles for police-type use, of which 739 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership

or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed \$20,000 for official reception and representation expenses; not to exceed \$50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, \$667,312,000: *Provided*, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2001.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED  
EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, \$4,923,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2000, shall be made in compliance with reprogramming guidelines.

Contracts.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2000 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United

States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 116. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—During the period from October 1, 1999 through January 1, 2003, the Treasury Inspector General for Tax Administration is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the plan to establish and reorganize the Office of the Treasury Inspector General for Tax Administration (referred to in this section as the “Office”).

5 USC 5597 note.

(b) DEFINITION.—In this section, the term “employee” means an employee (as defined by 5 U.S.C. 2105) who is employed by the Office serving under an appointment without time limitation, and has been currently employed by the Office or the Internal Revenue Service or the Office of Inspector General of the Department of the Treasury for a continuous period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in paragraph (1);

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under 5 U.S.C. 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under 5 U.S.C. 5754.

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—The Treasury Inspector General for Tax Administration may pay voluntary separation incentive payments under this section to any employee to the extent necessary to organize the Office so as to perform the duties specified in the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105-206).

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations available for the payment of the basic pay of the employees of the Office;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under 5 U.S.C. 5595(c); or

(ii) an amount determined by the Treasury Inspector General for Tax Administration, not to exceed \$25,000;

(D) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before January 1, 2003;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under 5 U.S.C. 5595 based on any other separation.

(d) ADDITIONAL OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Office shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—In paragraph (1), the term “final basic pay”, with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the United States Government, or who works for any agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based, shall be required to pay, prior

to the individual's first day of employment, the entire amount of the incentive payment to the Office.

(f) EFFECT ON OFFICE OF THE TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION EMPLOYMENT LEVELS.—

(1) INTENDED EFFECT.—Voluntary separations under this section are not intended to necessarily reduce the total number of full-time equivalent positions in the Office.

(2) USE OF VOLUNTARY SEPARATIONS.—The Office may redeploy or use the full-time equivalent positions vacated by voluntary separations under this section to make other positions available to more critical locations or more critical occupations.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 118. Funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code.

SEC. 119. (a) VOLUNTARY SEPARATION INCENTIVE PAYMENTS FOR EMPLOYEES OF THE CHICAGO FINANCIAL CENTER OF THE FINANCIAL MANAGEMENT SERVICE.—During the period from October 1, 1999, through January 31, 2000, the Commissioner of the Financial Management Service (FMS) of the Department of the Treasury is authorized to offer voluntary separation incentives in order to provide the necessary flexibility to carry out the closure of the Chicago Financial Center (CFC) in a manner which the Commissioner shall deem most efficient, equitable to employees, and cost effective to the Government.

5 USC 5597 note.

(b) DEFINITION.—In this section, the term “employee” means an employee (as defined by 5 U.S.C. 2105) who is employed by FMS at CFC under an appointment without time limitation, and has been so employed continuously for a period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee with a disability on the basis of which such employee is or would be eligible for disability retirement under the retirement systems referred to in paragraph (1) or another retirement system for employees of the Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment from an agency or instrumentality of the Government of the United States under any authority and has not repaid such payment;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) an employee who during the 24-month period preceding the date of separation has received and not repaid a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, has received and not repaid a retention allowance under section 5754 of that title.

(c) AGENCY PLAN; APPROVAL.—

(1) The Secretary, Department of the Treasury, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(2) The agency's plan under paragraph (1) shall include—

(A) the specific positions and functions to be reduced or eliminated;

(B) a proposed coverage for offers of incentives;

(C) the time period during which incentives may be paid;

(D) the number and amounts of voluntary separation incentive payments to be offered; and

(E) a description of how the agency will operate without the eliminated positions and functions.

(3) The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove such plan, and may make appropriate modifications in the plan including waivers of the reduction in agency employment levels required by this Act.

(d) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) A voluntary separation incentive payment under this Act may be paid by the agency head to an employee only in accordance with the strategic plan under subsection (c).

(2) A voluntary incentive payment—

(A) shall be offered to agency employees on the basis of organizational unit, occupational series or level, geographic location, other nonpersonal factors, or an appropriate combination of such factors;

(B) shall be paid in a lump sum after the employee's separation;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(ii) an amount determined by the agency head, not to exceed \$25,000;

(D) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under the provisions of this Act;

(E) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit;



(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(G) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(e) **ELIGIBILITY FOR PAYMENTS.**—Payments under this section may be made to any qualifying employee who voluntarily separates, whether by retirement or resignation, between October 1, 1999, and January 31, 2000.

(f) **EFFECT ON SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.**—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with any agency or instrumentality of the Government of the United States, or who works for an agency of the United States Government through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to FMS.

(2) The Director of the Office of Personnel Management may, at the request of the Secretary, Department of the Treasury, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(g) **CONTRIBUTIONS TO THE RETIREMENT FUND.**—

(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, FMS shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final annual basic pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For the purpose of paragraph (1), the term “final basic pay” with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(h) **REDUCTION OF AGENCY EMPLOYMENT LEVELS.**—

(1) The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this Act. For the purposes of this subsection, positions shall be counted on a full-time equivalent basis.

(2) The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

President.

(3) At the request of the Secretary, Department of the Treasury, the Office of Management and Budget may waive the reduction in total number of funded employee positions required by paragraph (1) if it believes the agency plan required

by subsection (c) satisfactorily demonstrates that the positions would better be used to reallocate occupations or reshape the workforce and to produce a more cost-effective result.

This title may be cited as the “Treasury Department Appropriations Act, 2000”.

Postal Service  
Appropriations  
Act, 2000.

## TITLE II—POSTAL SERVICE

### PAYMENT TO THE POSTAL SERVICE FUND

39 USC 403 note.

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$93,436,000, of which \$64,436,000 shall not be available for obligation until October 1, 2000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2000.

This title may be cited as the “Postal Service Appropriations Act, 2000”.

Executive Office  
Appropriations  
Act, 2000.

## TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

#### COMPENSATION OF THE PRESIDENT

3 USC 102 note.

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

#### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, \$52,444,000: *Provided*, That \$10,313,000

of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

#### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

##### OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$9,260,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

##### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that

Notice.  
Deadlines.

Deadline.  
Reports.

Records.

includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

#### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$810,000, to remain available until expended for required maintenance, safety and health issues, and continued preventative maintenance.

#### SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

##### SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$3,617,000.

##### OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$345,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

#### COUNCIL OF ECONOMIC ADVISERS

##### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), \$3,840,000.

#### OFFICE OF POLICY DEVELOPMENT

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$4,032,000.

#### NATIONAL SECURITY COUNCIL

##### SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$6,997,000.

## OFFICE OF ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$39,198,000, of which \$8,806,000 shall be available for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

## OFFICE OF MANAGEMENT AND BUDGET

## SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, \$63,495,000, of which not to exceed \$5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

## OFFICE OF NATIONAL DRUG CONTROL POLICY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed \$8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$22,951,000, of which \$1,100,000 shall be available for policy research and evaluation, of which \$1,000,000 shall be available for the National Alliance for Model State Drug Laws, and of which up to \$600,000 shall be available for the evaluation of the Drug-Free Communities Act: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office: *Provided further*, That of the amounts appropriated

21 USC 1702  
note.

Contracts.

for salaries and expenses, \$125,000 shall be transferred to the General Accounting Office for the sole purpose of entering into a contract with the private sector for a management review of the Office of National Drug Control Policy.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105-277), \$29,250,000, which shall remain available until expended, consisting of \$16,000,000 for counternarcotics research and development projects, and \$13,250,000 for the continued operation of the technology transfer program: *Provided*, That the \$16,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$192,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, \$1,800,000 shall be used for auditing services: *Provided further*, That, hereafter, of the amount appropriated for fiscal year 2000 or any succeeding fiscal year for the High Intensity Drug Trafficking Areas Program, the funds to be obligated or expended during such fiscal year for programs addressing the treatment or prevention of drug use as part of the approved strategy for a designated High Intensity Drug Trafficking Area (HIDTA) shall not be less than the funds obligated or expended for such programs during fiscal year 1999 for each designated HIDTA without the prior approval of the Committees on Appropriations: *Provided further*, That funds shall be provided for existing High Intensity Drug Trafficking Areas at no less than the total fiscal year 1999 level.

21 USC 1706  
note.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105-277, \$216,000,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, \$185,000,000 shall be to support a national

media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the amounts provided for the Drug-Free Media Campaign, 10 percent shall not be available for obligation until ONDCP submits a corporate sponsorship plan to the Committees on Appropriations: *Provided further*, That of the funds provided, \$30,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, \$1,000,000 shall be available to the Director for transfer as grants to State and local agencies or non-profit organizations for the National Drug Court Institute.

#### UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000.

This title may be cited as the “Executive Office Appropriations Act, 2000”.

### TITLE IV—INDEPENDENT AGENCIES

#### COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Independent  
Agencies  
Appropriations  
Act, 2000.

##### SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, \$2,674,000.

#### FEDERAL ELECTION COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$38,152,000, of which no less than \$4,866,500 shall be available for internal automated data processing systems, and of which not to exceed \$5,000 shall be available for reception and representation expenses.

#### FEDERAL LABOR RELATIONS AUTHORITY

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$23,828,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences

shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING RESCISSION OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$5,342,416,000, of which: (1) \$74,979,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New construction:

Maryland:

Montgomery County, FDA Consolidation, \$35,000,000

Michigan:

Sault Sainte Marie, Border Station, \$8,263,000

Montana:

Roosville, Border Station, \$753,000

Sweetgrass, Border Station, \$11,480,000

Texas:

Fort Hancock, Border Station, \$277,000

Washington:

Oroville, Border Station, \$11,206,000

Nationwide:

Non-prospectus, \$8,000,000:

*Provided*, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings effected in other such projects, but not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds

Expiration date.



for direct construction projects shall expire on September 30, 2001, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That of the amount provided under this heading in Public Law 104-208, \$20,782,000 are rescinded and shall remain in the Fund; (2) \$598,674,000 shall remain available until expended for repairs and alterations which includes associated design and construction services, of which \$333,000,000 shall be available for basic repairs and alterations: *Provided further*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2001, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects: *Provided further*, That the General Services Administration is directed to use funds available for Repairs and Alterations to undertake the first construction phase of the project to renovate the Department of the Interior Headquarters Building located in Washington, D.C.; (3) \$205,668,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$2,782,186,000 for rental of space which shall remain available until expended; and (5) \$1,580,909,000 for building operations which shall remain available until expended, of which \$475,000 shall be available for the Plains States De-population Symposium and of which \$1,974,000 shall be available until expended for acquisition, lease, construction, and equipping of flexiplace telecommuting centers: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary

Expiration date.

to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2000, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of \$5,342,416,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed \$5,000 for official reception and representation expenses, \$116,223,000, of which \$12,758,000 shall remain available until expended: *Provided*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, \$33,317,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of

efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, \$2,241,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2000 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2001 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2001 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading “Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than \$250,000 arising from direct

construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Funds made available for new construction projects under the heading “Federal Buildings Fund, Limitations on Availability of Revenue” in Public Law 104-208 shall remain available until expended so long as funds for design or other funds have been obligated in whole or in part prior to September 30, 1999.

Federal buildings  
and facilities.

SEC. 409. The Federal building located at 220 East Rosser Avenue in Bismarck, North Dakota, is hereby designated as the “William L. Guy Federal Building, Post Office and United States Courthouse”. Any reference in a law, map, regulation, document, paper or other record of the United States to the Federal building herein referred to shall be deemed to be a reference to the “William L. Guy Federal Building, Post Office and United States Courthouse”.

District of  
Columbia.  
Notice.

SEC. 410. CONVEYANCE OF LAND TO THE COLUMBIA HOSPITAL FOR WOMEN. (a) ADMINISTRATOR OF GENERAL SERVICES.—Upon receipt of written notice and the consideration specified herein from the Columbia Hospital for Women (formerly Columbia Hospital for Women and Lying-In Asylum, located in Washington, District of Columbia; in this section referred to as “Columbia Hospital”), subject to subsection (f) and such other terms and conditions as the Administrator of General Services (in this section referred to as the “Administrator”) shall require, the Administrator shall convey to Columbia Hospital, all right, title, and interest of the United States in and to those pieces or parcels of land in the District of Columbia, described in subsection (b), together with all improvements thereon and appurtenances thereto (in this section referred to as “the Property”). The purchase price for the Property shall be \$14,000,000 (not including any accrued interest) to be paid in accordance with the terms set forth in subsection (d). The purpose of this conveyance is to provide hospital, medical and healthcare services and related uses, including but not limited to the expansion by Columbia Hospital of its Ambulatory Care Center, Betty Ford Breast Center, and the Columbia Hospital Center for Teen Health and Reproductive Toxicology Center.

(b) PROPERTY DESCRIPTION.—

(1) IN GENERAL.—The land referred to in subsection (a) was conveyed to the United States of America by deed dated May 2, 1888, from David Fergusson, widower, recorded in liber 1314, folio 102, of the land records of the District of Columbia, and is that portion of square numbered 25 in the city of Washington in the District of Columbia which was not previously conveyed to such hospital by the Act of June 28, 1952 (66 Stat. 287; chapter 486).

(2) PARTICULAR DESCRIPTION.—The Property is more particularly described as square 25, lot 803, or as follows: all that piece or parcel of land situated and lying in the city of Washington in the District of Columbia and known as part of square numbered 25, as laid down and distinguished on the plat or plan of said city as follows: beginning for the same at the northeast corner of the square being the corner formed by the intersection of the west line of Twenty-fourth Street Northwest, with the south line of north M Street Northwest and running thence south with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches, thence running west and parallel

with said M Street Northwest for the distance of two hundred and thirty feet six inches and running thence north and parallel with the line of said Twenty-fourth Street Northwest for the distance of two hundred and thirty-one feet ten inches to the line of said M Street Northwest and running thence east with the line of said M Street Northwest to the place of beginning two hundred and thirty feet and six inches together with all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in anywise appertaining.

(c) DATE OF CONVEYANCE.—

(1) DATE.—The date of the conveyance of the Property shall be no later than 90 days from the date upon which the Administrator receives from Columbia Hospital written notice of its intent to purchase the Property during which time the parties shall execute all necessary purchase and sale documents, and shall pay the initial cash consideration in an amount at minimum equal to the first of 30 equal annual installment payments of the purchase price as contemplated in subsection (d)(2) hereinbelow.

(2) DEADLINE FOR CONVEYANCE OF THE PROPERTY.—Written notification and payment of the consideration set forth under subsection (c)(1) from Columbia Hospital shall be ineffective, and all rights granted Columbia Hospital under this section to purchase the Property shall lapse, and become void and of no further force and effect, if that written notification and installment payment are not received by the Administrator before the date which is one (1) year after the date of the enactment of this section.

(3) QUITCLAIM DEED.—Any conveyance of the Property to Columbia Hospital under this section shall be by quitclaim deed.

(d) CONVEYANCE TERMS.—

(1) IN GENERAL.—The conveyance of the Property shall be consistent with the terms and conditions set forth in this section and such other terms and conditions as the Administrator deems to be in the interest of the United States, including but not limited to—

(A) credit and payment provisions, including the provision for the prepayment of the full purchase price if mutually acceptable to the parties;

(B) restrictions on the use of the Property for the purposes set forth in subsection (a);

(C) conditions under which the Property or interests therein may be sold, mortgaged, assigned, or otherwise conveyed in order to facilitate financing to fulfill its intended use; and

(D) consequences in the event of default by Columbia Hospital for failing to pay all installments payments toward the total purchase price when due, including reversion of the described property to the United States.

(2) PAYMENT OF PURCHASE PRICE.—Columbia Hospital shall pay the total purchase price of \$14,000,000.00 for the Property. The terms and conditions of the sale shall be as deemed by the Administrator to be in the best interests of the United States. Such terms may include financing the payment of the purchase price in annual installments for a term not to exceed

30 years with interest on the unpaid balance not to exceed four and five-tenths percent (4.5%) per annum (except during periods of default or upon entry of a final judgment amount).

(3) The Administrator shall have full authority to administer the credit granted to Columbia Hospital in accordance with this section including, without limitation, the authority to adjust, settle, or compromise the amounts specified in this section or in the documents of conveyance.

(4) EXECUTION OF DOCUMENTS.—The Columbia Hospital shall execute and provide to the Administrator such written instruments including but not limited to contracts for purchase and sale, notes, mortgages, deeds of trust, restrictive covenants, indenture deeds, and assurances as the Administrator may reasonably request to effect this transaction and to protect the interests of the United States under this section.

(e) TREATMENT OF AMOUNTS RECEIVED.—Amounts received by the United States as payments under this section shall be paid into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), and may be expended by the Administrator for real property management and related activities not otherwise provided for, without further authorization.

(f) REVERSIONARY INTEREST.—

(1) IN GENERAL.—The Property, once conveyed as authorized under subsection (a), shall revert to the United States, together with any improvements thereon—

(A) One (1) year from the date on which Columbia Hospital defaults in paying to the United States any amount when due; or

(B) immediately, upon any attempt by Columbia Hospital to assign, sell, mortgage, or convey the Property without the Administrator's prior written consent before the United States has received full purchase price, plus accrued interest.

(2) RELEASE OF REVERSIONARY INTEREST.—The Administrator may release, upon request, any restriction imposed on the use of the Property authorized in subsection (d)(1)(B) for the purposes set forth in subsection (a), and release any reversionary interest of the United States in the Property upon receipt by the United States of full payment of the purchase price, including any accrued interest, specified under subsection (d)(2), or such other terms and conditions as may be determined by the Administrator to be in the best interests of the United States as set forth in subsection (d).

(3) PROPERTY RETURNED TO THE GENERAL SERVICES ADMINISTRATION.—Any portion of the Property that reverts to the United States under this subsection shall be under the jurisdiction, custody and control of the General Services Administration and shall be available for use or disposition by the Administrator in accordance with applicable Federal law.

5 USC 5597 note.

SEC. 411. VOLUNTARY SEPARATION INCENTIVE PAYMENT FOR EMPLOYEES OF THE GENERAL SERVICES ADMINISTRATION. (a) AUTHORITY.—During the period October 1, 1999, through April 30, 2001, the Administrator of General Services is authorized to offer a voluntary separation incentive in order to provide the necessary flexibility to carry out the closing of the Federal Supply

Service distribution centers, forward supply points, and associated programs in a manner which the Administrator shall deem most efficient, equitable to all employees, and cost effective for the Government.

(b) DEFINITION.—In this section, the term “employee” means an employee (as defined by 5 U.S.C. 2105) who is employed by GSA under an appointment without time limitation, and has been so employed continuously for a period of at least 3 years, but does not include—

(1) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system;

(2) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the retirement systems referred to in paragraph (1) or another retirement system for employees of the Government;

(3) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

(4) an employee who has previously received any voluntary separation incentive payment from an agency or instrumentality of the Government of the United States under any authority;

(5) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(6) an employee who during the 24 month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12 month period preceding the date of separation, has received and not repaid a retention allowance under section 5754 of that title.

(c) AGENCY STRATEGIC PLAN.—The Administrator of General Services, prior to obligating any resources for voluntary separation incentive payments, shall submit to the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

(1) The agency’s plan shall include:

(A) the specific positions and functions to be reduced or eliminated;

(B) a proposed coverage for offers of incentives;

(C) the time period during which incentives may be paid;

(D) the number and amounts of voluntary separation incentive payments to be offered; and

(E) a description of how the agency will operate without the eliminated positions and functions.

(2) The Director of the Office of Management and Budget shall review the agency’s plan and approve or disapprove such plan, and may make any appropriate modifications in the plan.

(d) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) The agency head may pay a voluntary separation incentive payment under this section to an employee only in accordance with the strategic plan under subsection (c).

(2) A voluntary separation incentive payment—

(A) shall be offered to agency employees on the basis of organizational unit, occupational series or level, geographic location, other nonpersonal factors, or an appropriate combination of such factors;

(B) shall be paid in a lump sum after the employee's separation;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code; if the employee were entitled to payment under such section (without adjustment for any previous payment made); or

(ii) an amount determined by the agency head, not to exceed \$25,000.

(D) may be made only in the case of an employee who voluntarily separates (whether by retirement or resignation) under the provisions of this section;

(E) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit;

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(G) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(e) ELIGIBILITY FOR PAYMENTS.—Payments under this section may be made to any qualifying employee who voluntarily separates, whether by retirement or resignation, between October 1, 1999 through April 30, 2001.

(f) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual's first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2)(A) If the employment under this subsection is with an Executive agency (as defined by section 105 of title 5, United States Code, but excluding the General Accounting Office), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(B) If the employment under this subsection is with an entity in the Legislative Branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) If the employment under this subsection is with the Judicial Branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the



individual involved possesses unique abilities and is the only qualified applicant available for the position.

(D) Employment under a personal services contract with the Government of the United States shall be included in the term “employment” with respect to paragraph (1), but shall be excluded with respect to paragraph (2).

(g) CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the General Services Administration shall remit to the Office of Personnel Management for deposit in the Treasury to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final annual basic pay for each employee covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For the purpose of paragraph (1), the term “final basic pay” with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(h) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection positions shall be counted on a full-time equivalent basis.

(2) The Director of the Office of Management and Budget shall monitor the agency and take any action necessary to ensure that the requirement of this subsection is met.

(3) At the request of the Administrator of General Services, the Office of Management and Budget may waive the application of paragraph (1) if he or she determines that the plan required by subsection (c) satisfactorily demonstrates downsizing or other restructuring within GSA that would produce a cost-effective result.

#### MERIT SYSTEMS PROTECTION BOARD

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, \$27,586,000 together with not to exceed \$2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND  
EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, \$2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, \$180,398,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$22,418,000, to remain available until expended.

RECORDS CENTER REVOLVING FUND

44 USC 2901  
note.

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses and equipment necessary to provide for storage and related services for all temporary and pre-archival Federal records, which are to be stored or stored at Federal National and Regional Records Centers by agencies and other instrumentalities of the Federal Government. The Fund shall be available without fiscal year limitation for expenses necessary for operation of these activities.

(b) START-UP CAPITAL.—

(1) There is appropriated \$22,000,000 as initial capitalization of the Fund.

(2) In addition, the initial capital of the Fund shall include the fair and reasonable value at the Fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the Fund. The Archivist of the United States is authorized to accept inventories, equipment, receivables and other assets from other Federal entities that were used to provide for storage and related services for temporary and pre-archival Federal records.

(c) **USER CHARGES.**—The Fund shall be credited with user charges received from other Federal Government accounts as payment for providing personnel, storage, materials, supplies, equipment, and services as authorized by subsection (a). Such payments may be made in advance or by way of reimbursement. The rates charged will return in full the expenses of operation, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment and shelving, and amortization of information technology software and systems.

(d) **FUNDS RETURNED TO MISCELLANEOUS RECEIPTS OF THE DEPARTMENT OF THE TREASURY.**—

(1) In addition to funds appropriated to and assets transferred to the Fund in subsection (b), an amount not to exceed 4 percent of the total annual income may be retained in the Fund as an operating reserve or for the replacement or acquisition of capital equipment, including shelving, and the improvement and implementation of the financial management, information technology, and other support systems of the National Archives and Records Administration.

(2) Funds in excess of the 4 percent at the close of each fiscal year shall be returned to the Treasury of the United States as miscellaneous receipts.

(e) **REPORTING REQUIREMENT.**—The National Archives and Records Administration shall provide quarterly reports to the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Reform of the House of Representatives on the operation of the Records Center Revolving Fund.

#### NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

##### GRANTS PROGRAM

##### (INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, \$6,250,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading in Public Law 105-277, \$2,000,000 are rescinded: *Provided further*, That the Treasury and General Government Appropriations Act, 1999 (as contained in division A, section 101(h), of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277)) is amended in title IV, under the heading "National Historical Publications and Records Commission, Grants Program" by striking the proviso.

112 Stat.  
2681-508.

#### OFFICE OF GOVERNMENT ETHICS

##### SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$9,114,000.

## OFFICE OF PERSONNEL MANAGEMENT

## SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$90,584,000; and in addition \$95,486,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$4,000,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2000, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

## OFFICE OF INSPECTOR GENERAL

## SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$960,000; and in addition, not to exceed \$9,645,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH  
BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE  
INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

## PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

33 USC 776.

## OFFICE OF SPECIAL COUNSEL

## SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, \$9,740,000.

## UNITED STATES TAX COURT

## SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$35,179,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

26 USC 7443  
note.

This title may be cited as the “Independent Agencies Appropriations Act, 2000”.

## TITLE V—GENERAL PROVISIONS

## THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Contracts.  
Public  
information.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2000 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

Abortion.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through September 30, 2001, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. Notwithstanding section 515 of Public Law 104–208, 50 percent of the unobligated balances available to the White House Office, Salaries and Expenses appropriations in fiscal year 1997, shall remain available through September 30, 2000, for the purposes of satisfying the conditions of section 515 of the Treasury and General Government Appropriations Act, 1999.

SEC. 514. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 515. INVENTORY OF FEDERAL GRANT PROGRAMS. The Director of the Office of Management and Budget shall prepare an inventory of existing Federal grant programs after consulting each agency that administers Federal grant programs including formula funds, competitive grant funds, block grant funds, and direct payments. The inventory shall include the name of the program, a copy of relevant statutory and regulatory guidelines, the funding level in fiscal year 1999, a list of the eligibility criteria both statutory and regulatory, and a copy of the application form. The Director shall submit the inventory no later than 6 months after enactment to the Committees on Appropriations and relevant authorizing committees.

Deadline.

## TITLE VI—GENERAL PROVISIONS

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other

Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

31 USC 1343  
note.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$8,100 except station wagons for which the maximum shall be \$9,100: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

5 USC 3101 note.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment



made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

5 USC 5343 note.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2000, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 614 of the Treasury and General Government Appropriations Act, 1999, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2000, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 614; and

(2) during the period consisting of the remainder of fiscal year 2000, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2000 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2000 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1999 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

Regulations.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from

a schedule not in existence on September 30, 1999, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1999, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1999. Applicability.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-

determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (5) the Bureau of Intelligence and Research of the Department of State;
- (6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2000 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designees, persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 620. None of the funds appropriated in this or any other Act shall be used to acquire information technologies which do not comply with part 39.106 (Year 2000 compliance) of the Federal Acquisition Regulation, unless an agency's Chief Information Officer determines that noncompliance with part 39.106 is necessary to the function and operation of the requesting agency or the acquisition is required by a signed contract with the agency in effect before the date of the enactment of this Act. Any waiver granted by the Chief Information Officer shall be reported to the Office of Management and Budget, and copies shall be provided to Congress.

SEC. 621. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or

merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 622. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 623. Section 627(b) of the Treasury and General Government Appropriations Act, 1999 (as contained in section 101(h) of division A of Public Law 105-277) is amended by striking “Notwithstanding” and inserting the following: “Effective on the date of the enactment of this Act and thereafter, and notwithstanding”.

SEC. 624. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President’s Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 625. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

28 USC 2671  
note.

112 Stat.  
2681-519.

President.  
Certification.  
5 USC 7301 note.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 626. No funds appropriated in this or any other Act for fiscal year 2000 may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.”: *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 627. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 628. (a) IN GENERAL.—For calendar year 2001, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

Records.  
Reports.

- (B) by agency and agency program; and
- (C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 629. None of the funds appropriated by this Act or any other Act, may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 630. The Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

18 USC 846 note.

SEC. 631. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 632. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 633. (a) In this section the term “agency”—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 634. None of the funds made available in this or any other Act with respect to any fiscal year may be used for any system to implement section 922(t) of title 18, United States Code,

18 USC 922 note.

Notification. unless the system allows, in connection with a person's delivery of a firearm to a Federal firearms licensee as collateral for a loan, the background check to be performed at the time the collateral is offered for delivery to such licensee: *Provided*, That the licensee notifies local law enforcement within 48 hours of the licensee receiving a denial on the person offering the collateral:

Applicability. *Provided further*, That the provisions of section 922(t) shall apply at the time of the redemption of the firearm.

SEC. 635. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Providence Health Plan;

(B) Personal Care's HMO;

(C) Care Choices;

(D) OSF Health Plans, Inc.;

(E) Yellowstone Community Health Plan; and

(2) any existing or future plan, if the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

Abortion.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 636. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2000 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of \$800,000 including the salary of the Executive Director and staff support.

SEC. 637. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2000 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives and the Chief Information Officers Council for information technology initiatives). The total funds transferred shall not exceed \$7,000,000. Such transfers may only be made 15 days following notification of the House and Senate Committees on Appropriations by the Director of the Office of Management and Budget.



SEC. 638. (a) IN GENERAL.—Section 901 of title 31, United States Code, is amended by adding at the end the following:

“(c)(1) There shall be within the Executive Office of the President a Chief Financial Officer, who shall be designated or appointed by the President from among individuals meeting the standards described in subsection (a)(3). The position of Chief Financial Officer established under this paragraph may be so established in any Office (including the Office of Administration) of the Executive Office of the President.

Establishment.  
President.

“(2) The Chief Financial Officer designated or appointed under this subsection shall, to the extent that the President determines appropriate and in the interest of the United States, have the same authority and perform the same functions as apply in the case of a Chief Financial Officer of an agency described in subsection (b).

“(3) The President shall submit to Congress notification with respect to any provision of section 902 that the President determines shall not apply to a Chief Financial Officer designated or appointed under this subsection.

Notification.

“(4) The President may designate an employee of the Executive Office of the President (other than the Chief Financial Officer), who shall be deemed ‘the head of the agency’ for purposes of carrying out section 902, with respect to the Executive Office of the President.”.

(b) PLAN FOR IMPLEMENTATION.—Not later than 90 days after the effective date of this section, the President shall communicate in writing, to the Chairmen of the Committees on Appropriations, the Chairman of the Committee on Government Reform of the House of Representatives, and the Chairman of the Committee on Governmental Affairs of the Senate, a plan for implementation of the provisions of, and amendments made by, this section.

Deadline.  
31 USC 901 note.

(c) DEADLINE FOR APPOINTMENT.—The Chief Financial Officer designated or appointed under section 901(c) of title 31, United States Code (as added by subsection (a)), shall be so designated or appointed not later than 180 days after the effective date of this section.

31 USC 901 note.

(d) PAY.—The Chief Financial Officer designated or appointed under such section shall receive basic pay at the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

31 USC 901 note.

(e) TRANSFER OF FUNCTIONS.—(1) The President may transfer such offices, functions, powers, or duties thereof, as the President determines are properly related to the functions of the Chief Financial Officer under section 901(c) of title 31, United States Code (as added by subsection (a)).

31 USC 901 note.

(2) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office the functions, powers, or duties of which are transferred under paragraph (1) shall also be so transferred.

(f) SEPARATE BUDGET REQUEST.—Section 1105(a) of title 31, United States Code, is amended by inserting after paragraph (30) the following new paragraph:

“(31) a separate statement of the amount of appropriations requested for the Chief Financial Officer in the Executive Office of the President.”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—Section 503(a) of title 31, United States Code, is amended—

(1) in paragraph (7) by striking “respectively.” and inserting “respectively (excluding any officer designated or appointed under section 901(c)).”; and

(2) in paragraph (8) by striking “Officers.” and inserting “Officers (excluding any officer designated or appointed under section 901(c)).”.

31 USC 503 note.

(h) EFFECTIVE DATE.—This section shall take effect at noon on January 20, 2001.

SEC. 639. (a) Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by striking paragraph (11) and inserting the following:

Regulations.  
Reports.

“(11)(A) The Commission shall promulgate a regulation under which a person required to file a designation, statement, or report under this Act—

“(i) is required to maintain and file a designation, statement, or report for any calendar year in electronic form accessible by computers if the person has, or has reason to expect to have, aggregate contributions or expenditures in excess of a threshold amount determined by the Commission; and

“(ii) may maintain and file a designation, statement, or report in electronic form or an alternative form if not required to do so under the regulation promulgated under clause (i).

Notification.  
Public  
availability.  
Internet.

“(B) The Commission shall make a designation, statement, report, or notification that is filed electronically with the Commission accessible to the public on the Internet not later than 24 hours after the designation, statement, report, or notification is received by the Commission.

Verification.

“(C) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying designations, statements, and reports covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.

“(D) As used in this paragraph, the term ‘report’ means, with respect to the Commission, a report, designation, or statement required by this Act to be filed with the Commission.”.

Effective date.  
2 USC 434 note.

(b) The amendments made by this section shall be effective for reporting periods beginning after December 31, 2000.

SEC. 640. (a) IN GENERAL.—Section 309(a)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)(4)) is amended—

(1) in subparagraph (A)(i), by striking “clause (ii)” and inserting “clauses (ii) and subparagraph (C)”; and

(2) by adding at the end the following new subparagraph:

“(C)(i) Notwithstanding subparagraph (A), in the case of a violation of any requirement of section 304(a) of the Act (2 U.S.C. 434(a)), the Commission may—

“(I) find that a person committed such a violation on the basis of information obtained pursuant to the procedures described in paragraphs (1) and (2); and

“(II) based on such finding, require the person to pay a civil money penalty in an amount determined under a schedule of penalties which is established and published by the Commission and which takes into account the amount of the violation involved, the existence of previous violations

by the person, and such other factors as the Commission considers appropriate.

“(ii) The Commission may not make any determination adverse to a person under clause (i) until the person has been given written notice and an opportunity to be heard before the Commission.

“(iii) Any person against whom an adverse determination is made under this subparagraph may obtain a review of such determination in the district court of the United States for the district in which the person resides, or transacts business, by filing in such court (prior to the expiration of the 30-day period which begins on the date the person receives notification of the determination) a written petition requesting that the determination be modified or set aside.”.

(b) CONFORMING AMENDMENT.—Section 309(a)(6)(A) of such Act (2 U.S.C. 437g(a)(6)(A)) is amended by striking “paragraph (4)(A)” and inserting “paragraph (4)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring between January 1, 2000 and December 31, 2001.

Applicability.  
2 USC 437g note.

SEC. 641. (a) Section 304(b) of the Federal Election Campaign Act (2 U.S.C. 434(b)) is amended by inserting “(or election cycle, in the case of an authorized committee of a candidate for Federal office)” after “calendar year” each place it appears in paragraphs (2), (3), (4), (6), and (7).

(b) The amendment made by this section shall become effective with respect to reporting periods beginning after December 31, 2000.

Effective date.  
2 USC 434 note.

SEC. 642. (a) IN GENERAL.—Section 636 of the Treasury Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note) is amended in the first sentence by striking “may” and inserting “shall”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, or the date of the enactment of this Act, whichever is later.

5 USC note prec.  
5941.

SEC. 643. (a) IN GENERAL.—Upon promulgation of the regulations required under subsection (c), an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) REGULATIONS.—The Office of Personnel Management shall, within 180 days after the date of the enactment of this Act, issue regulations necessary to carry out this section.

Deadline.

(d) DEFINITION.—For purposes of this section, the term “Executive agency” has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

	<p>SEC. 644. (a) INCREASE IN ANNUAL COMPENSATION.—Section 102 of title 3, United States Code, is amended by striking “\$200,000” and inserting “\$400,000”.</p>
3 USC 102 note.	<p>(b) EFFECTIVE DATE.—The amendment made by this section shall take effect at noon on January 20, 2001.</p>
Effective date. Government organization.	<p>SEC. 645. Effective October 1, 1999, all personnel of the General Accounting Office employed or maintained to carry out functions of the Joint Financial Management Improvement Program (JFMIP) shall be transferred to the General Services Administration. The Director of the Office of Personnel Management shall provide to the General Services Administration one permanent Senior Executive Service allocation for the position of the Executive Director of the JFMIP. Personnel transferred pursuant to this section shall not be separated or reduced in classification or compensation for 1 year after any such transfer, except for cause.</p>
Pay increase. 5 USC 5303 note.	<p>SEC. 646. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2000 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.8 percent.</p>
	<p>(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2000.</p>
Breastfeeding.	<p>SEC. 647. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.</p>
	<p>SEC. 648. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.</p>
Applicability.	<p>SEC. 649. (a) Congress finds that—</p> <ol style="list-style-type: none"> <li>(1) the Veterans of Foreign Wars of the United States (in this section referred to as the “VFW”), which was formed by veterans of the Spanish-American War and the Philippine Insurrection to help secure rights and benefits for their service, will be celebrating its 100th anniversary in 1999;</li> <li>(2) members of the VFW have fought, bled, and died in every war, conflict, police action, and military intervention in which the United States has engaged during this century;</li> <li>(3) over its history, the VFW has ably represented the interests of veterans in Congress and State Legislatures across the Nation and established a network of trained service officers who, at no charge, have helped millions of veterans and their dependents to secure the education, disability compensation, pension, and health care benefits they are rightfully entitled to receive as a result of the military service performed by those veterans;</li> <li>(4) the VFW has also been deeply involved in national education projects, awarding nearly \$2,700,000 in scholarships annually, as well as countless community projects initiated by its 10,000 posts; and</li> <li>(5) the United States Postal Service has issued commemorative postage stamps honoring the VFW’s 50th and 75th anniversaries, respectively.</li> </ol>

(b) Therefore, it is the sense of the Congress that the United States Postal Service is encouraged to issue a commemorative postage stamp in honor of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States.

SEC. 650. ITEMIZED INCOME TAX RECEIPT. (a) IN GENERAL.—Not later than April 15, 2000, the Secretary of the Treasury shall establish an interactive program on an Internet website where any taxpayer may generate an itemized receipt showing a proportionate allocation (in money terms) of the taxpayer's total tax payments among the major expenditure categories.

Deadline.  
26 USC 7801  
note.

(b) INFORMATION NECESSARY TO GENERATE RECEIPT.—For purposes of generating an itemized receipt under subsection (a), the interactive program—

(1) shall only require the input of the taxpayer's total tax payments; and

(2) shall not require any identifying information relating to the taxpayer.

(c) TOTAL TAX PAYMENTS.—For purposes of this section, total tax payments of an individual for any taxable year are—

(1) the tax imposed by subtitle A of the Internal Revenue Code of 1986 for such taxable year (as shown on his return); and

(2) the tax imposed by section 3101 of such Code on wages received during such taxable year.

(d) CONTENT OF TAX RECEIPT.—

(1) MAJOR EXPENDITURE CATEGORIES.—For purposes of subsection (a), the major expenditure categories are:

- (A) National defense.
- (B) International affairs.
- (C) Medicaid.
- (D) Medicare.
- (E) Means-tested entitlements.
- (F) Domestic discretionary.
- (G) Social Security.
- (H) Interest payments.
- (I) All other.

(2) OTHER ITEMS ON RECEIPT.—

(A) IN GENERAL.—In addition, the tax receipt shall include selected examples of more specific expenditure items, including the items listed in subparagraph (B), either at the budget function, subfunction, or program, project, or activity levels, along with any other information deemed appropriate by the Secretary of the Treasury and the Director of the Office of Management and Budget to enhance taxpayer understanding of the Federal budget.

(B) LISTED ITEMS.—The expenditure items listed in this subparagraph are as follows:

- (i) Public schools funding programs.
- (ii) Student loans and college aid.
- (iii) Low-income housing programs.
- (iv) Food stamp and welfare programs.
- (v) Law enforcement, including the Federal Bureau of Investigation, law enforcement grants to the States, and other Federal law enforcement personnel.
- (vi) Infrastructure, including roads, bridges, and mass transit.
- (vii) Farm subsidies.

- (viii) Congressional Member and staff salaries.
- (ix) Health research programs.
- (x) Aid to the disabled.
- (xi) Veterans health care and pension programs.
- (xii) Space programs.
- (xiii) Environmental cleanup programs.
- (xiv) United States embassies.
- (xv) Military salaries.
- (xvi) Foreign aid.
- (xvii) Contributions to the North Atlantic Treaty Organization.
- (xviii) Amtrak.
- (xix) United States Postal Service.

(e) COST.—No charge shall be imposed to cover any cost associated with the production or distribution of the tax receipt.

(f) REGULATIONS.—The Secretary of the Treasury may prescribe such regulations as may be necessary to carry out this section.

5 USC 8336 note,  
8414 note.

SEC. 651. (a) Section 7001 of Public Law 105-174 (112 Stat. 91) is amended by striking each place it appears “for purposes of the period beginning on the date of enactment of this Act and ending on September 30, 1999,” and inserting “May 1, 1998.”.

5 USC 8336 and  
note, 8339, 8414,  
8464.  
Postal Service.  
40 USC 1003  
note.

(b) Section 1109 of Public Law 105-261 (112 Stat. 2143) is repealed.

SEC. 652. (a) The American Battle Monuments Commission and the World War II Memorial Advisory Board (as referred to in Public Law 103-32 (40 U.S.C. 1003 note; 107 Stat. 90)) shall each be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization.

(b) Rates of postage afforded by subsection (a) shall be available only with respect to official mail sent for the furtherance of the purpose of section 2(c)(1) or 3 of Public Law 103-32, as applicable.

Applicability.

(c) This section shall apply with respect to fiscal year 2000 and each fiscal year thereafter.

Copyrights.  
15 USC 1128.

SEC. 653. (a) ESTABLISHMENT.—There is established the National Intellectual Property Law Enforcement Coordination Council (in this section referred to as the “Council”). The Council shall consist of the following members—

(1) The Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, who shall serve as co-chair of the Council.

(2) The Assistant Attorney General, Criminal Division, who shall serve as co-chair of the Council.

(3) The Under Secretary of State for Economic and Agricultural Affairs.

(4) The Ambassador, Deputy United States Trade Representative.

(5) The Commissioner of Customs.

(6) The Under Secretary of Commerce for International Trade.

(b) DUTIES.—The Council established in subsection (a) shall coordinate domestic and international intellectual property law enforcement among federal and foreign entities.

(c) CONSULTATION REQUIRED.—The Council shall consult with the Register of Copyrights on law enforcement matters relating to copyright and related rights and matters.

(d) NON-DEROGATION.—Nothing in this section shall derogate from the duties of the Secretary of State or from the duties of the United States Trade Representative as set forth in section 141 of the Trade Act of 1974 (19 U.S.C. 2171), or from the duties and functions of the Register of Copyrights, or otherwise alter current authorities relating to copyright matters.

(e) REPORT.—The Council shall report annually on its coordination activities to the President, and to the Committees on Appropriations and on the Judiciary of the Senate and the House of Representatives.

(f) FUNDING.—Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2000 and hereafter by this or any other Act shall be available for interagency funding of the National Intellectual Property Law Enforcement Coordination Council.

SEC. 654. In addition to funds otherwise provided under the heading “National Oceanic and Atmospheric Administration” for “Operations, Research, and Facilities” in Public Law 105–277 (112 Stat. 2681–83), \$5,650,000 is appropriated for necessary retired pay expenses under the Retired Serviceman’s Family Protection and Survivor Benefit Plan, and for payment for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55).

This Act may be cited as the “Treasury and General Government Appropriations Act, 2000”.

Approved September 29, 1999.

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LEGISLATIVE HISTORY—H.R. 2490 (S. 1282):

HOUSE REPORTS: Nos. 106–231 (Comm. on Appropriations) and 106–319 (Comm. of Conference).

SENATE REPORTS: No. 106–87 accompanying S. 1282 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 15, considered and passed House.

July 19, considered and passed Senate, amended, in lieu of S. 1282.

Sept. 15, House agreed to conference report.

Sept. 16, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Sept. 29, Presidential statements.



Public Law 106–59  
106th Congress

An Act

Sept. 29, 1999  
[S. 1637]

To extend through the end of the current fiscal year certain expiring Federal Aviation Administration authorizations.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM, ETC.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 48103 of title 49, United States Code, is amended by striking “\$2,050,000,000 for the period beginning October 1, 1998 and ending August 6, 1999.” and inserting “\$2,410,000,000 for the fiscal year ending September 30, 1999.”.

(b) **OBLIGATIONAL AUTHORITY.**—Section 47104(c) of such title is amended by striking “August 6, 1999,” and inserting “September 30, 1999;”.

(c) **LIQUIDATION OF CONTRACT AUTHORIZATION.**—The provision of the Department of Transportation and Related Agencies Appropriations Act, 1999, with the caption “GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION) (AIRPORT AND AIRWAY TRUST FUND)” is amended by striking “Code: *Provided further*, That no more than \$1,660,000,000 of funds limited under this heading may be obligated prior to the enactment of a bill extending contract authorization for the Grants-in-Aid for Airports program to the third and fourth quarters of fiscal year 1999.” and inserting “Code.”.

112 Stat.  
2681–445.

Approved Sept. 29, 1999.

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**LEGISLATIVE HISTORY—S. 1637:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 24, considered and passed Senate.

Sept. 27, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Sept. 29, Presidential statement.





Public Law 106–60  
106th Congress

An Act

Making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

Sept. 29, 1999  
[H.R. 2605]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for energy and water development, and for other purposes, namely:

Energy and  
Water  
Development  
Appropriations  
Act, 2000.

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, \$161,994,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use the remaining unobligated funds appropriated in Public Law 102–377 for the Red River Waterway, Shreveport, Louisiana, to Daingerfield, Texas, project for the feasibility phase of the Red River Navigation, Southwest Arkansas, study.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for

participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), \$1,400,722,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104-303; and of which such sums as are necessary pursuant to Public Law 99-662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 25, Mississippi River, Illinois and Missouri; Lock and Dam 14, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; and Lock and Dam 3, Mississippi River, Minnesota; London Locks and Dam; Kanawha River, West Virginia; and Lock and Dam 12, Mississippi River, Iowa, projects; and of which funds are provided for the following projects in the amounts specified:

Indianapolis Central Waterfront, Indiana, \$8,000,000;

Harlan/Clover Fork including grading and landscaping of the disposal site at the Harlan floodwall, Pike County, Middlesboro, Martin County, Pike County Tug Forks Tributaries, Bell County, Harlan County, and Town of Martin elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in Kentucky, \$14,050,000;

Jackson County, Mississippi, \$800,000;

Natchez Bluff, Mississippi, \$2,000,000;

Passaic River Streambank Restoration, New Jersey, \$6,000,000; and

Upper Mingo County (including Mingo County Tributaries), Lower Mingo County (Kermit), Wayne County, and McDowell County, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River project in West Virginia, \$4,400,000:

*Provided*, That no part of any appropriation contained in this Act shall be expended or obligated to begin Phase II on the John Day Drawdown study or to initiate a study of the drawdown of McNary Dam unless authorized by law: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use \$1,500,000 of funding appropriated herein to initiate construction of shoreline protection measures at Assateague Island, Maryland, subject to execution of an agreement for reimbursement by the National Park Service: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use Construction, General funding as directed in Public Law 105-62 and Public Law 105-245 to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, except that the funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be

Reports.

prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the “Boundary Waters Treaty of 1909”): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS,  
ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND  
TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g-1), \$309,416,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, \$1,853,618,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That no funds, whether appropriated, contributed, or otherwise provided, shall be available to the United States Army Corps of Engineers for the purpose of acquiring land in Jasper County, South Carolina, in connection with the Savannah Harbor navigation project.

## REGULATORY PROGRAM

Reports.

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$117,000,000, to remain available until expended: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use \$5,000,000 of funds appropriated herein to fully implement an administrative appeals process for the Corps of Engineers Regulatory Program, which administrative appeals process shall provide for a single-level appeal of jurisdictional determinations: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall, using funds provided herein, prepare studies and analyses of the impacts on Regulatory Branch workload and on cost of compliance by the regulated community of proposed replacement permits for the nationwide permit 26 under section 404 of the Clean Water Act and shall submit a report based upon the aforementioned studies and analyses to the Committees on Appropriations of the House and Senate, the Transportation and Infrastructure Committee of the House, and the Committee on Environment and Public Works of the Senate.

## FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, \$150,000,000, to remain available until expended.

## GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, \$149,500,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices: *Provided further*, That none of these funds shall be available to support an office of congressional affairs within the executive office of the Chief of Engineers.

## ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed \$5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

## GENERAL PROVISIONS

## CORPS OF ENGINEERS—CIVIL

SEC. 101. Notwithstanding any other provisions of law, no fully allocated funding policy shall be applied to projects for which

funds are identified in the Committee reports accompanying this Act under the Construction, General; Operation and Maintenance, General; and Flood Control, Mississippi River and Tributaries, appropriation accounts: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to undertake these projects using continuing contracts, as authorized in section 10 of the Rivers and Harbors Act of September 22, 1922 (33 U.S.C. 621).

SEC. 102. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68-585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99-662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104-303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed \$10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed \$50,000,000 in each fiscal year.

SEC. 103. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

## TITLE II

### DEPARTMENT OF THE INTERIOR

#### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, and for activities related to the Uintah and Upalco Units authorized by 43 U.S.C. 620, \$38,049,000, to remain available until expended, of which \$15,476,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account: *Provided*, That of the amounts deposited into that account, \$5,000,000 shall be considered the Federal contribution authorized by paragraph 402(b)(2) of the Central Utah Project Completion Act and \$10,476,000 shall be available to the Utah Reclamation Mitigation and Conservation Commission to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,321,000, to remain available until expended.

## BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

## WATER AND RELATED RESOURCES

## (INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, \$607,927,000, to remain available until expended, of which \$2,247,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$24,089,000 shall be available for transfer to the Lower Colorado River Basin Development Fund, and of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102-250, Reclamation States Emergency Drought Relief Act of 1991, as amended by Public Law 104-206, is amended further by inserting “1999, and 2000” in lieu of “and 1997”: *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89-108, as amended by section 8 of Public Law 99-294, section 1701(b) of Public Law 102-575, and Public Law 105-245, is increased by \$1,000,000 (October 1998 prices).

43 USC 2241.

## BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, \$12,000,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a-422l): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$43,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, \$425,000, to remain

available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

#### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$42,000,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102-575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575.

#### CALIFORNIA BAY-DELTA RESTORATION

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of the Interior and other participating Federal agencies in carrying out ecosystem restoration activities pursuant to the California Bay-Delta Environmental Enhancement Act and other activities that are in accord with the CALFED Bay-Delta Program, including projects to improve water use efficiency, water quality, groundwater and surface storage, levees, conveyance, and watershed management, consistent with plans to be approved by the Secretary of the Interior, in consultation with such Federal agencies, \$60,000,000, to remain available until expended, of which \$30,000,000 shall be used for ecosystem restoration activities and \$30,000,000 shall be used for such other activities, and of which such amounts as may be necessary to conform with such plans shall be transferred to appropriate accounts of such Federal agencies: *Provided*, That no more than \$5,000,000 of the funds appropriated herein may be used for planning and management activities associated with developing the overall CALFED Bay-Delta Program and coordinating its staged implementation: *Provided further*, That funds for ecosystem restoration activities may be obligated only as non-Federal sources provide their share in accordance with the cost-sharing agreement required under section 1101(d) of such Act, and that funds for such other activities may be obligated only as non-Federal sources provide their share in a manner consistent with such cost-sharing agreement: *Provided further*, That such funds may be obligated prior to the completion of a final programmatic environmental impact statement only if: (1) consistent with 40 CFR 1506.1(c); and (2) used for purposes that the Secretary finds are of sufficiently high priority to warrant such an expenditure.

#### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$47,000,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation

in this Act shall be available for activities or functions budgeted as policy and administration expenses.

#### ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed six passenger motor vehicles for replacement only.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

### TITLE III

#### DEPARTMENT OF ENERGY

##### ENERGY PROGRAMS

##### ENERGY SUPPLY

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed one passenger motor vehicle for replacement only, \$644,937,953, of which \$820,953 shall be derived by transfer from the Geothermal Resources Development Fund, and of which \$5,000,000 shall be derived by transfer from the United States Enrichment Corporation Fund.

##### NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, \$333,618,000, to remain available until expended.

##### URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions and other activities of title II of the Atomic Energy Act of 1954 and title X, subtitle A of the Energy Policy Act of 1992, \$250,198,000,



to be derived from the Fund, to remain available until expended: *Provided*, That \$30,000,000 of amounts derived from the Fund for such expenses shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

#### SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed six passenger motor vehicles for replacement only, \$2,799,851,000, to remain available until expended.

#### NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97-425, as amended, including the acquisition of real property or facility construction or expansion, \$240,500,000 to be derived from the Nuclear Waste Fund: *Provided*, That not to exceed \$500,000 may be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, (Public Law 97-425) as amended: *Provided further*, That not to exceed \$5,432,000 may be provided to affected units of local governments, as defined in Public Law 97-425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds shall be made available to the State and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the State and each local entity shall provide certification to the Department of Energy, that all funds expended from such payments have been expended for activities as defined in Public Law 97-425. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-state efforts or other coalition building activities inconsistent with the restrictions contained in this Act.

Deadline.  
Nevada.  
Certification.

#### DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$206,365,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions

of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$106,887,000 in fiscal year 2000 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than \$99,478,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$29,500,000, to remain available until expended.

#### ATOMIC ENERGY DEFENSE ACTIVITIES

##### WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed three for replacement only), \$4,443,939,000, to remain available until expended: *Provided*, That funding for any ballistic missile defense program undertaken by the Department of Energy for the Department of Defense shall be provided by the Department of Defense according to procedures established for Work for Others by the Department of Energy.

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 35 passenger motor vehicles for replacement only, \$4,484,349,000, to remain available until expended: *Provided*, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act (Public Law 102-579) shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

## DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,064,492,000, to remain available until expended.

## DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), \$189,000,000, to remain available until expended.

## OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$1,722,444,000, to remain available until expended: *Provided*, That not to exceed \$5,000 may be used for official reception and representation expenses for transparency, national security and nonproliferation activities.

## DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, \$112,000,000, to remain available until expended.

## POWER MARKETING ADMINISTRATIONS

## BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Northeast Oregon Hatchery Master Plan, and for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2000, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER  
ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$11,594,000; in addition, notwithstanding the provisions of 31

U.S.C. 3302, not to exceed \$28,000,000 in reimbursements for transmission wheeling and ancillary services and for power purchases, to remain available until expended.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER  
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, \$28,773,000, to remain available until expended, of which \$773,000 shall be derived by transfer from unobligated balances in “Operation and Maintenance, Southeastern Power Administration”; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed \$4,200,000 in reimbursements, to remain available until expended.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500, \$193,357,000, to remain available until expended, of which \$182,172,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, \$5,036,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$1,309,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed \$3,000), \$174,950,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed

\$174,950,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2000 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation from the General Fund estimated at not more than \$0.

#### GENERAL PROVISIONS

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver. Reports.

SEC. 302. (a) None of the funds appropriated by this Act may be used to award, amend, or modify a contract in a manner that deviates from the Federal Acquisition Regulation, unless the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver. Reports.

SEC. 303. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 304. None of the funds appropriated by this Act may be used to augment the \$24,500,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 305. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

## (TRANSFERS OF UNEXPENDED BALANCES)

SEC. 306. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 307. Notwithstanding 41 U.S.C. 254c(a), the Secretary of Energy may use funds appropriated by this Act to enter into or continue multi-year contracts for the acquisition of property or services under the head, "Energy Supply" without obligating the estimated costs associated with any necessary cancellation or termination of the contract. The Secretary of Energy may pay costs of termination or cancellation from—

(1) appropriations originally available for the performance of the contract concerned;

(2) appropriations currently available for procurement of the type of property or services concerned, and not otherwise obligated; or

(3) funds appropriated for those payments.

SEC. 308. Of the funds in this Act provided to government-owned, contractor-operated laboratories, not to exceed 4 percent shall be available to be used for Laboratory Directed Research and Development: *Provided*, That none of the funds in the Environmental Management programs are available for Laboratory Directed Research and Development.

SEC. 309. (a) Of the funds appropriated by this title to the Department of Energy, not more than \$150,000,000 shall be available for reimbursement of management and operating contractor travel expenses.

(b) Funds appropriated by this title to the Department of Energy may be used to reimburse a Department of Energy management and operating contractor for travel costs of its employees under the contract only to the extent that the contractor applies to its employees the same rates and amounts as those that apply to Federal employees under subchapter I of chapter 57 of title 5, United States Code, or rates and amounts established by the Secretary of Energy. The Secretary of Energy may provide exceptions to the reimbursement requirements of this section as the Secretary considers appropriate.

42 USC 7257  
note.

Effective date.

SEC. 310. (a) None of the funds in this Act or any future Energy and Water Development Appropriations Act may be expended after December 31 of each year under a covered contract unless the funds are expended in accordance with a Laboratory Funding Plan that has been approved by the Secretary of Energy. At the beginning of each fiscal year, the Secretary shall issue directions to the laboratories for the programs, projects, and activities to be conducted in that fiscal year. The Secretary and the Laboratories shall devise a Laboratory Funding Plan that identifies the resources needed to carry out these programs, projects, and activities. Funds shall be released to the Laboratories only after the Secretary has approved the Laboratory Funding Plan. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

(b) For purposes of this section, “covered contract” means a contract for the management and operation of the following laboratories: Argonne National Laboratory, Brookhaven National Laboratory, Idaho National Engineering and Environmental Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, Los Alamos National Laboratory, Oak Ridge National Laboratory, Pacific Northwest National Laboratory, and Sandia National Laboratories.

SEC. 311. As part of the Department of Energy’s approval of laboratory funding for prime contractors responsible for management of Department of Energy sites and facilities, the Secretary shall review and approve the incentive structure for contractor fees, the amounts of award fees to be made available for next year, the allowable salaries of first and second tier laboratory management, and the overhead expenditures. The Secretary of Energy may provide exceptions to this requirement as the Secretary considers appropriate.

SEC. 312. None of the funds provided in this Act may be used to establish or maintain independent centers at a Department of Energy laboratory or facility unless such funds have been specifically identified in the budget submission.

SEC. 313. None of the funds made available in this or any other Act may be used to restart the High Flux Beam Reactor.

SEC. 314. No funds are provided in this Act or any other Act for the Administrator of the Bonneville Power Administration to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies that such services are not available from private sector businesses.

SEC. 315. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of the enactment of this Act, or is generated after such date.

SEC. 316. LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED. Section 7 of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e) is amended by adding at the end the following:

“(n) LIMITING THE INCLUSION OF COSTS OF PROTECTION OF, MITIGATION OF DAMAGE TO, AND ENHANCEMENT OF FISH AND WILDLIFE, WITHIN RATES CHARGED BY THE BONNEVILLE POWER ADMINISTRATION, TO THE RATE PERIOD IN WHICH THE COSTS ARE INCURRED.—Notwithstanding any other provision of this section, rates established by the Administrator, under this section shall recover costs for protection, mitigation and enhancement of fish and wildlife, whether under the Pacific Northwest Electric Power Planning and Conservation Act or any other Act, not to exceed such amounts the Administrator forecasts will be expended during the fiscal year 2002–2006 rate period, while preserving the Administrator’s ability to establish appropriate reserves and maintain a high Treasury payment probability for the subsequent rate period.”.

Certification.

## TITLE IV

## INDEPENDENT AGENCIES

## APPALACHIAN REGIONAL COMMISSION

40 USC app. 401  
note.

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$66,400,000, to remain available until expended.

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

## SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, \$17,000,000, to remain available until expended.

## DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, \$20,000,000, to remain available until expended.

## NUCLEAR REGULATORY COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$15,000), \$465,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$19,150,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$442,000,000 in fiscal year 2000 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That \$3,850,000 of the funds herein appropriated for regulatory reviews and other assistance provided to the Department of Energy and other Federal agencies shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$23,000,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978,



as amended, \$5,000,000, to remain available until expended: *Provided*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at not more than \$0.

#### NUCLEAR WASTE TECHNICAL REVIEW BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100-203, \$2,600,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

#### TENNESSEE VALLEY AUTHORITY

The Tennessee Valley Authority is directed to use up to \$3,000,000 from previously appropriated funds to pay any necessary transition costs for Land Between the Lakes.

#### TITLE V—RESCISSIONS

##### DEPARTMENT OF DEFENSE—CIVIL

##### DEPARTMENT OF THE ARMY

##### CORPS OF ENGINEERS—CIVIL

##### GENERAL INVESTIGATIONS

##### (RESCISSIONS)

Of the funds made available under this heading in Public Law 105-245 and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Calleguas Creek, California, \$271,100;  
San Joaquin, Caliente Creek, California, \$155,400;  
Buffalo Small Boat Harbor, New York, \$15,100;  
City of Buffalo, New York, \$4,000;  
Geneva State Park, Ohio Shoreline Protection, \$91,000;  
Clinton River Spillway, Michigan, \$50,000;  
Lackawanna River Basin Greenway Corridor, Pennsylvania, \$217,900; and  
Red River Waterway, Index, Arkansas, to Denison Dam, Texas, \$125,000.

##### CONSTRUCTION, GENERAL

##### (RESCISSIONS)

Of the funds made available under this heading in Public Law 105-245, and prior Energy and Water Development Acts, the following amounts are hereby rescinded in the amounts specified:

Sacramento River Flood Control Project, California (Deficiency Correction), \$1,500,000;  
Melaleuca Quarantine Facility, Florida, \$295,000;  
Lake George, Hobart, Indiana, \$3,484,000;

Anacostia River (Section 1135), Maryland, \$1,534,000;  
Sowashee Creek, Meridian, Mississippi, \$2,537,000;  
Platte River Flood and Streambank Erosion Control,  
Nebraska, \$1,409,000;  
Rochester Harbor, New York, \$1,842,000;  
Columbia River, Seafarers Museum, Hammond, Oregon,  
\$98,000; and  
Quonset Point, Davisville, Rhode Island, \$120,000.

#### DEPARTMENT OF ENERGY

##### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

###### (RESCISSION)

Of the funds made available under this heading in Public Law 105–245 and prior Energy and Water Development Acts, \$3,000,000, are rescinded.

##### NUCLEAR WASTE DISPOSAL

###### (RESCISSION)

Of the funds made available under the heading “Department of Energy—Energy Programs—Nuclear Waste Disposal Fund” in the Energy and Water Development Appropriations Act, 1998 (Public Law 105–62), \$4,000,000 is rescinded, to be derived from the amount specified under such heading for the Nuclear Regulatory Commission to license a multi-purpose canister design.

#### TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 603. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the “Cleanup Program—Alternative Repayment Plan” and the “SJVDP—Alternative Repayment Plan” described in the report entitled “Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995”, prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal Reclamation law.

SEC. 604. Section 6101(a)(3) of the Omnibus Budget Reconciliation Act of 1990, as amended (42 U.S.C. 2214(a)(3)) is amended by striking “September 30, 1999” and inserting “September 30, 2000”.

SEC. 605. Title VI, division C, of Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, is repealed.

SEC. 606. Section 211(e)(2)(A) of the Water Resources Development Act of 1996 (Public Law 104-303, 110 Stat. 3682) is amended by striking “in advance in appropriations Acts”.

SEC. 607. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 608. UNITED STATES ENRICHMENT CORPORATION FUND. (a) WITHDRAWALS.—Subsections (b) and (c) of section 1 of Public Law 105-204 (112 Stat. 681) are amended by striking “fiscal year 2000” and inserting “fiscal year 2002”.

(b) INVESTMENT OF AMOUNTS IN THE UNITED STATES ENRICHMENT CORPORATION FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the United States Enrichment Corporation Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

112 Stat. 2681–660.

33 USC 701b–13.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

SEC. 609. LAKE CASCADE. (a) DESIGNATION.—The reservoir commonly known as the “Cascade Reservoir”, created as a result of the building of the Cascade Dam authorized by the matter under the heading “BUREAU OF RECLAMATION” of the fifth section of the Interior Department Appropriation Act, 1942 (55 Stat. 334, chapter 259) for the Boise Project, Idaho, Payette division, is redesignated as “Lake Cascade”.

(b) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to “Cascade Reservoir” shall be considered to be a reference to “Lake Cascade”.

SEC. 610. Section 4(h)(10)(D) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(h)(10)(D)) is amended by striking clauses (vii) and (viii) and inserting the following:

“(vii) COST LIMITATION.—The annual cost of this provision shall not exceed \$500,000 in 1997 dollars.”.

SEC. 611. (a) The Secretary of the Army, acting through the Chief of Engineers, in carrying out the program known as the Formerly Utilized Sites Remedial Action Program, shall undertake the following functions and activities to be performed at eligible sites where remediation has not been completed:

- (1) Sampling and assessment of contaminated areas.
- (2) Characterization of site conditions.
- (3) Determination of the nature and extent of contamination.
- (4) Selection of the necessary and appropriate response actions as the lead Federal agency.
- (5) Cleanup and closeout of sites.
- (6) Any other functions and activities determined by the Secretary of the Army, acting through the Chief of Engineers, as necessary for carrying out that program, including the acquisition of real estate interests where necessary, which may be transferred upon completion of remediation to the administrative jurisdiction of the Secretary of Energy.

(b) Any response action under that program by the Secretary of the Army, acting through the Chief of Engineers, shall be subject to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in this section referred to as “CERCLA”), and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300).

(c) Any sums recovered under CERCLA or other authority from a liable party, contractor, insurer, surety, or other person for any expenditures by the Army Corps of Engineers or the Department of Energy for response actions under that program shall be credited to the amounts made available to carry out that program and shall be available until expended for costs of response actions for any eligible site.

(d) The Secretary of Energy may exercise the authority under section 168 of the Atomic Energy Act of 1954 (42 U.S.C. 2208) to make payments in lieu of taxes for federally owned property at which activities under that program are carried out, regardless

of which Federal agency has administrative jurisdiction over the property and notwithstanding any reference to “the activities of the Commission” in that section.

(e) This section does not alter, curtail, or limit the authorities, functions, or responsibilities of other agencies under CERCLA or, except as stated in this section, under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(f) This section shall apply to fiscal year 2000 and each succeeding fiscal year. Applicability.

This Act may be cited as the “Energy and Water Development Appropriations Act, 2000”.

Approved September 29, 1999.

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LEGISLATIVE HISTORY—H.R. 2605 (S. 1186):

HOUSE REPORTS: Nos. 106–253 (Comm. on Appropriations) and 106–336 (Comm. of Conference).

SENATE REPORTS: No. 106–58 accompanying S. 1186 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

July 27, considered and passed House.

July 28, considered and passed Senate, amended, in lieu of S. 1186.

Sept. 27, House agreed to conference report.

Sept. 28, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):  
Presidential statement.



Public Law 106–61  
106th Congress

Joint Resolution

Sept. 29, 1999

[H.J. Res. 34]

Congratulating and commending the Veterans of Foreign Wars.

Whereas the organization now known as the Veterans of Foreign Wars of the United States was founded in Columbus, Ohio, on September 29, 1899;

Whereas the VFW represents approximately 2,000,000 veterans of the Armed Forces who served overseas in World War I, World War II, Korea, Vietnam, the Persian Gulf War, and Bosnia; and

Whereas the VFW has, for the past 100 years, provided voluntary and unselfish service to the Armed Forces and to veterans, communities, States, and the Nation and has worked toward the betterment of veterans in general and society as a whole: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress—*

(1) recognizes the historic significance of the 100th anniversary of the founding of the Veterans of Foreign Wars of the United States (the VFW);

(2) congratulates the VFW on achieving that milestone;

(3) commends the approximately 2,000,000 veterans who belong to the VFW and thanks them for their service to their fellow veterans and the Nation; and

(4) calls upon the President to issue a proclamation recognizing the anniversary of the VFW and the contributions made by the VFW to veterans and the Nation and calling upon the people of the United States to observe such anniversary with appropriate ceremonies and activities.

Approved September 29, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 34:

HOUSE REPORTS: No. 106–205 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 29, considered and passed House.

Sept. 28, considered and passed Senate.



Public Law 106–62  
106th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 2000, and for other purposes.

Sept. 30, 1999

[H.J. Res. 68]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for the fiscal year 2000, and for other purposes, namely:

SEC. 101. (a) Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1999 and for which appropriations, funds, or other authority would be available in the following appropriations Acts:

(1) the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000;

(2) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 701 of the United States Information and Educational Exchange Act of 1948, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 53 of the Arms Control and Disarmament Act;

(3) the Department of Defense Appropriations Act, 2000, notwithstanding section 504(a)(1) of the National Security Act of 1947;

(4) the District of Columbia Appropriations Act, 2000;

(5) the Energy and Water Development Appropriations Act, 2000;

(6) the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956;

(7) the Department of the Interior and Related Agencies Appropriations Act, 2000;

(8) the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, the House or Senate reported version of which, if such reported version exists, shall be deemed to have passed the House or Senate respectively as of October 1, 1999, for the purposes

of this joint resolution, unless a reported version is passed as of October 1, 1999, in which case the passed version shall be used in place of the reported version for purposes of this joint resolution;

(9) the Legislative Branch Appropriations Act, 2000;

(10) the Department of Transportation and Related Agencies Appropriations Act, 2000;

(11) the Treasury and General Government Appropriations Act, 2000; and

(12) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000:

*Provided*, That whenever the amount which would be made available or the authority which would be granted in these Acts as passed by the House and Senate as of October 1, 1999, is different than that which would be available or granted under current operations, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate: *Provided further*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House and Senate as of October 1, 1999, for a continuing project or activity which was conducted in fiscal year 1999 and for which there is fiscal year 2000 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(b) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this section as passed by the House as of October 1, 1999, is different from that which would be available or granted under such Act as passed by the Senate as of October 1, 1999, the pertinent project or activity shall be continued at a rate for operations not exceeding the current rate under the appropriation, fund, or authority granted by the applicable appropriations Act for the fiscal year 2000 and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(c) Whenever an Act listed in this section has been passed by only the House or only the Senate as of October 1, 1999, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House at a rate for operations not exceeding the current rate and under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999: *Provided*, That whenever there is no amount made available under any of these appropriations Acts as passed by the House or the Senate as of October 1, 1999, for a continuing project or activity which was conducted in fiscal year 1999 and for which there is fiscal year 2000 funding included in the budget request, the pertinent project or activity shall be continued at the rate for current operations under the authority and conditions provided in the applicable appropriations Act for the fiscal year 1999.

(d) If the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000, has not been reported in either the House or the Senate as of October 1, 1999, continuing projects or activities that were conducted in fiscal year 1999 shall be continued at the current rate under the appropriation, fund or authority and terms and conditions



provided in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999.

SEC. 102. No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for new production of items not funded for production in fiscal year 1999 or prior years, for the increase in production rates above those sustained with fiscal year 1999 funds, or to initiate, resume, or continue any project, activity, operation, or organization which are defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element and for investment items are further defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item which includes a program element and subprogram element within an appropriation account, for which appropriations, funds, or other authority were not available during the fiscal year 1999: *Provided*, That no appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1999.

SEC. 105. No provision which is included in an appropriations Act enumerated in section 101 but which was not included in the applicable appropriations Act for fiscal year 1999 and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution.

SEC. 106. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until: (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution; (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity; or (c) October 21, 1999, whichever first occurs.

Termination  
date.

SEC. 107. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. No provision in the appropriations Act for the fiscal year 2000 referred to in section 101 of this Act that makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation shall be effective before the date set forth in section 106(c) of this joint resolution.

SEC. 110. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. Notwithstanding any other provision of this joint resolution, except section 106, for those programs that had high initial rates of operation or complete distribution of fiscal year 1999 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2000 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 113. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for projects and activities that would be funded under the heading "International Organizations and Conferences, Contributions to International Organizations" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000, shall be the amount provided by the provisions of section 101 multiplied by the ratio of the number of days covered by this resolution to 366.

SEC. 114. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for the following activities funded with Federal Funds for the District of Columbia, shall be at a rate for operations not exceeding the current rate, multiplied by the ratio of the number of days covered by this joint resolution to 366: Corrections Trustee Operations, Public Defender Services, Parole Revocation, Adult Probation, Offender Supervision, Sex Offender Registration, Pretrial Services, District of Columbia Courts, and Defender Services in District of Columbia Courts.

SEC. 115. Activities authorized by sections 1309(a)(2), as amended by Public Law 104-208, and 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.), may continue through the date specified in section 106(c) of this joint resolution.

SEC. 116. Notwithstanding any other provision of this joint resolution, except section 106, the rate for operations for reimbursement of past losses for the Commodity Credit Corporation Fund shall be \$11,500,000,000.

SEC. 117. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of section 234(a) (b) and (c), of the same Act, shall remain in effect during the period of this joint resolution.

SEC. 118. Notwithstanding sections 101, 104, and 106 of this joint resolution, funds may be used to initiate or resume projects or activities at a rate in excess of the current rate to the extent necessary, consistent with existing agency plans, to achieve Year 2000 (Y2K) computer compliance and for implementation of business continuity and contingency plans.

SEC. 119. Notwithstanding sections 101 and 104 of this joint resolution, not to exceed \$189,524,382 shall be available for projects and activities for decennial census programs for the period covered by this joint resolution.

SEC. 120. Notwithstanding section 101 of this joint resolution, the rate for operations for projects and activities funded by accounts in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 as passed by the House and Senate affected by the foreign affairs reorganization shall be at the current rate for the accounts funding such projects and activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, distributed into the accounts established in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 as passed by the House and Senate.

SEC. 121. Notwithstanding section 309(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) and section 101 of this joint resolution, the rate for operation for Radio Free Asia shall be at the current rate for operations and under the terms provided for in the fiscal year 1999 grant from the Broadcasting Board of Governors to RFA, Inc.

SEC. 122. Public Law 106–46 is amended by deleting “October 1, 1999” and inserting “November 1, 1999”. *Ante*, p. 227.

Approved September 30, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 68:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 28, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Sept. 30, Presidential remarks.



Public Law 106–63  
106th Congress

An Act

Oct. 1, 1999

[S. 380]

To reauthorize the Congressional Award Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL AWARD ACT AMENDMENTS OF 1999.**

(a) **CHANGE OF ANNUAL REPORTING DATE.**—Section 3(e) of the Congressional Award Act (2 U.S.C. 802(e)) is amended in the first sentence by striking “April 1” and inserting “June 1”.

(b) **MEMBERSHIP REQUIREMENTS.**—Section 4(a)(1) of the Congressional Award Act (2 U.S.C. 803(a)(1)) is amended—

(1) in subparagraphs (A) and (D), by striking “member of the Congressional Award Association” and inserting “recipient of the Congressional Award”; and

(2) in subparagraphs (B) and (C), by striking “representative of a local Congressional Award Council” and inserting “a local Congressional Award program volunteer”.

(c) **EXTENSION OF REQUIREMENTS REGARDING FINANCIAL OPERATIONS OF CONGRESSIONAL AWARD PROGRAM; NONCOMPLIANCE WITH REQUIREMENTS.**—Section 5(c)(2)(A) of the Congressional Award Act (2 U.S.C. 804(c)(2)(A)) is amended by striking “and 1998” and inserting “1998, 1999, 2000, 2001, 2002, 2003, and 2004”.

(d) **TERMINATION.**—Section 9 of the Congressional Award Act (2 U.S.C. 808) is amended by striking “October 1, 1999” and inserting “October 1, 2004”.

Approved October 1, 1999.

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**LEGISLATIVE HISTORY—S. 380:**

SENATE REPORTS: No. 106–38 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 13, considered and passed Senate.

Sept. 13, considered and passed House.



Public Law 106–64  
106th Congress

An Act

To extend energy conservation programs under the Energy Policy and Conservation Act through March 31, 2000.

Oct. 5, 1999  
[H.R. 2981]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.**

The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for fiscal year 2000 such sums as may be necessary to implement this part, to remain available only through March 31, 2000.”;

(2) in section 181 (42 U.S.C. 6251) by striking “September 30, 1999” both places it appears and inserting “March 31, 2000”; and

(3) in section 281 (42 U.S.C. 6285) by striking “September 30, 1999” both places it appears and inserting “March 31, 2000”.

Approved October 5, 1999.

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LEGISLATIVE HISTORY—H.R. 2981:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 30, considered and passed House and Senate.



Public Law 106–65  
106th Congress

An Act

Oct. 5, 1999  
[S. 1059]

To authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

National Defense  
Authorization  
Act for Fiscal  
Year 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2000”.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE  
AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Reserve components.
- Sec. 106. Defense Inspector General.
- Sec. 107. Chemical demilitarization program.
- Sec. 108. Defense health programs.

**Subtitle B—Army Programs**

- Sec. 111. Multiyear procurement authority for certain Army programs.
- Sec. 112. Procurement requirements for the Family of Medium Tactical Vehicles.
- Sec. 113. Army aviation modernization.
- Sec. 114. Multiple Launch Rocket System.
- Sec. 115. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
- Sec. 116. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.

**Subtitle C—Navy Programs**

- Sec. 121. F/A–18E/F Super Hornet aircraft program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Repeal of requirement for annual report from shipbuilders under certain nuclear attack submarine programs.
- Sec. 124. LHD–8 amphibious assault ship program.
- Sec. 125. D–5 missile program.

**Subtitle D—Air Force Programs**

- Sec. 131. F–22 aircraft program.
- Sec. 132. Replacement options for conventional air-launched cruise missile.
- Sec. 133. Procurement of firefighting equipment for the Air National Guard and the Air Force Reserve.
- Sec. 134. F–16 tactical manned reconnaissance aircraft.

**Subtitle E—Chemical Stockpile Destruction Program**

- Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.
- Sec. 142. Comptroller General report on anticipated effects of proposed changes in operation of storage sites for lethal chemical agents and munitions.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION****Subtitle A—Authorization of Appropriations**

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic and applied research.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
- Sec. 212. Sense of Congress regarding defense science and technology program.
- Sec. 213. Micro-satellite technology development program.
- Sec. 214. Space control technology.
- Sec. 215. Space maneuver vehicle program.
- Sec. 216. Manufacturing technology program.
- Sec. 217. Revision to limitations on high altitude endurance unmanned vehicle program.

**Subtitle C—Ballistic Missile Defense**

- Sec. 231. Space Based Infrared System (SBIRS) low program.
- Sec. 232. Theater missile defense upper tier acquisition strategy.
- Sec. 233. Acquisition strategy for Theater High-Altitude Area Defense (THAAD) system.
- Sec. 234. Space-based laser program.
- Sec. 235. Criteria for progression of airborne laser program.
- Sec. 236. Sense of Congress regarding ballistic missile defense technology funding.
- Sec. 237. Report on national missile defense.

**Subtitle D—Research and Development for Long-Term Military Capabilities**

- Sec. 241. Quadrennial report on emerging operational concepts.
- Sec. 242. Technology area review and assessment.
- Sec. 243. Report by Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Sec. 244. DARPA program for award of competitive prizes to encourage development of advanced technologies.
- Sec. 245. Additional pilot program for revitalizing Department of Defense laboratories.

**Subtitle E—Other Matters**

- Sec. 251. Development of Department of Defense laser master plan and execution of solid state laser program.
- Sec. 252. Report on Air Force distributed mission training.

**TITLE III—OPERATION AND MAINTENANCE****Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 311. Armed Forces Emergency Services.
- Sec. 312. Replacement of nonsecure tactical radios of the 82nd Airborne Division.
- Sec. 313. Large medium-speed roll-on/roll-off (LMSR) program.
- Sec. 314. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.

**Subtitle C—Environmental Provisions**

- Sec. 321. Extension of limitation on payment of fines and penalties using funds in environmental restoration accounts.
- Sec. 322. Modification of requirements for annual reports on environmental compliance activities.
- Sec. 323. Defense environmental technology program and investment control process for environmental technologies.
- Sec. 324. Modification of membership of Strategic Environmental Research and Development Program Council.
- Sec. 325. Extension of pilot program for sale of air pollution emission reduction incentives.
- Sec. 326. Reimbursement for certain costs in connection with Fresno Drum Superfund Site, Fresno, California.
- Sec. 327. Payment of stipulated penalties assessed under CERCLA in connection with F.E. Warren Air Force Base, Wyoming.
- Sec. 328. Remediation of asbestos and lead-based paint.
- Sec. 329. Release of information to foreign countries regarding any environmental contamination at former United States military installations in those countries.
- Sec. 330. Toussaint River ordnance mitigation study.

**Subtitle D—Depot-Level Activities**

- Sec. 331. Sales of articles and services of defense industrial facilities to purchasers outside the Department of Defense.
- Sec. 332. Contracting authority for defense working capital funded industrial facilities.
- Sec. 333. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
- Sec. 334. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
- Sec. 335. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
- Sec. 336. Additional matters to be reported before prime vendor contract for depot-level maintenance and repair is entered into.

**Subtitle E—Performance of Functions by Private-Sector Sources**

- Sec. 341. Reduced threshold for consideration of effect on local community of changing defense functions to private sector performance.
- Sec. 342. Congressional notification of A–76 cost comparison waivers.
- Sec. 343. Report on use of employees of non-Federal entities to provide services to Department of Defense.
- Sec. 344. Evaluation of Total System Performance Responsibility Program.
- Sec. 345. Sense of Congress regarding process for modernization of Army computer services.

**Subtitle F—Defense Dependents Education**

- Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 352. Unified school boards for all Department of Defense domestic dependent schools in the Commonwealth of Puerto Rico and Guam.
- Sec. 353. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
- Sec. 354. Technical amendments to Defense Dependents' Education Act of 1978.

**Subtitle G—Military Readiness Issues**

- Sec. 361. Independent study of military readiness reporting system.
- Sec. 362. Independent study of Department of Defense secondary inventory and parts shortages.
- Sec. 363. Report on inventory and control of military equipment.
- Sec. 364. Comptroller General study of adequacy of Department restructured sustainment and reengineered logistics product support practices.
- Sec. 365. Comptroller General review of real property maintenance and its effect on readiness.



Sec. 366. Establishment of logistics standards for sustained military operations.

**Subtitle H—Information Technology Issues**

Sec. 371. Discretionary authority to install telecommunication equipment for persons performing voluntary services.

Sec. 372. Authority for disbursing officers to support use of automated teller machines on naval vessels for financial transactions.

Sec. 373. Use of Smart Card technology in the Department of Defense.

Sec. 374. Report on Defense use of Smart Card as PKI authentication device carrier.

**Subtitle I—Other Matters**

Sec. 381. Authority to lend or donate obsolete or condemned rifles for funeral and other ceremonies.

Sec. 382. Extension of warranty claims recovery pilot program.

Sec. 383. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.

Sec. 384. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.

Sec. 385. Treatment of Alaska, Hawaii, and Guam in Defense household goods moving programs.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent end strength minimum levels.

**Subtitle B—Reserve Forces**

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

Sec. 415. Selected Reserve end strength flexibility.

**Subtitle C—Authorization of Appropriations**

Sec. 421. Authorization of appropriations for military personnel.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**

Sec. 501. Temporary authority for recall of retired aviators.

Sec. 502. Increase in maximum number of officers authorized to be on active-duty list in frocked grades of brigadier general and rear admiral (lower half).

Sec. 503. Reserve officers requesting or otherwise causing nonselection for promotion.

Sec. 504. Minimum grade of officers eligible to serve on boards of inquiry.

Sec. 505. Minimum selection of warrant officers for promotion from below the promotion zone.

Sec. 506. Increase in threshold period of active duty for applicability of restriction on holding of civil office by retired regular officers and reserve officers.

Sec. 507. Exemption of retiree council members from recalled retiree limits.

Sec. 508. Technical amendments relating to joint duty assignments.

Sec. 509. Three-year extension of requirement for competition for joint 4-star officer positions.

**Subtitle B—Reserve Component Personnel Policy**

Sec. 511. Continuation of officers on reserve active-status list to complete disciplinary action.

Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.

Sec. 513. Exclusion of reserve officers on educational delay from eligibility for consideration for promotion.

Sec. 514. Extension of period for retention of reserve component majors and lieutenant commanders who twice fail of selection for promotion.

Sec. 515. Computation of years of service exclusion.

Sec. 516. Retention of reserve component chaplains until age 67.

Sec. 517. Expansion and codification of authority for space-required travel on military aircraft for reserves performing inactive-duty training outside the continental United States.

**Subtitle C—Military Technicians**

- Sec. 521. Revision to military technician (dual status) law.
- Sec. 522. Civil service retirement of technicians.
- Sec. 523. Revision to non-dual status technicians statute.
- Sec. 524. Revision to authorities relating to National Guard technicians.
- Sec. 525. Effective date.
- Sec. 526. Secretary of Defense review of Army technician costing process.
- Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

**Subtitle D—Service Academies**

- Sec. 531. Strength limitations at the service academies.
- Sec. 532. Superintendents of the service academies.
- Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
- Sec. 534. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
- Sec. 535. Expansion of foreign exchange programs of the service academies.

**Subtitle E—Education and Training**

- Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
- Sec. 542. Authority for Army War College to award degree of master of strategic studies.
- Sec. 543. Authority for Air University to confer graduate-level degrees.
- Sec. 544. Reserve credit for participation in health professions scholarship and financial assistance program.
- Sec. 545. Permanent authority for ROTC scholarships for graduate students.
- Sec. 546. Increase in monthly subsistence allowance for Senior ROTC cadets selected for advanced training.
- Sec. 547. Contingent funding increase for Junior ROTC program.
- Sec. 548. Change from annual to biennial reporting under the reserve component Montgomery GI bill.
- Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.
- Sec. 550. Accrual funding for Coast Guard Montgomery GI bill liabilities.

**Subtitle F—Reserve Component Management**

- Sec. 551. Financial assistance program for pursuit of degrees by officer candidates in Marine Corps Platoon Leaders Class program.
- Sec. 552. Options to improve recruiting for the Army Reserve.
- Sec. 553. Joint duty assignments for reserve component general and flag officers.
- Sec. 554. Grade of chiefs of reserve components and additional general officers at the National Guard Bureau.
- Sec. 555. Duties of Reserves on active duty in support of the Reserves.
- Sec. 556. Repeal of limitation on number of Reserves on full-time active duty in support of preparedness for responses to emergencies involving weapons of mass destruction.
- Sec. 557. Establishment of Office of the Coast Guard Reserve.
- Sec. 558. Report on use of National Guard facilities and infrastructure for support of provision of services to veterans.

**Subtitle G—Decorations, Awards, and Commendations**

- Sec. 561. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 562. Authority for award of Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.
- Sec. 563. Elimination of current backlog of requests for replacement of military decorations.
- Sec. 564. Retroactive award of Navy Combat Action Ribbon.
- Sec. 565. Sense of Congress concerning Presidential Unit Citation for crew of the U.S.S. Indianapolis.

**Subtitle H—Matters Related to Recruiting**

- Sec. 571. Access to secondary school students for military recruiting purposes.
- Sec. 572. Increased authority to extend delayed entry period for enlistments of persons with no prior military service.
- Sec. 573. Army College First pilot program.
- Sec. 574. Use of recruiting materials for public relations purposes.

**Subtitle I—Matters Relating to Missing Persons**

- Sec. 575. Nondisclosure of debriefing information on certain missing persons previously returned to United States control.
- Sec. 576. Recovery and identification of remains of certain World War II servicemen lost in Pacific Theater of Operations.

**Subtitle J—Other Matters**

- Sec. 577. Authority for special courts-martial to impose sentences to confinement and forfeitures of pay of up to one year.
- Sec. 578. Funeral honors details for funerals of veterans.
- Sec. 579. Purpose and funding limitations for National Guard Challenge program.
- Sec. 580. Department of Defense Starbase program.
- Sec. 581. Survey of members leaving military service on attitudes toward military service.
- Sec. 582. Service review agencies covered by professional staffing requirement.
- Sec. 583. Participation of members in management of organizations abroad that promote international understanding.
- Sec. 584. Support for expanded child care services and youth program services for dependents.
- Sec. 585. Report and regulations on Department of Defense policies on protecting the confidentiality of communications with professionals providing therapeutic or related services regarding sexual or domestic abuse.
- Sec. 586. Members under burdensome personnel tempo.

**Subtitle K—Domestic Violence**

- Sec. 591. Defense task force on domestic violence.
- Sec. 592. Incentive program for improving responses to domestic violence involving members of the Armed Forces and military family members.
- Sec. 593. Uniform Department of Defense policies for responses to domestic violence.
- Sec. 594. Central Department of Defense database on domestic violence incidents.

**TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS****Subtitle A—Pay and Allowances**

- Sec. 601. Fiscal year 2000 increase in military basic pay and reform of basic pay rates.
- Sec. 602. Pay increases for fiscal years 2001 through 2006.
- Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

**Subtitle B—Bonuses and Special and Incentive Pays**

- Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. Amount of aviation career incentive pay for air battle managers.
- Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
- Sec. 616. Additional special pay for board certified veterinarians in the Armed Forces and Public Health Service.
- Sec. 617. Diving duty special pay.
- Sec. 618. Reenlistment bonus.
- Sec. 619. Enlistment bonus.
- Sec. 620. Selected Reserve enlistment bonus.
- Sec. 621. Special pay for members of the Coast Guard Reserve assigned to high priority units of the Selected Reserve.
- Sec. 622. Reduced minimum period of enlistment in Army in critical skill for eligibility for enlistment bonus.
- Sec. 623. Eligibility for reserve component prior service enlistment bonus upon attaining a critical skill.
- Sec. 624. Increase in special pay and bonuses for nuclear-qualified officers.
- Sec. 625. Increase in maximum monthly rate authorized for foreign language proficiency pay.
- Sec. 626. Authorization of retention bonus for special warfare officers extending periods of active duty.
- Sec. 627. Authorization of surface warfare officer continuation pay.
- Sec. 628. Authorization of career enlisted flyer incentive pay.

Sec. 629. Authorization of judge advocate continuation pay.

**Subtitle C—Travel and Transportation Allowances**

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.

Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.

Sec. 633. Destination airport for emergency leave travel to continental United States.

**Subtitle D—Retired Pay Reform**

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.

Sec. 642. Authorization of 15-year career status bonus.

Sec. 643. Conforming amendments.

Sec. 644. Effective date.

**Subtitle E—Other Matters Relating to Military Retirees and Survivors**

Sec. 651. Repeal of reduction in retired pay for military retirees employed in civilian positions.

Sec. 652. Presentation of United States flag to retiring members of the uniformed services not previously covered.

Sec. 653. Disability retirement or separation for certain members with pre-existing conditions.

Sec. 654. Credit toward paid-up SBP coverage for months covered by make-up premium paid by persons electing SBP coverage during special open enrollment period.

Sec. 655. Paid-up coverage under Retired Serviceman's Family Protection Plan.

Sec. 656. Extension of authority for payment of annuities to certain military surviving spouses.

Sec. 657. Effectuation of intended SBP annuity for former spouse when not elected by reason of untimely death of retiree.

Sec. 658. Special compensation for severely disabled uniformed services retirees.

**Subtitle F—Eligibility To Participate in the Thrift Savings Plan**

Sec. 661. Participation in Thrift Savings Plan.

Sec. 662. Special retention initiative.

Sec. 663. Effective date.

**Subtitle G—Other Matters**

Sec. 671. Payment for unused leave in conjunction with a reenlistment.

Sec. 672. Clarification of per diem eligibility for military technicians (dual status) serving on active duty without pay outside the United States.

Sec. 673. Annual report on effects of initiatives on recruitment and retention.

Sec. 674. Overseas special supplemental food program.

Sec. 675. Tuition assistance for members deployed in a contingency operation.

Sec. 676. Administration of Selected Reserve education loan repayment program for Coast Guard Reserve.

Sec. 677. Sense of Congress regarding treatment under Internal Revenue Code of members receiving hostile fire or imminent danger special pay during contingency operations.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—Health Care Services**

Sec. 701. Pharmacy benefits program.

Sec. 702. Provision of chiropractic health care.

Sec. 703. Provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.

Sec. 704. Enhancement of dental benefits for retirees.

Sec. 705. Medical and dental care for certain members incurring injuries on inactive-duty training.

Sec. 706. Health care at former uniformed services treatment facilities for active duty members stationed at certain remote locations.

Sec. 707. Open enrollment demonstration program.

**Subtitle B—TRICARE Program**

Sec. 711. Expansion and revision of authority for dental programs for dependents and reserves.

Sec. 712. Improvement of access to health care under the TRICARE program.

- Sec. 713. Improvements to claims processing under the TRICARE program.
- Sec. 714. Authority to waive certain TRICARE deductibles.
- Sec. 715. TRICARE beneficiary counseling and assistance coordinators.
- Sec. 716. Improvement of TRICARE management; improvements to third-party payer collection program.
- Sec. 717. Comparative report on health care coverage under the TRICARE program.

#### **Subtitle C—Other Matters**

- Sec. 721. Forensic pathology investigations by Armed Forces Medical Examiner.
- Sec. 722. Best value contracting.
- Sec. 723. Health care quality information and technology enhancement.
- Sec. 724. Joint telemedicine and telepharmacy demonstration projects by the Department of Defense and Department of Veterans Affairs.
- Sec. 725. Program-year stability in health care benefits.
- Sec. 726. Study on joint operations for the Defense Health Program.
- Sec. 727. Trauma training center.
- Sec. 728. Sense of Congress regarding automatic enrollment of medicare-eligible beneficiaries in the TRICARE Senior Prime demonstration project.

### **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

#### **Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations**

- Sec. 801. Authority to carry out certain prototype projects.
- Sec. 802. Streamlined applicability of cost accounting standards.
- Sec. 803. Sale, exchange, and waiver authority for coal and coke.
- Sec. 804. Guidance on use of task order and delivery order contracts.
- Sec. 805. Clarification of definition of commercial items with respect to associated services.
- Sec. 806. Use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.
- Sec. 807. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
- Sec. 808. Contract goal for small disadvantaged businesses and certain institutions of higher education.
- Sec. 809. Required reports for certain multiyear contracts.

#### **Subtitle B—Other Matters**

- Sec. 811. Mentor-Protege Program improvements.
- Sec. 812. Program to increase business innovation in defense acquisition programs.
- Sec. 813. Incentives to produce innovative new technologies.
- Sec. 814. Pilot program for commercial services.
- Sec. 815. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
- Sec. 816. Compliance with existing law regarding purchases of equipment and products.
- Sec. 817. Extension of test program for negotiation of comprehensive small business subcontracting plans.
- Sec. 818. Extension of interim reporting rule for certain procurements less than \$100,000.
- Sec. 819. Inspector General review of compliance with Buy American Act in purchases of strength training equipment.
- Sec. 820. Report on options for accelerated acquisition of precision munitions.
- Sec. 821. Technical amendment to prohibition on release of contractor proposals under the Freedom of Information Act.

### **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

#### **Subtitle A—Department of Defense Strategic Planning**

- Sec. 901. Permanent requirement for Quadrennial Defense Review.
- Sec. 902. Minimum interval for updating and revising Department of Defense strategic plan.

#### **Subtitle B—Department of Defense Organization**

- Sec. 911. Responsibility for logistics and sustainment functions of the Department of Defense.

- Sec. 912. Enhancement of technology security program of Department of Defense.
- Sec. 913. Efficient utilization of defense laboratories.
- Sec. 914. Center for the Study of Chinese Military Affairs.
- Sec. 915. Authority for acceptance by Asia-Pacific Center for Security Studies of foreign gifts and donations.

#### **Subtitle C—Personnel Management**

- Sec. 921. Revisions to limitations on number of personnel assigned to major Department of Defense headquarters activities.
- Sec. 922. Defense acquisition workforce reductions.
- Sec. 923. Monitoring and reporting requirements regarding operations tempo and personnel tempo.
- Sec. 924. Administration of defense reform initiative enterprise program for military manpower and personnel information.
- Sec. 925. Payment of tuition for education and training of members in defense acquisition workforce.

#### **Subtitle D—Other Matters**

- Sec. 931. Additional matters for annual reports on joint warfighting experimentation.
- Sec. 932. Oversight of Department of Defense activities to combat terrorism.
- Sec. 933. Responsibilities and accountability for certain financial management functions.
- Sec. 934. Management of Civil Air Patrol.

### **TITLE X—GENERAL PROVISIONS**

#### **Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.
- Sec. 1002. Incorporation of classified annex.
- Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 1999.
- Sec. 1004. Supplemental appropriations request for operations in Yugoslavia.
- Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2000.
- Sec. 1006. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.
- Sec. 1007. Second biennial financial management improvement plan.
- Sec. 1008. Waiver authority for requirement that electronic transfer of funds be used for Department of Defense payments.
- Sec. 1009. Single payment date for invoice for various subsistence items.
- Sec. 1010. Payment of foreign licensing fees out of proceeds of sale of maps, charts, and navigational books.

#### **Subtitle B—Naval Vessels and Shipyards**

- Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
- Sec. 1012. Authority to consent to retransfer of former naval vessel.
- Sec. 1013. Report on naval vessel force structure requirements.
- Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
- Sec. 1015. National Defense Features program.
- Sec. 1016. Sales of naval shipyard articles and services to nuclear ship contractors.
- Sec. 1017. Transfer of naval vessel to foreign country.
- Sec. 1018. Authority to transfer naval vessels to certain foreign countries.

#### **Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities**

- Sec. 1021. Modification of limitation on funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities.
- Sec. 1022. Temporary extension to certain naval aircraft of Coast Guard authority for drug interdiction activities.
- Sec. 1023. Military assistance to civil authorities to respond to act or threat of terrorism.
- Sec. 1024. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
- Sec. 1025. Annual report on United States military activities in Colombia.
- Sec. 1026. Report on use of radar systems for counter-drug detection and monitoring.

- Sec. 1027. Plan regarding assignment of military personnel to assist Immigration and Naturalization Service and Customs Service.

**Subtitle D—Miscellaneous Report Requirements and Repeals**

- Sec. 1031. Preservation of certain defense reporting requirements.  
Sec. 1032. Repeal of certain reporting requirements not preserved.  
Sec. 1033. Reports on risks under National Military Strategy and combatant command requirements.  
Sec. 1034. Report on lift and prepositioned support requirements to support National Military Strategy.  
Sec. 1035. Report on assessments of readiness to execute the National Military Strategy.  
Sec. 1036. Report on Rapid Assessment and Initial Detection teams.  
Sec. 1037. Report on unit readiness of units considered to be assets of Consequence Management Program Integration Office.  
Sec. 1038. Analysis of relationship between threats and budget submission for fiscal year 2001.  
Sec. 1039. Report on NATO Defense Capabilities Initiative.  
Sec. 1040. Report on motor vehicle violations by operators of official Army vehicles.

**Subtitle E—Information Security**

- Sec. 1041. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.  
Sec. 1042. Notice to congressional committees of certain security and counterintelligence failures within defense programs.  
Sec. 1043. Information Assurance Initiative.  
Sec. 1044. Nondisclosure of information on personnel of overseas, sensitive, or routinely deployable units.  
Sec. 1045. Nondisclosure of certain operational files of the National Imagery and Mapping Agency.

**Subtitle F—Memorial Objects and Commemorations**

- Sec. 1051. Moratorium on the return of veterans memorial objects to foreign nations without specific authorization in law.  
Sec. 1052. Program to commemorate 50th anniversary of the Korean War.  
Sec. 1053. Commemoration of the victory of freedom in the Cold War.

**Subtitle G—Other Matters**

- Sec. 1061. Defense Science Board task force on use of television and radio as a propaganda instrument in time of military conflict.  
Sec. 1062. Assessment of electromagnetic spectrum reallocation.  
Sec. 1063. Extension and reauthorization of Defense Production Act of 1950.  
Sec. 1064. Performance of threat and risk assessments.  
Sec. 1065. Chemical agents used for defensive training.  
Sec. 1066. Technical and clerical amendments.  
Sec. 1067. Amendments to reflect name change of Committee on National Security of the House of Representatives to Committee on Armed Services.

**TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL**

- Sec. 1101. Accelerated implementation of voluntary early retirement authority.  
Sec. 1102. Increase of pay cap for nonappropriated fund senior executive employees.  
Sec. 1103. Restoration of leave of emergency essential employees serving in a combat zone.  
Sec. 1104. Extension of certain temporary authorities to provide benefits for employees in connection with defense workforce reductions and restructuring.  
Sec. 1105. Leave without loss of benefits for military reserve technicians on active duty in support of combat operations.  
Sec. 1106. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.  
Sec. 1107. Work schedules and premium pay of service academy faculty.  
Sec. 1108. Salary schedules and related benefits for faculty and staff of the Uniformed Services University of the Health Sciences.  
Sec. 1109. Exemption of defense laboratory employees from certain workforce management restrictions.

**TITLE XII—MATTERS RELATING TO OTHER NATIONS****Subtitle A—Matters Relating to the People's Republic of China**

- Sec. 1201. Limitation on military-to-military exchanges and contacts with Chinese People's Liberation Army.
- Sec. 1202. Annual report on military power of the People's Republic of China.

**Subtitle B—Matters Relating to the Balkans**

- Sec. 1211. Department of Defense report on the conduct of Operation Allied Force and associated relief operations.
- Sec. 1212. Sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

**Subtitle C—Matters Relating to NATO and Other Allies**

- Sec. 1221. Legal effect of the new Strategic Concept of NATO.
- Sec. 1222. Report on allied capabilities to contribute to major theater wars.
- Sec. 1223. Attendance at professional military education schools by military personnel of the new member nations of NATO.

**Subtitle D—Other Matters**

- Sec. 1231. Multinational economic embargoes against governments in armed conflict with the United States.
- Sec. 1232. Limitation on deployment of Armed Forces in Haiti during fiscal year 2000 and congressional notice of deployments to Haiti.
- Sec. 1233. Report on the security situation on the Korean peninsula.
- Sec. 1234. Sense of Congress regarding the continuation of sanctions against Libya.
- Sec. 1235. Sense of Congress and report on disengaging from noncritical overseas missions involving United States combat forces.

**TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION**

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Prohibition on use of funds for specified purposes.
- Sec. 1304. Limitations on use of funds for fissile material storage facility.
- Sec. 1305. Limitation on use of funds for chemical weapons destruction.
- Sec. 1306. Limitation on use of funds until submission of report.
- Sec. 1307. Limitation on use of funds until submission of multiyear plan.
- Sec. 1308. Requirement to submit report.
- Sec. 1309. Report on Expanded Threat Reduction Initiative.
- Sec. 1310. Limitation on use of funds until submission of certification.
- Sec. 1311. Period covered by annual report on accounting for United States assistance under Cooperative Threat Reduction programs.
- Sec. 1312. Russian nonstrategic nuclear arms.

**TITLE XIV—PROLIFERATION AND EXPORT CONTROLS**

- Sec. 1401. Adherence of People's Republic of China to Missile Technology Control Regime.
- Sec. 1402. Annual report on transfers of militarily sensitive technology to countries and entities of concern.
- Sec. 1403. Resources for export license functions.
- Sec. 1404. Security in connection with satellite export licensing.
- Sec. 1405. Reporting of technology transmitted to People's Republic of China and of foreign launch security violations.
- Sec. 1406. Report on national security implications of exporting high-performance computers to the People's Republic of China.
- Sec. 1407. End-use verification for use by People's Republic of China of high-performance computers.
- Sec. 1408. Enhanced multilateral export controls.
- Sec. 1409. Enhancement of activities of Defense Threat Reduction Agency.
- Sec. 1410. Timely notification of licensing decisions by the Department of State.
- Sec. 1411. Enhanced intelligence consultation on satellite license applications.
- Sec. 1412. Investigations of violations of export controls by United States satellite manufacturers.



**TITLE XV—ARMS CONTROL AND  
COUNTERPROLIFERATION MATTERS**

- Sec. 1501. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1502. Sense of Congress on strategic arms reductions.
- Sec. 1503. Report on strategic stability under START III.
- Sec. 1504. Counterproliferation Program Review Committee.
- Sec. 1505. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

**TITLE XVI—NATIONAL SECURITY SPACE MATTERS****Subtitle A—Space Technology Guide; Reports**

- Sec. 1601. Space technology guide.
- Sec. 1602. Report on vulnerabilities of United States space assets.
- Sec. 1603. Report on space launch failures.
- Sec. 1604. Report on Air Force space launch facilities.

**Subtitle B—Commercial Space Launch Services**

- Sec. 1611. Sense of Congress regarding United States-Russian cooperation in commercial space launch services.
- Sec. 1612. Sense of Congress concerning United States commercial space launch capacity.

**Subtitle C—Commission To Assess United States National Security Space  
Management and Organization**

- Sec. 1621. Establishment of commission.
- Sec. 1622. Duties of commission.
- Sec. 1623. Report.
- Sec. 1624. Assessment by the Secretary of Defense.
- Sec. 1625. Powers.
- Sec. 1626. Commission procedures.
- Sec. 1627. Personnel matters.
- Sec. 1628. Miscellaneous administrative provisions.
- Sec. 1629. Funding.
- Sec. 1630. Termination of the commission.

**TITLE XVII—TROOPS-TO-TEACHERS PROGRAM**

- Sec. 1701. Short title; definitions.
- Sec. 1702. Authorization of Troops-to-Teachers Program.
- Sec. 1703. Eligible members of the Armed Forces.
- Sec. 1704. Selection of participants.
- Sec. 1705. Stipend and bonus for participants.
- Sec. 1706. Participation by States.
- Sec. 1707. Termination of original program; transfer of functions.
- Sec. 1708. Reporting requirements.
- Sec. 1709. Funds for fiscal year 2000.

**DIVISION B—MILITARY CONSTRUCTION  
AUTHORIZATIONS**

- Sec. 2001. Short title.

**TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.

**TITLE XXII—NAVY**

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.

- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.
- Sec. 2205. Modification of authority to carry out fiscal year 1997 project.
- Sec. 2206. Authorization to accept electrical substation improvements, Guam.

### **TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.

### **TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Military housing improvement program.
- Sec. 2404. Energy conservation projects.
- Sec. 2405. Authorization of appropriations, Defense Agencies.
- Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
- Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

### **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

### **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Modification of authority to carry out fiscal year 1998 project.

### **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1997 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1996 projects.
- Sec. 2704. Effective date.

### **TITLE XXVIII—GENERAL PROVISIONS**

#### **Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Exemption from notice and wait requirements of military construction projects supported by burdensharing funds undertaken for war or national emergency.
- Sec. 2802. Development of Ford Island, Hawaii.
- Sec. 2803. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.
- Sec. 2804. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
- Sec. 2805. Planning and design for military construction projects for reserve components.
- Sec. 2806. Modification of limitations on reserve component facility projects for certain safety projects.
- Sec. 2807. Sense of Congress on use of incremental funding to carry out military construction projects.

#### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Extension of authority for lease of real property for special operations activities.

- Sec. 2812. Enhancement of authority relating to utility privatization.
- Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
- Sec. 2814. Operations of Naval Academy dairy farm.
- Sec. 2815. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.
- Sec. 2816. Designation of missile intelligence building at Redstone Arsenal, Alabama, as the Richard C. Shelby Center for Missile Intelligence.

#### **Subtitle C—Defense Base Closure and Realignment**

- Sec. 2821. Economic development conveyances of base closure property.
- Sec. 2822. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

#### **Subtitle D—Land Conveyances**

##### **PART I—ARMY CONVEYANCES**

- Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
- Sec. 2832. Land exchange, Rock Island Arsenal, Illinois.
- Sec. 2833. Land conveyance, Army Reserve Center, Bangor, Maine.
- Sec. 2834. Land conveyance, Army Reserve Center, Kankakee, Illinois.
- Sec. 2835. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
- Sec. 2836. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
- Sec. 2837. Land conveyances, Army docks and related property, Alaska.
- Sec. 2838. Land conveyance, Fort Huachuca, Arizona.
- Sec. 2839. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
- Sec. 2840. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.
- Sec. 2841. Repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah.
- Sec. 2842. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.

##### **PART II—NAVY CONVEYANCES**

- Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
- Sec. 2852. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
- Sec. 2853. Land conveyance, Newport, Rhode Island.
- Sec. 2854. Land conveyance, Naval Training Center, Orlando, Florida.
- Sec. 2855. One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate conveyance of towers.
- Sec. 2856. Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine.
- Sec. 2857. Revision to lease authority, Naval Air Station, Meridian, Mississippi.
- Sec. 2858. Land conveyances, Norfolk, Virginia.

##### **PART III—AIR FORCE CONVEYANCES**

- Sec. 2861. Land conveyance, Newington Defense Fuel Supply Point, New Hampshire.
- Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.
- Sec. 2863. Land conveyance, Port of Anchorage, Alaska.
- Sec. 2864. Land conveyance, Forestport Test Annex, New York.
- Sec. 2865. Land conveyance, McClellan Nuclear Radiation Center, California.

#### **Subtitle E—Other Matters**

- Sec. 2871. Acceptance of guarantees in connection with gifts to military service academies.
- Sec. 2872. Acquisition of State-held inholdings, east range of Fort Huachuca, Arizona.
- Sec. 2873. Enhancement of Pentagon renovation activities.

#### **Subtitle F—Expansion of Arlington National Cemetery**

- Sec. 2881. Transfer from Navy Annex, Arlington, Virginia.
- Sec. 2882. Transfer from Fort Myer, Arlington, Virginia.

### **TITLE XXIX—COMMISSION ON NATIONAL MILITARY MUSEUM**

- Sec. 2901. Establishment.
- Sec. 2902. Duties of Commission.

- Sec. 2903. Report.
- Sec. 2904. Powers.
- Sec. 2905. Commission procedures.
- Sec. 2906. Personnel matters.
- Sec. 2907. Miscellaneous administrative provisions.
- Sec. 2908. Funding.
- Sec. 2909. Termination of Commission.

## **TITLE XXX—MILITARY LAND WITHDRAWALS**

- Sec. 3001. Short title.

### **Subtitle A—Withdrawals Generally**

- Sec. 3011. Withdrawals.
- Sec. 3012. Maps and legal descriptions.
- Sec. 3013. Termination of withdrawals in Military Lands Withdrawal Act of 1986.
- Sec. 3014. Management of lands.
- Sec. 3015. Duration of withdrawal and reservation.
- Sec. 3016. Extension of initial withdrawal and reservation.
- Sec. 3017. Ongoing decontamination.
- Sec. 3018. Delegation.
- Sec. 3019. Water rights.
- Sec. 3020. Hunting, fishing, and trapping.
- Sec. 3021. Mining and mineral leasing.
- Sec. 3022. Use of mineral materials.
- Sec. 3023. Immunity of United States.

### **Subtitle B—Withdrawals in Arizona**

- Sec. 3031. Barry M. Goldwater Range, Arizona.
- Sec. 3032. Military use of Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness.
- Sec. 3033. Maps and legal description.
- Sec. 3034. Water rights.
- Sec. 3035. Hunting, fishing, and trapping.
- Sec. 3036. Use of mineral materials.
- Sec. 3037. Immunity of United States.

### **Subtitle C—Authorization of Appropriations**

- Sec. 3041. Authorization of appropriations.

## **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

## **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

### **Subtitle A—National Security Programs Authorizations**

- Sec. 3101. Weapons activities.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Defense environmental management privatization.

### **Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds.

### **Subtitle C—Program Authorizations, Restrictions, and Limitations**

- Sec. 3131. Prohibition on use of funds for certain activities under formerly utilized site remedial action program.

- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3133. Nuclear weapons stockpile life extension program.
- Sec. 3134. Procedures for meeting tritium production requirements.
- Sec. 3135. Independent cost estimate of accelerator production of tritium.
- Sec. 3136. Nonproliferation initiatives and activities.
- Sec. 3137. Support of theater ballistic missile defense activities of the Department of Defense.

**Subtitle D—Matters Relating to Safeguards, Security, and  
Counterintelligence**

- Sec. 3141. Short title.
- Sec. 3142. Commission on Safeguards, Security, and Counterintelligence at Department of Energy facilities.
- Sec. 3143. Background investigations of certain personnel at Department of Energy facilities.
- Sec. 3144. Conduct of security clearances.
- Sec. 3145. Protection of classified information during laboratory-to-laboratory exchanges.
- Sec. 3146. Restrictions on access to national laboratories by foreign visitors from sensitive countries.
- Sec. 3147. Department of Energy regulations relating to the safeguarding and security of Restricted Data.
- Sec. 3148. Increased penalties for misuse of Restricted Data.
- Sec. 3149. Supplement to plan for declassification of Restricted Data and formerly Restricted Data.
- Sec. 3150. Notice to congressional committees of certain security and counterintelligence failures within nuclear energy defense programs.
- Sec. 3151. Annual report by the President on espionage by the People's Republic of China.
- Sec. 3152. Report on counterintelligence and security practices at national laboratories.
- Sec. 3153. Report on security vulnerabilities of national laboratory computers.
- Sec. 3154. Counterintelligence polygraph program.
- Sec. 3155. Definitions of national laboratory and nuclear weapons production facility.
- Sec. 3156. Definition of Restricted Data.

**Subtitle E—Matters Relating to Personnel**

- Sec. 3161. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3162. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
- Sec. 3163. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
- Sec. 3164. Whistleblower protection program.

**Subtitle F—Other Matters**

- Sec. 3171. Requirement for plan to improve reprogramming processes.
- Sec. 3172. Integrated fissile materials management plan.
- Sec. 3173. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
- Sec. 3174. Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories.
- Sec. 3175. Pilot program for project management oversight regarding Department of Energy construction projects.
- Sec. 3176. Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado.
- Sec. 3177. Proposed schedule for shipments of waste from Rocky Flats Environmental Technology Site, Colorado, to Waste Isolation Pilot Plant, New Mexico.
- Sec. 3178. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.
- Sec. 3179. Extension of review of Waste Isolation Pilot Plant, New Mexico.

**TITLE XXXII—NATIONAL NUCLEAR SECURITY  
ADMINISTRATION**

- Sec. 3201. Short title.

- Sec. 3202. Under Secretary for Nuclear Security of Department of Energy.
- Sec. 3203. Establishment of policy for National Nuclear Security Administration.
- Sec. 3204. Organization of Department of Energy counterintelligence and intelligence programs and activities.

#### **Subtitle A—Establishment and Organization**

- Sec. 3211. Establishment and mission.
- Sec. 3212. Administrator for Nuclear Security.
- Sec. 3213. Status of Administration and contractor personnel within Department of Energy.
- Sec. 3214. Deputy Administrator for Defense Programs.
- Sec. 3215. Deputy Administrator for Defense Nuclear Nonproliferation.
- Sec. 3216. Deputy Administrator for Naval Reactors.
- Sec. 3217. General Counsel.
- Sec. 3218. Staff of Administration.

#### **Subtitle B—Matters Relating to Security**

- Sec. 3231. Protection of national security information.
- Sec. 3232. Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security.
- Sec. 3233. Counterintelligence programs.
- Sec. 3234. Procedures relating to access by individuals to classified areas and information of Administration.
- Sec. 3235. Government access to information on Administration computers.
- Sec. 3236. Congressional oversight of special access programs.

#### **Subtitle C—Matters Relating to Personnel**

- Sec. 3241. Authority to establish certain scientific, engineering, and technical positions.
- Sec. 3242. Voluntary early retirement authority.
- Sec. 3243. Severance pay.
- Sec. 3244. Continued coverage of health care benefits.

#### **Subtitle D—Budget and Financial Management**

- Sec. 3251. Separate treatment in budget.
- Sec. 3252. Planning, programming, and budgeting process.
- Sec. 3253. Future-years nuclear security program.

#### **Subtitle E—Miscellaneous Provisions**

- Sec. 3261. Environmental protection, safety, and health requirements.
- Sec. 3262. Compliance with Federal Acquisition Regulation.
- Sec. 3263. Sharing of technology with Department of Defense.
- Sec. 3264. Use of capabilities of national security laboratories by entities outside the Administration.

#### **Subtitle F—Definitions**

- Sec. 3281. Definitions.

#### **Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates**

- Sec. 3291. Functions transferred.
- Sec. 3292. Transfer of funds and employees.
- Sec. 3293. Pay levels.
- Sec. 3294. Conforming amendments.
- Sec. 3295. Transition provisions.
- Sec. 3296. Applicability of preexisting laws and regulations.
- Sec. 3297. Report containing implementation plan of Secretary of Energy.
- Sec. 3298. Classification in United States Code.
- Sec. 3299. Effective dates.

### **TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

- Sec. 3301. Authorization.

### **TITLE XXXIV—NATIONAL DEFENSE STOCKPILE**

- Sec. 3401. Authorized uses of stockpile funds.

- Sec. 3402. Disposal of certain materials in National Defense Stockpile.
- Sec. 3403. Limitations on previous authority for disposal of stockpile materials.

### **TITLE XXXV—PANAMA CANAL COMMISSION**

- Sec. 3501. Short title.
- Sec. 3502. Authorization of expenditures.
- Sec. 3503. Purchase of vehicles.
- Sec. 3504. Office of Transition Administration.
- Sec. 3505. Expenditures only in accordance with treaties.

### **TITLE XXXVI—MARITIME ADMINISTRATION**

- Sec. 3601. Short title.
- Sec. 3602. Authorization of appropriations for fiscal year 2000.
- Sec. 3603. Extension of war risk insurance authority.
- Sec. 3604. Ownership of the JEREMIAH O'BRIEN.

#### **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

For purposes of this Act, the term “congressional defense committees” means—

- (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and
- (2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

## **DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

### **TITLE I—PROCUREMENT**

#### **Subtitle A—Authorization of Appropriations**

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Reserve components.
- Sec. 106. Defense Inspector General.
- Sec. 107. Chemical demilitarization program.
- Sec. 108. Defense health programs.

#### **Subtitle B—Army Programs**

- Sec. 111. Multiyear procurement authority for certain Army programs.
- Sec. 112. Procurement requirements for the Family of Medium Tactical Vehicles.
- Sec. 113. Army aviation modernization.
- Sec. 114. Multiple Launch Rocket System.
- Sec. 115. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
- Sec. 116. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.

#### **Subtitle C—Navy Programs**

- Sec. 121. F/A–18E/F Super Hornet aircraft program.
- Sec. 122. Arleigh Burke class destroyer program.
- Sec. 123. Repeal of requirement for annual report from shipbuilders under certain nuclear attack submarine programs.
- Sec. 124. LHD–8 amphibious assault ship program.
- Sec. 125. D–5 missile program.

#### **Subtitle D—Air Force Programs**

- Sec. 131. F–22 aircraft program.
- Sec. 132. Replacement options for conventional air-launched cruise missile.

Sec. 133. Procurement of firefighting equipment for the Air National Guard and the Air Force Reserve.

Sec. 134. F–16 tactical manned reconnaissance aircraft.

**Subtitle E—Chemical Stockpile Destruction Program**

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.

Sec. 142. Comptroller General report on anticipated effects of proposed changes in operation of storage sites for lethal chemical agents and munitions.

## **Subtitle A—Authorization of Appropriations**

### **SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

- (1) For aircraft, \$1,459,688,000.
- (2) For missiles, \$1,258,298,000.
- (3) For weapons and tracked combat vehicles, \$1,571,665,000.
- (4) For ammunition, \$1,215,216,000.
- (5) For other procurement, \$3,662,921,000.

### **SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

- (1) For aircraft, \$8,798,784,000.
- (2) For weapons, including missiles and torpedoes, \$1,417,100,000.
- (3) For shipbuilding and conversion, \$7,016,454,000.
- (4) For other procurement, \$4,266,891,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of \$1,296,970,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of ammunition for the Navy and the Marine Corps in the amount of \$534,700,000.

### **SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

- (1) For aircraft, \$9,758,886,000.
- (2) For missiles, \$2,395,608,000.
- (3) For ammunition, \$467,537,000.
- (4) For other procurement, \$7,158,527,000.

### **SEC. 104. DEFENSE-WIDE ACTIVITIES.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of \$2,345,168,000.

### **SEC. 105. RESERVE COMPONENTS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

- (1) For the Army National Guard, \$10,000,000.
- (2) For the Air National Guard, \$10,000,000.



- (3) For the Army Reserve, \$10,000,000.
- (4) For the Naval Reserve, \$10,000,000.
- (5) For the Air Force Reserve, \$10,000,000.
- (6) For the Marine Corps Reserve, \$10,000,000.

**SEC. 106. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of \$2,100,000.

**SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

There is hereby authorized to be appropriated for fiscal year 2000 the amount of \$1,024,000,000 for—

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 108. DEFENSE HEALTH PROGRAMS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of \$356,970,000.

## **Subtitle B—Army Programs**

**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR CERTAIN ARMY PROGRAMS.**

Beginning with the fiscal year 2000 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into multiyear contracts for procurement of the following:

- (1) The Javelin missile system.
- (2) M2A3 Bradley fighting vehicles.
- (3) AH–64D Apache Longbow attack helicopters.
- (4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

**SEC. 112. PROCUREMENT REQUIREMENTS FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.**

(a) REQUIREMENTS.—The Secretary of the Army—

- (1) shall use competitive procedures for the award of any contract for procurement of vehicles under the Family of Medium Tactical Vehicles program after completion of the multiyear procurement contract for procurement of vehicles under that program that was awarded on October 14, 1998; and

- (2) may not award a contract to establish a second-source contractor for procurement of the vehicles under the Family of Medium Tactical Vehicles program that are covered by the multiyear procurement contract for that program that was awarded on October 14, 1998.

(b) REPEAL.—Section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1937) is repealed.

**SEC. 113. ARMY AVIATION MODERNIZATION.**

(a) **HELICOPTER FORCE MODERNIZATION PLAN.**—The Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for the modernization of the Army's helicopter forces.

(b) **REQUIRED ELEMENTS.**—The helicopter force modernization plan shall include provisions for the following:

(1) For the AH-64D Apache Longbow program—

(A) restoration of the original procurement objective of the program to the procurement of 747 aircraft and at least 227 fire control radars;

(B) qualification and training of reserve component pilots as augmentation crews to ensure 24-hour warfighting capability in deployed attack helicopter units; and

(C) fielding of a sufficient number of aircraft in reserve component aviation units to implement the provisions of the plan required under subparagraph (B).

(2) For AH-1 Cobra helicopters, retirement of all AH-1 Cobra helicopters remaining in the fleet.

(3) For the RAH-66 Comanche program—

(A) review of the total requirements and acquisition objectives for the program;

(B) fielding of Comanche helicopters to the planned aviation force structure; and

(C) support for the plan for the AH-64D Apache program required under paragraph (1).

(4) For the UH-1 Huey helicopter program—

(A) an upgrade program;

(B) revision of total force requirements for that aircraft to reflect the warfighting and support requirements of the theater commanders-in-chief for aircraft used by the Army National Guard; and

(C) a transition plan to a future utility helicopter.

(5) For the UH-60 Blackhawk helicopter program—

(A) identification of the objective requirements for that aircraft;

(B) an acquisition strategy for meeting requirements that in the interim will be addressed by UH-1 Huey helicopters among the warfighting and support requirements of the theater commanders-in-chief for aircraft used by the Army National Guard; and

(C) a modernization program for fielded aircraft.

(6) For the CH-47 Chinook helicopter service life extension program, maintenance of the schedule and funding.

(7) For the OH-58D Kiowa Warrior helicopters, an upgrade program.

(8) A revised assessment of the Army's present and future requirements for helicopters and its present and future helicopter inventory, including the number of aircraft, average age of aircraft, availability of spare parts, flight hour costs, roles and functions assigned to the fleet as a whole and to each type of aircraft, and the mix of active component and reserve component aircraft in the fleet.

(c) **LIMITATION.**—Not more than 90 percent of the amount appropriated pursuant to the authorization of appropriations in section 101(1) may be obligated before the date that is 30 days

after the date on which the Secretary of the Army submits the plan required by subsection (a) to the congressional defense committees.

**SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.**

The Secretary of the Army may make available, from funds appropriated pursuant to the authorization of appropriations in section 101(2), an amount not to exceed \$500,000 to complete the development of reuse and demilitarization tools and technologies for use in the demilitarization of Army Multiple Launch Rocket System rockets.

**SEC. 115. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.**

(a) **EXTENSION OF PROGRAM.**—Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking “During fiscal years 1998 and 1999” and inserting “During fiscal years 1998 through 2001”; and

(2) in subsection (b), by striking “during fiscal year 1998 or 1999” and inserting “during the period during which the pilot program is being conducted”.

(b) **UPDATE OF INSPECTOR GENERAL REPORT.**—Such section is further amended by adding at the end the following new subsection:

“(d) **UPDATE OF REPORT.**—Not later than March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.”.

Deadline.

**SEC. 116. EXTENSION OF AUTHORITY TO CARRY OUT ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.**

Section 193(a) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking “During fiscal years 1993 through 1999” and inserting “During fiscal years 1993 through 2001”.

## Subtitle C—Navy Programs

**SEC. 121. F/A-18E/F SUPER HORNET AIRCRAFT PROGRAM.**

(a) **MULTIYEAR PROCUREMENT AUTHORITY.**—Subject to subsection (b), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement of F/A-18E/F aircraft.

(b) **LIMITATION.**—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a), and may not authorize the F/A-18E/F aircraft program to enter into full-rate production, until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and

Certification.

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(c) **REQUIRED CERTIFICATION.**—A certification referred to in subsection (b)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A-18E/F aircraft indicate—

(A) that the aircraft is operationally effective and operationally suitable; and

(B) that the F/A-18E and the F/A-18F variants of that aircraft both meet their respective key performance parameters as established in the Operational Requirements Document (ORD) for the F/A-18E/F program, as validated and approved by the Chief of Naval Operations on April 1, 1997 (other than for a permissible deviation of not more than 1 percent with respect to the range performance parameter).

(2) That the cost of procurement of the F/A-18E/F aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less than the cost of procurement of the same number of aircraft through annual contracts.

(d) **CONTINUITY OF CONGRESS.**—For purposes of subsection (b)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

#### **SEC. 122. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

(a) **AUTHORITY FOR MULTIYEAR PROCUREMENT OF 6 ADDITIONAL VESSELS.**—(1) Subsection (b) of section 122 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2446) is amended in the first sentence—

(A) by striking “12 Arleigh Burke class destroyers” and inserting “18 Arleigh Burke class destroyers”; and

(B) by striking “and 2001” and inserting “2001, 2002, and 2003”.

(2) The heading for such subsection is amended by striking “TWELVE” and inserting “18”.

(b) **FISCAL YEAR 2001 ADVANCE PROCUREMENT.**—(1) Subject to paragraphs (2) and (3), the Secretary of the Navy is authorized, in fiscal year 2001, to enter into contracts for advance procurement for the Arleigh Burke class destroyers that are to be constructed under contracts entered into after fiscal year 2001 under section 122(b) of Public Law 104-201, as amended by subsection (a)(1).

(2) The authority to contract for advance procurement under paragraph (1) is subject to the availability of funds authorized and appropriated for fiscal year 2001 for that purpose in Acts enacted after September 30, 1999.

(3) The aggregate amount of the contracts entered into under paragraph (1) may not exceed \$371,000,000.

(c) **OTHER FUNDS FOR ADVANCE PROCUREMENT.**—Notwithstanding any other provision of this Act, of the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to \$190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

**SEC. 123. REPEAL OF REQUIREMENT FOR ANNUAL REPORT FROM SHIPBUILDERS UNDER CERTAIN NUCLEAR ATTACK SUBMARINE PROGRAMS.**

(a) **REPEAL.**—Paragraph (3) of section 121(g) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2444) is repealed.

(b) **CONFORMING AMENDMENT.**—Paragraph (5) of such section is amended by striking “reports referred to in paragraphs (3) and (4)” and inserting “report referred to in paragraph (4)”.

**SEC. 124. LHD-8 AMPHIBIOUS ASSAULT SHIP PROGRAM.**

(a) **AUTHORIZATION OF SHIP.**—The Secretary of the Navy is authorized to procure the amphibious assault ship to be designated LHD-8, subject to the availability of appropriations for that purpose.

(b) **AMOUNT AUTHORIZED.**—Of the amount authorized to be appropriated under section 102(a)(3) for fiscal year 2000, \$375,000,000 is available for the advance procurement and advance construction of components for the LHD-8 amphibious assault ship program. The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

**SEC. 125. D-5 MISSILE PROGRAM.**

(a) **REPORT.**—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D-5 missile program. Deadline.

(b) **REPORT ELEMENTS.**—The report under subsection (a) shall include the following:

(1) An inventory management plan for the D-5 missile program covering the projected life of the program, including—

(A) the location of D-5 missiles during the fueling of submarines;

(B) rotation of inventory;

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life; and

(D) consideration of the results of the assessment required in paragraph (4).

(2) The cost of terminating procurement of D-5 missiles for each fiscal year before the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D-5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with fewer than 24 D-5 missiles; and

(B) reducing the flight test rate for D-5 missiles.

(4) An assessment of the optimal commencement date for the development and deployment of replacement capability for the current land-based and sea-based missile forces.

(5) The Secretary's plan for maintaining D-5 missiles and Trident submarines under the START II Treaty and a proposed START III treaty, and whether requirements for those missiles and submarines would be reduced under such treaties.

## Subtitle D—Air Force Programs

### SEC. 131. F-22 AIRCRAFT PROGRAM.

(a) **CERTIFICATION REQUIRED BEFORE LRIP.**—The Secretary of the Air Force may not award a contract for low-rate initial production under the F-22 aircraft program until the Secretary of Defense submits to the congressional defense committees the Secretary's certification of each of the following:

(1) That the test plan in the engineering and manufacturing development phase for that program is adequate for determining the operational effectiveness and suitability of the F-22 aircraft.

(2) That the engineering and manufacturing development phase, and the production phase, for that program can each be executed within the limitation on total cost applicable to that program under subsection (a) or (b), respectively, of section 217 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660).

(b) **LACK OF CERTIFICATION.**—If the Secretary of Defense is unable to submit either or both of the certifications under subsection (a), the Secretary shall submit to the congressional defense committees a report which includes—

(1) the reasons the certification or certifications could not be made;

(2) a revised acquisition plan approved by the Secretary of Defense if the Secretary desires to proceed with low-rate initial production; and

(3) a revised cost estimate for the remainder of the engineering and manufacturing development phase and for the production phase of the F-22 program if the Secretary desires to proceed with low-rate initial production.

### SEC. 132. REPLACEMENT OPTIONS FOR CONVENTIONAL AIR-LAUNCHED CRUISE MISSILE.

Deadline.

(a) **REPORT.**—The Secretary of the Air Force shall determine the requirements being met by the conventional air-launched cruise missile (CALCM) as of the date of the enactment of this Act and, not later than January 15, 2000, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the replacement options for that missile.

(b) **MATTERS TO BE INCLUDED.**—In the report under subsection (a), the Secretary shall consider the options for continuing to meet the requirements determined by the Secretary under subsection (a) as the inventory of the conventional air-launched cruise missile is depleted. Options considered shall include the following:

(1) Resumption of production of the conventional air-launched cruise missile.

(2) Acquisition of a new type of weapon with lethality characteristics equivalent or superior to the lethality characteristics of the conventional air-launched cruise missile.

(3) Use of existing or planned munitions or such munitions with appropriate upgrades.

**SEC. 133. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.**

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed \$16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

**SEC. 134. F-16 TACTICAL MANNED RECONNAISSANCE AIRCRAFT.**

The limitation contained in section 216(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2454) shall not apply to the obligation or expenditure of amounts made available pursuant to this Act for a purpose stated in paragraphs (1) and (2) of that section.

## **Subtitle E—Chemical Stockpile Destruction Program**

**SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.**

50 USC 1521  
note.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

Deadline.  
Reports.

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

“(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.”;

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

“(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

“(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.”;

(2) in subsection (f)(2), by striking “(c)(4)” and inserting “(c)(5)”;

(3) in subsection (g)(2)(B), by striking “(c)(3)” and inserting “(c)(4)”.

Deadline.

(c) COMPTROLLER GENERAL ASSESSMENT AND REPORT.—(1) Not later than March 1, 2000, the Comptroller General of the United States shall review and assess the program for destruction of the United States stockpile of chemical agents and munitions and report the results of the assessment to the congressional defense committees.

(2) The assessment conducted under paragraph (1) shall include a review of the program execution and financial management of each of the elements of the program, including—

(A) the chemical stockpile disposal project;

(B) the nonstockpile chemical materiel project;

(C) the alternative technologies and approaches project;

(D) the chemical stockpile emergency preparedness program; and

(E) the assembled chemical weapons assessment program.

(d) DEFINITIONS.—As used in this section:

(1) The term “Assembled Chemical Weapons Assessment” means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

(2) The term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.



**SEC. 142. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.**

(a) **REPORT REQUIRED.**—Not later than March 31, 2000, the Deadline.  
Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002.

(b) **CONTENT OF REPORT.**—The report shall include the following:

(1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.

(2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have—

(A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and

(B) the industrial capabilities necessary to meet replenishment and surge requirements.

(3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.

(4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.

(5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.

(6) Recommendations for mitigating the risks and adverse effects identified in the report.

## **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

### **Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic and applied research.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.

Sec. 212. Sense of Congress regarding defense science and technology program.

Sec. 213. Micro-satellite technology development program.

Sec. 214. Space control technology.

Sec. 215. Space maneuver vehicle program.

- Sec. 216. Manufacturing technology program.
- Sec. 217. Revision to limitations on high altitude endurance unmanned vehicle program.

#### **Subtitle C—Ballistic Missile Defense**

- Sec. 231. Space Based Infrared System (SBIRS) low program.
- Sec. 232. Theater missile defense upper tier acquisition strategy.
- Sec. 233. Acquisition strategy for Theater High-Altitude Area Defense (THAAD) system.
- Sec. 234. Space-based laser program.
- Sec. 235. Criteria for progression of airborne laser program.
- Sec. 236. Sense of Congress regarding ballistic missile defense technology funding.
- Sec. 237. Report on national missile defense.

#### **Subtitle D—Research and Development for Long-Term Military Capabilities**

- Sec. 241. Quadrennial report on emerging operational concepts.
- Sec. 242. Technology area review and assessment.
- Sec. 243. Report by Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Sec. 244. DARPA program for award of competitive prizes to encourage development of advanced technologies.
- Sec. 245. Additional pilot program for revitalizing Department of Defense laboratories.

#### **Subtitle E—Other Matters**

- Sec. 251. Development of Department of Defense laser master plan and execution of solid state laser program.
- Sec. 252. Report on Air Force distributed mission training.

## **Subtitle A—Authorization of Appropriations**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

- (1) For the Army, \$4,791,243,000.
- (2) For the Navy, \$8,362,516,000.
- (3) For the Air Force, \$13,630,073,000.
- (4) For Defense-wide activities, \$9,482,705,000, of which—
  - (A) \$253,457,000 is authorized for the activities of the Director, Test and Evaluation; and
  - (B) \$24,434,000 is authorized for the Director of Operational Test and Evaluation.

### **SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.**

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, \$4,301,421,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term “basic research and applied research” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

## **Subtitle B—Program Requirements, Restrictions, and Limitations**

### **SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.**

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) **COVERED PROGRAM.**—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

Memorandums.

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) **REPORT.**—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

Deadline.

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army

that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles, alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, \$56,200,000 shall be available only to carry out the program under subsection (a).

10 USC 2501  
note.

**SEC. 212. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.**

(a) FAILURE TO COMPLY WITH FUNDING OBJECTIVE.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as stated in section 214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapon systems.

(b) FUNDING OBJECTIVE.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If the proposed budget for a fiscal year covered by subsection (b) fails to comply with the objective set forth in that subsection—

(1) the Secretary of Defense shall submit to Congress—

(A) the certification of the Secretary that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapon systems; or

(B) a statement of the Secretary explaining why the Secretary is unable to submit such certification; and

(2) the Defense Science Board shall, not more than 60 days after the date on which the Secretary submits the certification or statement under paragraph (1), submit to the Secretary and Congress a report assessing the effect such failure to comply is likely to have on defense technology and the national defense.

Deadline.  
Reports.

**SEC. 213. MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PROGRAM.**

Of the funds authorized to be appropriated under section 201(3), \$10,000,000 is available for continued implementation of the micro-satellite technology program established pursuant to section 215

of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1659).

**SEC. 214. SPACE CONTROL TECHNOLOGY.**

(a) **FUNDS AVAILABLE FOR AIR FORCE EXECUTION.**—Of the funds authorized to be appropriated under section 201(3), \$14,822,000 shall be available for space control technology development pursuant to the Department of Defense Space Control Technology Plan of 1999.

(b) **FUNDS AVAILABLE FOR ARMY EXECUTION.**—Of the funds authorized to be appropriated under section 201(1), \$10,000,000 shall be available for space control technology development. Of the funds made available pursuant to the preceding sentence, the commander of the United States Army Space and Missile Defense Command may use such amounts as are necessary for any or all of the following activities:

(1) Continued development of the kinetic energy anti-satellite technology program.

(2) Technology development associated with the kinetic energy anti-satellite kill vehicle to temporarily disrupt satellite functions.

(3) Cooperative technology development with the Air Force, pursuant to the Department of Defense Space Control Technology Plan of 1999.

**SEC. 215. SPACE MANEUVER VEHICLE PROGRAM.**

(a) **FUNDING.**—Of the funds authorized to be appropriated under section 201(3), \$25,000,000 is available for the Space Maneuver Vehicle program.

(b) **ACQUISITION OF SECOND FLIGHT TEST ARTICLE.**—The amount available for the space maneuver vehicle program under subsection (a) shall be used for development and acquisition of an Air Force X-40 flight test article to support the joint Air Force and National Aeronautics and Space Administration X-37 program and to meet unique needs of the Air Force Space Maneuver Vehicle program.

**SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.**

(a) **OVERALL PURPOSE OF PROGRAM.**—Subsection (a) of section 2525 of title 10, United States Code, is amended by inserting after “title” in the first sentence the following: “through the development and application of advanced manufacturing technologies and processes that will reduce the acquisition and supportability costs of defense weapon systems and reduce manufacturing and repair cycle times across the life cycles of such systems”.

(b) **SUPPORT OF PROJECTS TO MEET ESSENTIAL DEFENSE REQUIREMENTS.**—Subsection (b)(4) of such section is amended to read as follows:

“(4) to focus Department of Defense support for the development and application of advanced manufacturing technologies and processes for use to meet manufacturing requirements that are essential to the national defense, as well as for repair and remanufacturing in support of the operations of systems commands, depots, air logistics centers, and shipyards;”.

(c) **EXECUTION.**—Subsection (c) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (5);

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) In the establishment and review of requirements for an advanced manufacturing technology or process, the Secretary shall ensure the participation of those prospective technology users that are expected to be the users of that technology or process.

“(3) The Secretary shall ensure that each project under the program for the development of an advanced manufacturing technology or process includes an implementation plan for the transition of that technology or process to the prospective technology users that will be the users of that technology or process.

“(4) In the periodic review of a project under the program, the Secretary shall ensure participation by those prospective technology users that are the expected users for the technology or process being developed under the project.”; and

(3) by adding after paragraph (5) (as redesignated by paragraph (2)) the following new paragraph:

“(6) In this subsection, the term ‘prospective technology users’ means the following officials and elements of the Department of Defense:

“(A) Program and project managers for defense weapon systems.

“(B) Systems commands.

“(C) Depots.

“(D) Air logistics centers.

“(E) Shipyards.”.

(d) CONSIDERATION OF COST-SHARING PROPOSALS.—Subsection (d) of such section is amended—

(1) by striking paragraphs (2) and (3);

(2) by striking “(A)” after “(1)”; and

(3) by striking “(B) For each” and all that follows through “competitive procedures.” and inserting the following: “(2) Under the competitive procedures used, the factors to be considered in the evaluation of each proposed grant, contract, cooperative agreement, or other transaction for a project under the program shall include the extent to which that proposed transaction provides for the proposed recipient to share in the cost of the project.”.

(e) REVISIONS TO FIVE-YEAR PLAN.—Subsection (e)(2) of such section is amended—

(1) in subparagraph (A), by inserting “, including a description of all completed projects and status of implementation” before the period at the end; and

(2) by adding at the end the following new subparagraph:

“(C) Plans for the implementation of the advanced manufacturing technologies and processes being developed under the program.”.

#### **SEC. 217. REVISION TO LIMITATIONS ON HIGH ALTITUDE ENDURANCE UNMANNED VEHICLE PROGRAM.**

Section 216(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1660) is amended by striking “may not procure any” and inserting “may not procure more than two”.

## Subtitle C—Ballistic Missile Defense

### SEC. 231. SPACE BASED INFRARED SYSTEM (SBIRS) LOW PROGRAM.

(a) **PRIMARY MISSION OF SBIRS LOW SYSTEM.**—The primary mission of the system designated as of the date of the enactment of this Act as the Space Based Infrared System Low (hereinafter in this section referred to as the “SBIRS Low system”) is ballistic missile defense. The Secretary of Defense shall carry out the acquisition program for that system consistent with that primary mission.

(b) **OVERSIGHT OF CERTAIN PROGRAM FUNCTIONS.**—With respect to the SBIRS Low system, the Secretary of Defense shall require that the Secretary of the Air Force obtain the approval of the Director of the Ballistic Missile Defense Organization before the Secretary—

(1) establishes any system level technical requirement or makes any change to any such requirement;

(2) makes any change to the SBIRS Low baseline schedule;

or

(3) makes any change to the budget baseline identified in the fiscal year 2000 future-years defense program.

(c) **PRIORITY FOR ANCILLARY MISSIONS.**—The Secretary of Defense shall ensure that the Director of the Ballistic Missile Defense Organization, in executing the authorities specified in subsection (b), engages in appropriate coordination with the Secretary of the Air Force and elements of the intelligence community to ensure that ancillary SBIRS Low missions (that is, missions other than the primary mission of ballistic missile defense) receive proper priority to the extent that those ancillary missions do not increase technical or schedule risk.

(d) **MANAGEMENT AND FUNDING BUDGET ACTIVITY.**—The Secretary of Defense shall transfer the management and budgeting of funds for the SBIRS Low system from the Tactical Intelligence and Related Activities (TIARA) budget aggregation to a nonintelligence budget activity of the Air Force.

(e) **DEADLINE FOR DEFINITION OF SYSTEM REQUIREMENTS.**—The system level technical requirements for the SBIRS Low system shall be defined not later than July 1, 2000.

(f) **DEFINITIONS.**—For purposes of this section:

(1) The term “system level technical requirements” means those technical requirements and those functional requirements of a system, expressed in terms of technical performance and mission requirements, including test provisions, that determine the direction and progress of the systems engineering effort and the degree of convergence upon a balanced and complete configuration.

(2) The term “SBIRS Low baseline schedule” means a program schedule that includes—

(A) a Milestone II decision on entry into engineering and manufacturing development to be made during fiscal year 2002;

(B) a critical design review to be conducted during fiscal year 2003; and

(C) a first launch of a SBIRS Low satellite to be made during fiscal year 2006.

**SEC. 232. THEATER MISSILE DEFENSE UPPER TIER ACQUISITION STRATEGY.**

(a) **REVISED UPPER TIER STRATEGY.**—The Secretary of Defense shall establish an acquisition strategy for the two upper tier missile defense systems that—

(1) retains funding for both of the upper tier systems in separate, independently managed program elements throughout the future-years defense program;

(2) bases funding decisions and program schedules for each upper tier system on the performance of each system independent of the performance of the other system; and

(3) provides for accelerating the deployment of both of the upper tier systems to the maximum extent practicable.

(b) **UPPER TIER SYSTEMS DEFINED.**—For purposes of this section, the upper tier missile defense systems are the following:

(1) The Navy Theater Wide system.

(2) The Theater High-Altitude Area Defense (THAAD) system.

**SEC. 233. ACQUISITION STRATEGY FOR THEATER HIGH-ALTITUDE AREA DEFENSE (THAAD) SYSTEM.**

(a) **INDEPENDENT REVIEW OF SYSTEM.**—Subsection (a) of section 236 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1953) is amended to read as follows:

“(a) **CONTINUED INDEPENDENT REVIEW.**—The Secretary of Defense shall take appropriate steps to assure continued independent review, as the Secretary determines is needed, of the Theater High-Altitude Area Defense (THAAD) program.”.

(b) **COORDINATION OF DEVELOPMENT OF SYSTEM ELEMENTS.**—Subsection (c) of such section is amended by striking “may” and inserting “shall”.

(c) **REVISION TO LIMITATION ON ENTERING MANUFACTURING AND DEVELOPMENT PHASE FOR INTERCEPTOR MISSILE.**—Subsection (e) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) If the Secretary determines, after a second successful test of the interceptor missile of the THAAD system, that the THAAD program has achieved a sufficient level of technical maturity, the Secretary may waive the limitation specified in paragraph (1).

“(3) If the Secretary grants a waiver under paragraph (2), the Secretary shall, not later than 60 days after the date of the issuance of the waiver, submit to the congressional defense committees a report describing the technical rationale for that action.”.

Deadline.  
Reports.

**SEC. 234. SPACE-BASED LASER PROGRAM.**

(a) **STRUCTURE OF PROGRAM.**—The Secretary of Defense shall structure the space-based laser program to include—

(1) an integrated flight experiment; and

(2) an ongoing analysis and technology effort to support the development of an objective system design.

Deadline.

(b) **INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.**—Not later than March 15, 2000, the Secretary of Defense, in consultation with the joint venture contractors for the space-based laser program,



shall establish a program baseline for the integrated flight experiment referred to in subsection (a)(1).

(c) **STRUCTURE OF INTEGRATED FLIGHT EXPERIMENT PROGRAM BASELINE.**—The program baseline established under subsection (b) shall be structured to—

(1) demonstrate at the earliest date consistent with the requirements of this section the fundamental end-to-end capability to acquire, track, and destroy a boosting ballistic missile with a lethal laser from space; and

(2) establish a balance between the use of mature technology and more advanced technology so that the integrated flight experiment, while providing significant information that can be used in planning and implementing follow-on phases of the space-based laser program, will be launched as soon as practicable.

(d) **FUNDS AVAILABLE FOR INTEGRATED FLIGHT EXPERIMENT.**—Amounts shall be available for the integrated flight experiment as follows:

(1) From amounts available pursuant to section 201(3), \$73,840,000.

(2) From amounts available pursuant to section 201(4), \$75,000,000.

(e) **LIMITATION ON OBLIGATION OF FUNDS FOR INTEGRATED FLIGHT EXPERIMENT.**—No funds made available in subsection (d) for the integrated flight experiment may be obligated until the Secretary of the Air Force—

(1) develops a specific spending plan for such amounts; and

(2) provides such plan to the congressional defense committees.

(f) **OBJECTIVE SYSTEM DESIGN.**—To support the development of an objective system design for a space-based laser system suited to the operational and technological environment that will exist when such a system can be deployed, the Secretary of Defense shall establish an analysis and technology effort that complements the integrated flight experiment. That effort shall include the following:

(1) Research and development on advanced technologies that will not be demonstrated on the integrated flight experiment but may be necessary for an objective system.

(2) Architecture studies to assess alternative constellation and system performance characteristics.

(3) Planning for the development of a space-based laser prototype that—

(A) uses the lessons learned from the integrated flight experiment; and

(B) is supported by the ongoing research and development under paragraph (1), the architecture studies under paragraph (2), and other relevant advanced technology research and development.

(g) **FUNDS AVAILABLE FOR OBJECTIVE SYSTEM DESIGN DURING FISCAL YEAR 2000.**—During fiscal year 2000, the Secretary of the Air Force may use amounts made available for the integrated flight experiment under subsection (d) for the purpose of supporting the effort specified in subsection (f) if the Secretary of the Air Force first—

Deadline.

(1) determines that such amounts are needed for that purpose;

(2) develops a specific spending plan for such amounts; and

(3) consults with the congressional defense committees regarding such plan.

(h) ANNUAL REPORT.—For each year in the three-year period beginning with the year 2000, the Secretary of Defense shall, not later than March 15 of that year, submit to the congressional defense committees a report on the space-based laser program. Each such report shall include the following:

(1) The program baseline for the integrated flight experiment.

(2) Any changes in that program baseline.

(3) A description of the activities of the space-based laser program in the preceding year.

(4) A description of the activities of the space-based laser program planned for the next fiscal year.

(5) The funding planned for the space-based laser program throughout the future-years defense program.

#### SEC. 235. CRITERIA FOR PROGRESSION OF AIRBORNE LASER PROGRAM.

(a) MODIFICATION OF PDRR AIRCRAFT.—No modification of the PDRR aircraft may commence until the Secretary of the Air Force certifies to Congress that the commencement of such modification is justified on the basis of existing test data and analyses involving the following activities:

(1) The North Oscura Peak test program.

(2) Scintillometry data collection and analysis.

(3) The lethality/vulnerability program.

(4) The countermeasures test and analysis effort.

(5) Reduction and analysis of atmospheric data for fiscal years 1997 and 1998.

(b) ACQUISITION OF EMD AIRCRAFT AND FLIGHT TEST OF PDRR AIRCRAFT.—In carrying out the Airborne Laser program, the Secretary of Defense shall ensure that the Authority-to-Proceed-2 decision is not made until the Secretary of Defense—

(1) ensures that the Secretary of the Air Force has developed an appropriate plan for resolving the technical challenges identified in the Airborne Laser Program Assessment;

(2) approves that plan; and

(3) submits that plan to the congressional defense committees.

(c) ENTRY INTO EMD PHASE.—The Secretary of Defense shall ensure that the Milestone II decision is not made until—

(1) the PDRR aircraft undergoes a robust series of flight tests that validates the technical maturity of the Airborne Laser program and provides sufficient information regarding the performance of the Airborne Laser system; and

(2) sufficient technical information is available to determine whether adequate progress is being made in the ongoing effort to address the operational issues identified in the Airborne Laser Program Assessment.

(d) MODIFICATION OF EMD AIRCRAFT.—The Secretary of the Air Force may not commence any modification of the EMD aircraft until the Milestone II decision is made.

(e) DEFINITIONS.—In this section:

(1) The term “PDRR aircraft” means the aircraft relating to the program definition and risk reduction phase of the Airborne Laser program.

(2) The term “EMD aircraft” means the aircraft relating to the engineering and manufacturing development phase of the Airborne Laser program.

(3) The term “Authority-to-Proceed-2 decision” means the decision allowing acquisition of the EMD aircraft and flight testing of the PDRR aircraft.

(4) The term “Milestone II decision” means the decision allowing the entry of the Airborne Laser program into the engineering and manufacturing development phase.

(5) The term “Airborne Laser Program Assessment” means the report titled “Assessment of Technical and Operational Aspects of the Airborne Laser Program”, submitted to Congress by the Secretary of Defense on March 9, 1999.

**SEC. 236. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.**

It is the sense of Congress that—

(1) because technology development provides the basis for future weapon systems, it is important to maintain a healthy balance between funding for the development of technology for ballistic missile defense systems and funding for the acquisition of ballistic missile defense systems;

(2) funding planned within the future-years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting the acquisition of ballistic missile defense systems; and

(3) the Secretary of Defense should seek to ensure that funding in the future-years defense program is adequate both for the development of technology for advanced ballistic missile defense systems and for the major existing programs for the acquisition of ballistic missile defense systems.

**SEC. 237. REPORT ON NATIONAL MISSILE DEFENSE.**

Deadline.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary’s assessment of the advantages or disadvantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to considerations of the world-wide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

## **Subtitle D—Research and Development for Long-Term Military Capabilities**

**SEC. 241. QUADRENNIAL REPORT ON EMERGING OPERATIONAL CONCEPTS.**

(a) IN GENERAL.—(1) Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 486. Quadrennial report on emerging operational concepts**

“(a) QUADRENNIAL REPORT REQUIRED.—Not later than March 1 of each year evenly divisible by four, the Secretary of Defense

Deadline.

shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on emerging operational concepts. Each such report shall be prepared by the Secretary in consultation with the Chairman of the Joint Chiefs of Staff.

“(b) CONTENT OF REPORT RELATING TO DoD PROCESSES.—Each such report shall contain a description, for the four years preceding the year in which the report is submitted, of the following:

“(1) The process undertaken in the Department of Defense, and in each of the Army, Navy, Air Force, and Marine Corps, to define and develop doctrine, operational concepts, organizational concepts, and acquisition strategies to address—

“(A) the potential of emerging technologies for significantly improving the operational effectiveness of the armed forces;

“(B) changes in the international order that may necessitate changes in the operational capabilities of the armed forces;

“(C) emerging capabilities of potential adversary states; and

“(D) changes in defense budget projections.

“(2) The manner in which the processes described in paragraph (1) are harmonized to ensure that there is a sufficient consideration of the development of joint doctrine, operational concepts, and acquisition strategies.

“(3) The manner in which the processes described in paragraph (1) are coordinated through the Joint Requirements Oversight Council and reflected in the planning, programming, and budgeting process of the Department of Defense.

“(c) CONTENT OF REPORT RELATING TO IDENTIFICATION OF TECHNOLOGICAL OBJECTIVES FOR RESEARCH AND DEVELOPMENT.—Each report under this section shall set forth the military capabilities that are necessary for meeting national security requirements over the next two to three decades, including—

“(1) the most significant strategic and operational capabilities (including both armed force-specific and joint capabilities) that are necessary for the armed forces to prevail against the most dangerous threats, including asymmetrical threats, that could be posed to the national security interests of the United States by potential adversaries from 20 to 30 years in the future;

“(2) the key characteristics and capabilities of future military systems (including both armed force-specific and joint systems) that will be needed to meet each such threat; and

“(3) the most significant research and development challenges that must be met, and the technological breakthroughs that must be made, to develop and field such systems.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“486. Quadrennial report on emerging operational concepts.”.

(b) CONFORMING REPEAL.—Section 1042 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2642; 10 U.S.C. 113 note) is repealed.

**SEC. 242. TECHNOLOGY AREA REVIEW AND ASSESSMENT.**

Section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2469; 10 U.S.C. 2501 note) is amended to read as follows:

“(b) TECHNOLOGY AREA REVIEW AND ASSESSMENT.—With the submission of the plan under subsection (a) each year, the Secretary shall also submit to the committees referred to in that subsection a summary of each technology area review and assessment conducted by the Department of Defense in support of that plan.”.

**SEC. 243. REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.**

10 USC 2501  
note.

(a) REQUIREMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions that are necessary to promote the research base and technological development that will be needed for ensuring that the Armed Forces have the military capabilities that are necessary for meeting national security requirements over the next two to three decades.

(b) CONTENT.—The report shall include the actions that have been taken or are planned to be taken within the Department of Defense to ensure that—

(1) the Department of Defense laboratories place an appropriate emphasis on revolutionary changes in military operations and the new technologies that will be necessary to support those operations;

(2) the Department helps sustain a high-quality national research base that includes organizations attuned to the needs of the Department, the fostering and creation of revolutionary technologies useful to the Department, and the capability to identify opportunities for new military capabilities in emerging scientific knowledge;

(3) the Department can identify, provide appropriate funding for, and ensure the coordinated development of joint technologies that will serve the needs of more than one of the Armed Forces;

(4) the Department can identify militarily relevant technologies that are developed in the private sector, rapidly incorporate those technologies into defense systems, and effectively utilize technology transfer processes;

(5) the Department can effectively and efficiently manage the transition of new technologies from the applied research and advanced technological development stage through the product development stage in a manner that ensures that maximum advantage is obtained from advances in technology; and

(6) the Department’s educational institutions for the officers of the uniformed services incorporate into their officer education and training programs, as appropriate, materials necessary to ensure that the officers have the familiarity with the processes, advances, and opportunities in technology development that is necessary for making decisions that ensure the superiority of United States defense technology in the future.

**SEC. 244. DARPA PROGRAM FOR AWARD OF COMPETITIVE PRIZES TO ENCOURAGE DEVELOPMENT OF ADVANCED TECHNOLOGIES.**

(a) **AUTHORITY.**—Chapter 139 of title 10, United States Code, is amended by inserting after section 2374 the following new section:

**“§ 2374a. Prizes for advanced technology achievements**

“(a) **AUTHORITY.**—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, may carry out a program to award cash prizes in recognition of outstanding achievements in basic, advanced, and applied research, technology development, and prototype development that have the potential for application to the performance of the military missions of the Department of Defense.

“(b) **COMPETITION REQUIREMENTS.**—The program under subsection (a) shall use a competitive process for the selection of recipients of cash prizes. The process shall include the widely-advertised solicitation of submissions of research results, technology developments, and prototypes.

“(c) **LIMITATIONS.**—(1) The total amount made available for award of cash prizes in a fiscal year may not exceed \$10,000,000.

“(2) No prize competition may result in the award of more than \$1,000,000 in cash prizes without the approval of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(d) **RELATIONSHIP TO OTHER AUTHORITY.**—The program under subsection (a) may be carried out in conjunction with or in addition to the exercise of any other authority of the Director to acquire, support, or stimulate basic, advanced and applied research, technology development, or prototype projects.

“(e) **ANNUAL REPORT.**—Promptly after the end of each fiscal year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the administration of the program for that fiscal year. The report shall include the following:

“(1) The military applications of the research, technology, or prototypes for which prizes were awarded.

“(2) The total amount of the prizes awarded.

“(3) The methods used for solicitation and evaluation of submissions, together with an assessment of the effectiveness of those methods.

“(f) **PERIOD OF AUTHORITY.**—The authority to award prizes under subsection (a) shall terminate at the end of September 30, 2003.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2374 the following new item:

“2374a. Prizes for advanced technology achievements.”.

**SEC. 245. ADDITIONAL PILOT PROGRAM FOR REVITALIZING DEPARTMENT OF DEFENSE LABORATORIES.**

(a) **AUTHORITY.**—(1) The Secretary of Defense may carry out a pilot program to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department of Defense. The pilot program under this section is in addition to, but may be carried out in conjunction with, the pilot program authorized by section 246 of the Strom Thurmond

Termination  
date.

10 USC 2358  
note.

National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1955; 10 U.S.C. 2358 note).

(2) Under the pilot program, the Secretary of Defense shall provide the director of one science and technology laboratory, and the director of one test and evaluation laboratory, of each military department with authority for the following:

(A) To ensure that the laboratories selected can attract a workforce appropriately balanced between permanent and temporary personnel and among workers with an appropriate level of skills and experience and that those laboratories can effectively compete in hiring to obtain the finest scientific talent.

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including carrying out initiatives such as focusing on the performance of core functions and adopting more business-like practices.

(C) To waive any restrictions not required by law that apply to the demonstration and implementation of methods for achieving the objectives set forth in subparagraphs (A) and (B).

(3) In selecting the laboratories for participation in the pilot program, the Secretary shall consider laboratories where innovative management techniques have been demonstrated, particularly as documented under sections 1115 through 1119 of title 31, United States Code, relating to Government agency performance and results.

(4) The Secretary may carry out the pilot program at each selected laboratory for a period of three years beginning not later than March 1, 2000.

(b) REPORTS.—(1) Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the implementation of the pilot program. The report shall include the following: Deadline.

(A) Each laboratory selected for the pilot program.

(B) To the extent possible, a description of the innovative concepts that are to be tested at each laboratory.

(C) The criteria to be used for measuring the success of each concept to be tested.

(2) Promptly after the expiration of the period for participation of a laboratory in the pilot program, the Secretary of Defense shall submit to Congress a final report on the participation of that laboratory in the pilot program. The report shall include the following:

(A) A description of the concepts tested.

(B) The results of the testing.

(C) The lessons learned.

(D) Any proposal for legislation that the Secretary recommends on the basis of the experience at that laboratory under the pilot program.

## Subtitle E—Other Matters

### SEC. 251. DEVELOPMENT OF DEPARTMENT OF DEFENSE LASER MASTER PLAN AND EXECUTION OF SOLID STATE LASER PROGRAM.

(a) **MASTER PLAN REQUIRED.**—The Secretary of Defense shall develop a unified plan of the Department of Defense to develop laser technology for potential weapons applications (in this section referred to as the “laser master plan”). In developing the plan, the Secretary shall consult with the Secretary of Energy and the Secretaries of the military departments.

(b) **CONTENTS OF LASER MASTER PLAN.**—The laser master plan shall include the following:

(1) Identification of potential weapons applications of chemical, solid state, and other lasers.

(2) Identification of critical technologies and manufacturing capabilities required to achieve such weapons applications.

(3) A development path for those critical technologies and manufacturing capabilities.

(4) Identification of the funding required in future fiscal years to carry out the laser master plan.

(5) Identification of unfunded requirements in the laser master plan.

(6) An appropriate management and oversight structure to carry out the laser master plan.

Deadline.

(c) **REPORT.**—Not later than March 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report containing the laser master plan.

(d) **RECOMMENDATIONS FOR EXECUTIVE AGENT FOR SOLID STATE LASER PROGRAMS.**—Upon the completion of the laser master plan, the Secretary of Defense shall submit to the congressional defense committees the recommendations of the Secretary as to the establishment of an executive agent to coordinate, implement, and oversee the execution of the elements of the laser master plan that relate to solid state lasers.

(e) **DEVELOPMENT AND DEMONSTRATION OF SOLID STATE LASER TECHNOLOGY.**—The Secretary of the Army shall—

Deadline.

(1) initiate, not later than November 1, 1999, or 30 days after the date of the enactment of this Act, whichever is later, a development program for solid state laser technologies; and

(2) demonstrate solid state laser technology consistent with the objectives of the technical partnership between the United States Army Space and Missile Defense Command and the Lawrence Livermore National Laboratory, Livermore, California, with a goal of achieving a solid state laser of 100 kilowatt average power.

(f) **FUNDING.**—From amounts available pursuant to section 201(1), \$20,000,000 shall be available to carry out the activities specified in subsection (e).

### SEC. 252. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

Deadline.

(a) **REQUIREMENT.**—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) **CONTENT OF REPORT.**—The report shall include a discussion of the following:



(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure that—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

## **TITLE III—OPERATION AND MAINTENANCE**

### **Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
- Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

### **Subtitle B—Program Requirements, Restrictions, and Limitations**

- Sec. 311. Armed Forces Emergency Services.
- Sec. 312. Replacement of nonsecure tactical radios of the 82nd Airborne Division.
- Sec. 313. Large medium-speed roll-on/roll-off (LMSR) program.
- Sec. 314. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.

### **Subtitle C—Environmental Provisions**

- Sec. 321. Extension of limitation on payment of fines and penalties using funds in environmental restoration accounts.
- Sec. 322. Modification of requirements for annual reports on environmental compliance activities.
- Sec. 323. Defense environmental technology program and investment control process for environmental technologies.
- Sec. 324. Modification of membership of Strategic Environmental Research and Development Program Council.
- Sec. 325. Extension of pilot program for sale of air pollution emission reduction incentives.
- Sec. 326. Reimbursement for certain costs in connection with Fresno Drum Superfund Site, Fresno, California.
- Sec. 327. Payment of stipulated penalties assessed under CERCLA in connection with F.E. Warren Air Force Base, Wyoming.
- Sec. 328. Remediation of asbestos and lead-based paint.
- Sec. 329. Release of information to foreign countries regarding any environmental contamination at former United States military installations in those countries.
- Sec. 330. Toussaint River ordnance mitigation study.

### **Subtitle D—Depot-Level Activities**

- Sec. 331. Sales of articles and services of defense industrial facilities to purchasers outside the Department of Defense.
- Sec. 332. Contracting authority for defense working capital funded industrial facilities.

- Sec. 333. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
- Sec. 334. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
- Sec. 335. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
- Sec. 336. Additional matters to be reported before prime vendor contract for depot-level maintenance and repair is entered into.

#### **Subtitle E—Performance of Functions by Private-Sector Sources**

- Sec. 341. Reduced threshold for consideration of effect on local community of changing defense functions to private sector performance.
- Sec. 342. Congressional notification of A-76 cost comparison waivers.
- Sec. 343. Report on use of employees of non-Federal entities to provide services to Department of Defense.
- Sec. 344. Evaluation of Total System Performance Responsibility Program.
- Sec. 345. Sense of Congress regarding process for modernization of army computer services.

#### **Subtitle F—Defense Dependents Education**

- Sec. 351. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 352. Unified school boards for all Department of Defense domestic dependent schools in the Commonwealth of Puerto Rico and Guam.
- Sec. 353. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
- Sec. 354. Technical amendments to Defense Dependents' Education Act of 1978.

#### **Subtitle G—Military Readiness Issues**

- Sec. 361. Independent study of military readiness reporting system.
- Sec. 362. Independent study of Department of Defense secondary inventory and parts shortages.
- Sec. 363. Report on inventory and control of military equipment.
- Sec. 364. Comptroller General study of adequacy of Department restructured sustainment and reengineered logistics product support practices.
- Sec. 365. Comptroller General review of real property maintenance and its effect on readiness.
- Sec. 366. Establishment of logistics standards for sustained military operations.

#### **Subtitle H—Information Technology Issues**

- Sec. 371. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
- Sec. 372. Authority for disbursing officers to support use of automated teller machines on naval vessels for financial transactions.
- Sec. 373. Use of Smart Card technology in the Department of Defense.
- Sec. 374. Report on Defense use of Smart Card as PKI authentication device carrier.

#### **Subtitle I—Other Matters**

- Sec. 381. Authority to lend or donate obsolete or condemned rifles for funeral and other ceremonies.
- Sec. 382. Extension of warranty claims recovery pilot program.
- Sec. 383. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.
- Sec. 384. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
- Sec. 385. Treatment of Alaska, Hawaii, and Guam in Defense household goods moving programs.

## **Subtitle A—Authorization of Appropriations**

### **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$18,922,494,000.
- (2) For the Navy, \$22,641,515,000.
- (3) For the Marine Corps, \$2,724,529,000 .
- (4) For the Air Force, \$20,961,458,000.
- (5) For Defense-wide activities, \$11,496,633,000.
- (6) For the Army Reserve, \$1,441,213,000.
- (7) For the Naval Reserve, \$937,647,000.
- (8) For the Marine Corps Reserve, \$135,766,000.
- (9) For the Air Force Reserve, \$1,750,937,000.
- (10) For the Army National Guard, \$3,113,684,000.
- (11) For the Air National Guard, \$3,168,518,000.
- (12) For the Defense Inspector General, \$138,744,000.
- (13) For the United States Court of Appeals for the Armed Forces, \$7,621,000.
- (14) For Environmental Restoration, Army, \$378,170,000.
- (15) For Environmental Restoration, Navy, \$284,000,000.
- (16) For Environmental Restoration, Air Force, \$376,800,000.
- (17) For Environmental Restoration, Defense-wide, \$25,370,000.
- (18) For Environmental Restoration, Formerly Used Defense Sites, \$239,214,000.
- (19) For Overseas Humanitarian, Disaster, and Civic Aid programs, \$55,800,000.
- (20) For Drug Interdiction and Counter-drug Activities, Defense-wide, \$803,500,000.
- (21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, \$15,000,000.
- (22) For Defense Health Program, \$10,482,687,000.
- (23) For Cooperative Threat Reduction programs, \$475,500,000.
- (24) For Overseas Contingency Operations Transfer Fund, \$1,879,600,000.
- (25) For quality of life enhancements, \$1,845,370,000.

**SEC. 302. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Working Capital Funds, \$90,344,000.
- (2) For the National Defense Sealift Fund, \$434,700,000.

**SEC. 303. ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of \$68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

**SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.**

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than \$150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

- (1) For the Army, \$50,000,000.

(2) For the Navy, \$50,000,000.

(3) For the Air Force, \$50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

**SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.**

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer \$346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer \$263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer \$90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer \$309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(e) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer requirements of this section are in addition to the transfer authority provided in section 1001.

## **Subtitle B—Program Requirements, Restrictions, and Limitations**

**SEC. 311. ARMED FORCES EMERGENCY SERVICES.**

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities,

\$23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

**SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.**

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, such funds as may be necessary, but not to exceed \$5,500,000, shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC-138 and AN/PRC-148, identified as being capable of fulfilling mission requirements.

**SEC. 313. LARGE MEDIUM-SPEED ROLL-ON/ROLL-OFF (LMSR) PROGRAM.**

(a) **AUTHORIZATION OF SHIP.**—The Secretary of the Navy is authorized to procure the large medium-speed roll-on/roll-off (LMSR) ship to be designated T-AKR 307 or T-AKR 317, subject to the availability of appropriations for that purpose.

(b) **AMOUNT AUTHORIZED.**—Of the amount authorized to be appropriated under section 302(2) for fiscal year 2000 that is provided for the National Defense Sealift Fund, \$80,000,000 is available for the advance procurement and advance construction of components for the LMSR program referred to in subsection (a). The Secretary of the Navy may enter into a contract or contracts with the shipbuilder and other entities for the advance procurement and advance construction of those components.

**SEC. 314. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.**

(a) **GRANTS AUTHORIZED.**—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) **GRANT INCREMENTS.**—The amount of the first grant under subsection (a) may not exceed \$2,000,000. The amount of the second grant under such subsection may not exceed \$3,000,000, and subsequent grants may not exceed \$5,000,000.

(c) **MATCHING REQUIREMENT.**—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant. Certification.

(d) **FUNDING.**—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

## Subtitle C—Environmental Provisions

### SEC. 321. EXTENSION OF LIMITATION ON PAYMENT OF FINES AND PENALTIES USING FUNDS IN ENVIRONMENTAL RESTORATION ACCOUNTS.

Section 2703(e) of title 10, United States Code, is amended by striking “through 1999,” both places it appears and inserting “through 2010,”.

### SEC. 322. MODIFICATION OF REQUIREMENTS FOR ANNUAL REPORTS ON ENVIRONMENTAL COMPLIANCE ACTIVITIES.

(a) MODIFICATION OF REQUIREMENTS.—Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

Deadline.

“(b) REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.—(1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.

“(2) Each report shall include the following:

“(A) A description of the environmental quality program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report is submitted.

“(B) For each of the major activities under the environmental quality programs:

“(i) A specification of the amount expended, or proposed to be expended, in each fiscal year of the period covered by the report.

“(ii) An explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each such fiscal year.

“(iii) An assessment of the manner in which the scope of the activities have changed over the course of the period covered by the report.

“(C) A summary of the major achievements of the environmental quality programs and of any major problems with the programs.

“(D) A list of the planned or ongoing projects necessary to support the environmental quality programs during the period covered by the report, the cost of which has exceeded or is anticipated to exceed \$1,500,000. The list and accompanying material shall include the following:

“(i) A separate listing of the projects inside the United States and of the projects outside the United States.

“(ii) For each project commenced during the first four fiscal years of the period covered by the report (other than a project that was reported as fully executed in the report for a previous fiscal year), a description of—

“(I) the amount specified in the initial budget request for the project;

“(II) the aggregate amount allocated to the project through the fiscal year preceding the fiscal year for which the report is submitted; and

“(III) the aggregate amount obligated for the project through that fiscal year.

“(iii) For each project commenced or to be commenced in the fiscal year in which the report is submitted, a description of—

“(I) the amount specified for the project in the budget for the fiscal year; and

“(II) the amount allocated to the project in the fiscal year.

“(iv) For each project to be commenced in the last fiscal year of the period, a description of the amount, if any, specified for the project in the budget for the fiscal year.

“(v) If the anticipated aggregate cost of any project covered by the report will exceed by more than 25 percent the amount specified in the initial budget request for such project, a justification for that variance.

“(E) A statement of the fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which shall set forth the following:

“(i) Each Federal environmental statute under which a fine or penalty was imposed or assessed during each such fiscal year.

“(ii) With respect to each such Federal statute—

“(I) the aggregate amount of fines and penalties imposed under the statute during each such fiscal year;

“(II) the aggregate amount of fines and penalties paid under the statute during each such fiscal year; and

“(III) the total amount required during such fiscal years for supplemental environmental projects in lieu of the payment of a fine or penalty under the statute and the extent to which the cost of such projects during such fiscal years has exceeded the original amount of the fine or penalty.

“(iii) A trend analysis of fines and penalties imposed or assessed during each such fiscal year for military installations inside and outside the United States.

“(F) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology and amounts for conferences, meetings, and studies for pilot programs, and for travel related to such activities.”.

(b) CONFORMING REPEAL.—Such section is further amended by striking subsection (d).

(c) DEFINITIONS.—Subsection (e) of such section is amended by adding at the end the following new paragraphs:

“(4) The term ‘environmental quality program’ means a program of activities relating to environmental compliance, conservation, pollution prevention, and such other activities relating to environmental quality as the Secretary concerned may designate for purposes of the program.

“(5) The term ‘major activities’, with respect to an environmental quality program, means the following activities under the program:

“(A) Environmental compliance activities.

“(B) Conservation activities.

“(C) Pollution prevention activities.”.

Public  
information.  
10 USC 2709  
note.

**SEC. 323. DEFENSE ENVIRONMENTAL TECHNOLOGY PROGRAM AND INVESTMENT CONTROL PROCESS FOR ENVIRONMENTAL TECHNOLOGIES.**

(a) PURPOSES.—The purposes of this section are—

(1) to hold the Department of Defense and the military departments accountable for achieving performance-based results in the management of environmental technology by providing a connection between program direction and the achievement of specific performance-based results;

(2) to assure the identification of end-user requirements for environmental technology within the military departments;

(3) to assure results, quality of effort, and appropriate levels of service and support for end-users of environmental technology within the military departments; and

(4) to promote improvement in the performance of environmental technologies by establishing objectives for environmental technology programs, measuring performance against such objectives, and making public reports on the progress made in such performance.

(b) INVESTMENT CONTROL PROCESS.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2709. Investment control process for environmental technologies**

“(a) INVESTMENT CONTROL PROCESS.—The Secretary of Defense shall ensure that the technology planning process developed to implement section 2501 of this title and section 270(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2469) provides for an investment control process for the selection, prioritization, management, and evaluation of environmental technologies by the Department of Defense, the military departments, and the Defense Agencies.

“(b) PLANNING AND EVALUATION.—The environmental technology investment control process required by subsection (a) shall provide, at a minimum, for the following:

“(1) The active participation by end-users of environmental technology, including the officials responsible for the environmental security programs of the Department of Defense and the military departments, in the selection and prioritization of environmental technologies.

“(2) The development of measurable performance goals and objectives for the management and development of environmental technologies and specific mechanisms for assuring the achievement of the goals and objectives.



“(3) Annual performance reviews to determine whether the goals and objectives have been achieved and to take appropriate action in the event that they are not achieved.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2709. Investment control process for environmental technologies.”.

(c) ANNUAL REPORT.—(1) Section 2706 of such title, as amended by 322(b), is further amended by inserting after subsection (c) the following new subsection:

“(d) REPORT ON ENVIRONMENTAL TECHNOLOGY PROGRAM.—(1) Deadline.  
The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, a report on the progress made by the Department of Defense in achieving the objectives and goals of its environmental technology program during the preceding fiscal year and an overall trend analysis for the program covering the previous four fiscal years.

“(2) Each such report shall include, with respect to each project under the environmental technology program of the Department of Defense, the following:

“(A) The performance objectives established for the project for the fiscal year and an assessment of the performance achieved with respect to the project in light of performance indicators for the project.

“(B) A description of the extent to which the project met the performance objectives established for the project for the fiscal year.

“(C) If a project did not meet the performance objectives for the project for the fiscal year—

“(i) an explanation for the failure of the project to meet the performance objectives; and

“(ii) a modified schedule for meeting the performance objectives or, if a performance objective is determined to be impracticable or infeasible to meet, a statement of alternative actions to be taken with respect to the project.”.

(2) The Secretary of Defense shall include in the first report submitted under section 2706(d) of title 10, United States Code, as added by this subsection, a description of the steps taken by the Secretary to ensure that the environmental technology investment control process for the Department of Defense satisfies the requirements of section 2709 of such title, as added by subsection (b). 10 USC 2706  
note.

**SEC. 324. MODIFICATION OF MEMBERSHIP OF STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM COUNCIL.**

Section 2902(b)(1) of title 10, United States Code, is amended by striking “Director of Defense Research and Engineering” and inserting “Deputy Under Secretary of Defense for Science and Technology”.

**SEC. 325. EXTENSION OF PILOT PROGRAM FOR SALE OF AIR POLLUTION EMISSION REDUCTION INCENTIVES.**

Section 351(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1692; 10 U.S.C. 2701 note) is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) The Secretary may not carry out the pilot program after September 30, 2001.”.

**SEC. 326. REIMBURSEMENT FOR CERTAIN COSTS IN CONNECTION WITH FRESNO DRUM SUPERFUND SITE, FRESNO, CALIFORNIA.**

(a) **AUTHORITY.**—The Secretary of Defense may pay, using funds described in subsection (b), to the Fresno Drum Special Account within the Hazardous Substance Superfund established by section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse the Environmental Protection Agency for costs incurred by the Agency for actions taken under CERCLA at the Fresno Industrial Supply, Inc., site in Fresno, California, the following amounts:

(1) Not more than \$778,425 for past response costs incurred by the Agency.

(2) The amount of the costs identified as “interest” costs pursuant to the agreement known as the “CERCLA Section 122(h)(1) Agreement for Payment of Future Response Costs and Recovery of Past Response Costs In the Matter of: Fresno Industrial Supply Inc. Site, Fresno, California” that was entered into by the Department of Defense and the Environmental Protection Agency on May 22, 1998.

(b) **SOURCE OF FUNDS FOR PAYMENT.**—(1) Subject to paragraph (2), any payment under subsection (a) shall be made using the following amounts:

(A) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Defense, established by section 2703(a)(1) of title 10, United States Code.

(B) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Army, established by section 2703(a)(2) of such title.

(C) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Navy, established by section 2703(a)(3) of such title.

(D) Amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of such title.

(2) The portion of a payment under paragraph (1) that is derived from any account referred to in such paragraph shall bear the same ratio to the total amount of such payment as the amount of the hazardous substances at the Fresno Industrial Supply, Inc., site that are attributable to the department concerned bears to the total amount of the hazardous substances at that site.

(c) **CERCLA DEFINED.**—In this section, the term “CERCLA” means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

**SEC. 327. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH F.E. WARREN AIR FORCE BASE, WYOMING.**

(a) **AUTHORITY.**—The Secretary of the Air Force may pay, using funds described in subsection (b), not more than \$20,000 as payment of stipulated civil penalties assessed on January 13, 1998, against F.E. Warren Air Force Base, Wyoming, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(b) **SOURCE OF FUNDS FOR PAYMENT.**—Any payment under subsection (a) shall be made using amounts authorized to be appropriated by section 301 to the Environmental Restoration Account, Air Force, established by section 2703(a)(4) of title 10, United States Code.

**SEC. 328. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.**

(a) **USE OF EXISTING CONTRACT VEHICLES.**—The Secretary of Defense shall give appropriate consideration to existing contract vehicles, including Army Corps of Engineers indefinite delivery, indefinite quantity contracts, to provide for the remediation of asbestos and lead-based paint at military installations within the United States.

(b) **SELECTION.**—The Secretary of Defense shall select the most cost-effective contract vehicle in accordance with all applicable Federal and State laws and Department of Defense regulations.

**SEC. 329. RELEASE OF INFORMATION TO FOREIGN COUNTRIES REGARDING ANY ENVIRONMENTAL CONTAMINATION AT FORMER UNITED STATES MILITARY INSTALLATIONS IN THOSE COUNTRIES.**

(a) **RESPONSE TO REQUEST FOR INFORMATION.**—Except as provided in subsection (b), upon request by the government of a foreign country from which United States Armed Forces were withdrawn in 1992, the Secretary of Defense shall—

(1) release to that government available information relevant to the ability of that government to determine the nature and extent of environmental contamination, if any, at a site in that foreign country where the United States operated a military base, installation, or facility before the withdrawal of the United States Armed Forces in 1992; or

(2) report to Congress on the nature of the information requested and the reasons why the information is not being released.

(b) **LIMITATION ON RELEASE.**—Subsection (a)(1) does not apply to—

(1) any information request described in such subsection that is received by the Secretary of Defense after the end of the one-year period beginning on the date of the enactment of this Act;

(2) any information that the Secretary determines has been previously provided to the foreign government; and

(3) any information that the Secretary of Defense believes could adversely affect United States national security.

(c) **LIABILITY OF THE UNITED STATES.**—The requirement to provide information under subsection (a)(1) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in such subsection.

**SEC. 330. TOUSSAINT RIVER ORDNANCE MITIGATION STUDY.**

(a) **ORDNANCE MITIGATION STUDY.**—(1) The Secretary of Defense shall conduct a study and is authorized to remove ordnance infiltrating the Federal navigation channel and adjacent shorelines of the Toussaint River in Ottawa County, Ohio.

(2) In conducting the study, the Secretary shall take into account any information available from other studies conducted

Deadline.

in connection with the Federal navigation channel described in paragraph (1).

(b) **REPORT ON STUDY RESULTS.**—(1) Not later than April 1, 2000, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Environment and Public Works of the Senate a report that summarizes the results of the study conducted under subsection (a).

(2) The Secretary shall include in the report recommendations regarding the continuation or termination of any ongoing use of Lake Erie as an ordnance firing range, and explain any recommendation to continue such activities. The Secretary shall conduct the evaluation and assessment in consultation with the government of the State of Ohio and local government entities and with appropriate Federal agencies.

(c) **LIMITATION ON EXPENDITURES.**—Not more than \$800,000 may be expended to conduct the study under subsection (a) and prepare the report under subsection (b). However, nothing in this section is intended to require non-Federal cost-sharing of the costs to perform the study.

(d) **AUTHORIZATION.**—Consistent with existing laws, and after providing notice to Congress, the Secretary of Defense may work with the other relevant Federal, State, local, or private entities to remove ordnance resulting from infiltration into the Federal navigation channel and adjacent shorelines of the Toussaint River in Ottawa County, Ohio, using funds authorized to be appropriated for that specific purpose in fiscal year 2000.

(e) **RELATION TO OTHER LAWS AND AGREEMENTS.**—This section is not intended to modify any authorities provided to the Secretary of the Army by the Water Resources Development Act of 1986 (33 U.S.C. 2201 et seq.), nor is it intended to modify any non-Federal cost-sharing responsibilities outlined in any local cooperation agreements.

## Subtitle D—Depot-Level Activities

### SEC. 331. SALES OF ARTICLES AND SERVICES OF DEFENSE INDUSTRIAL FACILITIES TO PURCHASERS OUTSIDE THE DEPARTMENT OF DEFENSE.

(a) **WAIVER OF CERTAIN CONDITIONS.**—(1) Section 2208(j) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(j)”; and

(C) by adding at the end the following new paragraph:

“(2) The Secretary of Defense may waive the conditions in paragraph (1) in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.”.

(2) Section 2553(c) of such title is amended—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively;

(B) by inserting “(1)” before “A sale”; and

(C) by adding at the end the following new paragraph:

“(2) The Secretary of Defense may waive the condition in paragraph (1)(A) and subsection (a)(1) that an article or service must

be not available from a United States commercial source in the case of a particular sale if the Secretary determines that the waiver is necessary for reasons of national security and notifies Congress regarding the reasons for the waiver.”.

(b) CLARIFICATION OF COMMERCIAL NONAVAILABILITY.—Section 2553(g) of such title is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

“(2) The term ‘not available’, with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality or within the time required.”.

**SEC. 332. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.**

Section 2208(j)(1) of title 10, United States Code, as amended by section 331, is further amended—

(1) in the matter preceding subparagraph (A), by striking “or remanufacturing” and inserting “, remanufacturing, and engineering”;

(2) in subparagraph (A), by inserting “or a subcontract under a Department of Defense contract” before the semicolon; and

(3) in subparagraph (B), by striking “Department of Defense solicitation for such contract” and inserting “solicitation for the contract or subcontract”.

**SEC. 333. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.**

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

“(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section. Deadlines.

“(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

“(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General’s views on whether—

“(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

“(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.”.

**SEC. 334. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.**

Section 2469(b) of title 10, United States Code, is amended by inserting “(including the cost of labor and materials)” after “\$3,000,000”.

**SEC. 335. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.**

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting that are significantly different from the requirements used in the performance and management of other similar or identical depot-level maintenance and repair workloads by the entity, unless the requirements are specifically provided in the solicitation for the contract or are necessary to ensure compliance with the terms of the contract.”.

**SEC. 336. ADDITIONAL MATTERS TO BE REPORTED BEFORE PRIME VENDOR CONTRACT FOR DEPOT-LEVEL MAINTENANCE AND REPAIR IS ENTERED INTO.**

Section 346(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1979; 10 U.S.C. 2464 note) is amended—

- (1) by striking “and” at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2) and inserting a semicolon; and
- (3) by adding at the end the following new paragraphs:

“(3) contains an analysis of the extent to which the contract conforms to the requirements of section 2466 of title 10, United States Code; and

“(4) describes the measures taken to ensure that the contract does not violate the core logistics policies, requirements, and restrictions set forth in section 2464 of that title.”.

## **Subtitle E—Performance of Functions by Private-Sector Sources**

**SEC. 341. REDUCED THRESHOLD FOR CONSIDERATION OF EFFECT ON LOCAL COMMUNITY OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.**

Section 2461(b)(3)(B)(ii) of title 10, United States Code, is amended by striking “75 employees” and inserting “50 employees”.

**SEC. 342. CONGRESSIONAL NOTIFICATION OF A-76 COST COMPARISON WAIVERS.**

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A-76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver.

Deadline.  
Reports.

“(2) The report shall also include the following:

“(A) The total number of civilian employees or military personnel currently performing the function to be converted to contractor performance.

“(B) A description of the competitive procedure used to award a contract for contractor performance of the commercial activity.

“(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.”.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**“§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison”.**

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

“2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.”.

**SEC. 343. REPORT ON USE OF EMPLOYEES OF NON-FEDERAL ENTITIES TO PROVIDE SERVICES TO DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report describing the use during the previous fiscal year of non-Federal entities to provide services to the Department of Defense.

Deadline.

(b) CONTENT OF REPORT.—To the extent practicable using information available from existing data collection and reporting systems available to the Department of Defense and the non-Federal entities referred to in subsection (a), the report shall—

(1) specify the number of work year equivalents performed by individuals employed by non-Federal entities in providing services to the Department, including both direct and indirect labor attributable to the provision of the services;

(2) categorize the information by Federal supply class or service code; and

(3) indicate the appropriation from which the services were funded and the major organizational element of the Department procuring the services.

(c) LIMITATION ON REQUIREMENT FOR NON-FEDERAL ENTITIES TO PROVIDE INFORMATION.—For the purposes of meeting the requirements set forth in subsection (b), the Secretary may not require the provision of information beyond the information that

is currently provided to the Department by the non-Federal entities referred to in subsection (a), except for the number of direct and indirect work year equivalents associated with Department of Defense contracts, identified by contract number, to the extent this information is available to the contractor from existing data collection systems.

**SEC. 344. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.**

Deadline.

(a) **REPORT REQUIRED.**—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) **EVALUATION.**—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the maintenance of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether Government employees or the private sector should perform sustainment management functions.

Deadline.

(c) **COMPTROLLER GENERAL REVIEW.**—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

**SEC. 345. SENSE OF CONGRESS REGARDING PROCESS FOR MODERNIZATION OF ARMY COMPUTER SERVICES.**

(a) **PURPOSE OF MODERNIZATION.**—It is the sense of Congress that any modernization of computer services (also known as the Army Wholesale Logistics Modernization Program) of the Army Communications Electronics Command of the Army Materiel Command to replace the systems currently provided by the Logistics Systems Support Center in St. Louis, Missouri, and the Industrial Logistics System Center in Chambersburg, Pennsylvania, should have as a primary goal the sustainment of military readiness.

(b) **USE OF STANDARD INDUSTRY INTEGRATION PRACTICES.**—It is the sense of Congress that, in order to sustain readiness, any contract for the modernization of the computer services referred to in subsection (a), in addition to containing all of the requirements specified by the Secretary of the Army, should require the use of standard industry integration practices to provide further readiness risk mitigation.

(c) **PROPOSED CONTRACTOR PRACTICES.**—It is the sense of Congress that the following practices should be employed by any contractor engaged in the modernization of the computer services referred to in subsection (a) to ensure continued readiness:

(1) **TESTING PRACTICES.**—Before any proposed modernization solution is implemented, the solution should be rigorously



tested to ensure that it meets the performance requirements of the Army and all other functional requirements. At each step in the testing process, confirmation of successful test completion should be required before the contractor begins the next step of the modernization process.

(2) IMPLEMENTATION TEAM.—The Secretary of the Army should establish an implementation team to monitor efficiencies and effectiveness of the modernization solutions.

(d) READINESS SUSTAINMENT.—It is the sense of Congress that the following additional readiness sustainment measures should be undertaken as part of the modernization of the computer services referred to in subsection (a):

(1) GOVERNMENT OVERSIGHT.—It is extremely important that the Army Materiel Command retains sufficient in-house expertise to ensure that readiness is not adversely affected by the modernization efforts and to effectively oversee contractor performance.

(2) USE OF CONTRACT PARTNERING.—The Army Materiel Command should encourage partnerships with the contractor, with the primary goal of providing quality contract deliverables on time and at a reasonable price. Any such partnership agreement should constitute a mutual commitment on how the Army Materiel Command and the contractor will interact during the course of the contract, with the objective of facilitating optimum contract performance through teamwork, enhanced communications, cooperation, and good faith performance.

## Subtitle F—Defense Dependents Education

### SEC. 351. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of—

Deadline.

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term “educational agencies assistance” means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note) is amended by striking “in that fiscal year are” and inserting “during the preceding school year were”.

**SEC. 352. UNIFIED SCHOOL BOARDS FOR ALL DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOLS IN THE COMMONWEALTH OF PUERTO RICO AND GUAM.**

Section 2164(d)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: “The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.”.

**SEC. 353. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.**

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) by adding at the end the following new subsection:

“(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) The Secretary of Defense shall permit a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

“(2) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate.

“(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.”.

**SEC. 354. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.**

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95-561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking “recieve” and inserting “receive”.

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

## “ADMINISTRATION OF DEFENSE DEPENDENTS’ EDUCATION SYSTEM

“SEC. 1403. (a) The defense dependents’ education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.”;

(B) in subsection (b), by striking “this Act” and inserting “this title”;

(C) in subsection (c)(1), by inserting “(20 U.S.C. 901 et seq.)” after “Personnel Practices Act”;

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking “Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics” and inserting “the Assistant Secretary of Defense designated under subsection (a)”;

(F) in subsection (d)(1), by striking “for the Office of Dependents’ Education”;

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking “Whenever the Office of Dependents’ Education” and inserting “Whenever the Department of Defense Education Activity”;

(iii) by striking “after the submission of the report required under the preceding sentence” and inserting “in a manner that affects the defense dependents’ education system”; and

(iv) by striking “an additional report” and inserting “a report”; and

(H) in subsection (d)(3), by striking “the Office of Dependents’ Education” and inserting “the Department of Defense Education Activity”.

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking “Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act” and inserting “Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)”;

(B) in subsection (c)(1), by striking “by academic year 1993–1994”; and

(C) in subsection (c)(3)—

(i) by striking “IMPLEMENTATION TIMELINES.—In carrying out” and all that follows through “a comprehensive” and inserting “IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive”;

(ii) by striking the semicolon after “such individuals” and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking “grade GS–18 in section 5332 of title 5, United States Code” and inserting “level IV of the Executive Schedule under section 5315 of title 5, United States Code”.

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking “As soon as” and all that follows through “shall provide for” and inserting “The Director may from time to time, but not more frequently than once a year, provide for”; and

(ii) by striking “system, which” and inserting “system. Any such study”;

(B) in subsection (a)(2)—

(i) by striking “The study required by this subsection” and inserting “Any study under paragraph (1)”; and

(ii) by striking “not later than two years after the effective date of this title”;

(C) in subsection (b), by striking “the study” and inserting “any study”;

(D) in subsection (c)—

(i) by striking “not later than one year after the effective date of this title the report” and inserting “any report”; and

(ii) by striking “the study” and inserting “a study”; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking “Not later than 180 days after the effective date of this title, the” and inserting “The”.

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

“(6) The term ‘Director’ means the Director of the Department of Defense Education Activity.”.

## Subtitle G—Military Readiness Issues

### SEC. 361. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense, as required by section 117 of title 10, United States Code.

(2) The Secretary shall provide for the study to be conducted by an organization outside the Federal Government that the Secretary considers qualified to conduct the study. The amount of a contract for the study may not exceed \$1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense that has—

(1) the characteristics and capabilities described in subsections (b) and (c) of section 117 of title 10, United States Code; and

(2) any other characteristics and capabilities that the organization determines appropriate to measure the capability

of the Armed Forces to carry out the strategies and guidance described in subsection (a) of such section.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b). Deadline.

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000. Deadline.

(d) REVISIONS TO DOD READINESS REPORTING SYSTEM.—(1) Section 117 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking “with any change” and all that follows through “24 hours” and inserting “with (A) any change in the overall readiness status of a unit that is required to be reported as part of the readiness reporting system being reported within 24 hours of the event necessitating the change in readiness status, and (B) any change in the overall readiness status of an element of the training establishment or an element of defense infrastructure that is required to be reported as part of the readiness reporting system being reported within 72 hours”; and

(B) in paragraphs (2), (3), and (5) of subsection (c), by striking “a quarterly” and inserting “an annual”.

(2) Subsection (b) of section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1992) is amended by striking “January 15, 2000” and inserting “April 1, 2000”. 10 USC 117 note.

(3) Subsection (d) of such section is repealed. 10 USC 482 and notes.

(e) REVISED TIME FOR IMPLEMENTATION OF QUARTERLY READINESS REPORTS.—Section 482(a) of title 10, United States Code, is amended by striking “30 days” and inserting “45 days”.

**SEC. 362. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.**

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select the General Accounting Office, an entity in the private sector that has experience in parts and secondary inventory management, or another entity outside the Department of Defense that has such experience.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess, determined on the basis of standards that take into account requirements uniquely applicable to the Department of Defense because of its warfighting missions, such as requirements for a war reserve of items.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(5) The adequacy of the Department's schedule and plan for disposing of excess inventory.

(d) **REPORT ON RESULTS OF STUDY.**—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

Deadline.  
Reports.

(e) **REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.**—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

10 USC 2458  
note.

**SEC. 363. REPORT ON INVENTORY AND CONTROL OF MILITARY EQUIPMENT.**

Deadline.

(a) **REPORT REQUIRED.**—Not later than August 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the inventory and control of the military equipment of the Department of Defense as of the end of fiscal year 1999. The report shall address the inventories of each of the Army, Navy, Air Force, and Marine Corps separately.

(b) **CONTENT.**—The report shall include the following:

(1) For each item of military equipment in the inventory, stated by item nomenclature—

(A) the quantity of the item in the inventory as of the beginning of the fiscal year;

(B) the quantity of acquisitions of the item during the fiscal year;

(C) the quantity of disposals of the item during the fiscal year;

(D) the quantity of losses of the item during the performance of military missions during the fiscal year; and

(E) the quantity of the item in the inventory as of the end of the fiscal year.

(2) A reconciliation of the quantity of each item in the inventory as of the beginning of the fiscal year with the quantity of the item in the inventory as of the end of the fiscal year.

(3) For each item of military equipment that cannot be reconciled—

(A) an explanation of why the quantities cannot be reconciled; and

(B) a discussion of the remedial actions planned to be taken, including target dates for accomplishing the remedial actions.

(4) Supporting schedules identifying the location of each item that are available to Congress or auditors of the Comptroller General upon request.

(c) **MILITARY EQUIPMENT DEFINED.**—For the purposes of this section, the term “military equipment” means all equipment that is used in support of military missions and is maintained on the visibility systems of the Army, Navy, Air Force, or Marine Corps.

(d) **INSPECTOR GENERAL REVIEW.**—Not later than November 30, 2000, the Inspector General of the Department of Defense shall review the report submitted to the committees under subsection (a) and shall submit to the committees any comments that the Inspector General considers appropriate.

Deadline.

**SEC. 364. COMPTROLLER GENERAL STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.**

(a) **STUDY REQUIRED.**—In accordance with this section, the Comptroller General shall conduct a study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) **MATTERS TO BE INCLUDED IN STUDY.**—The Comptroller General shall specifically evaluate (and recommend improvements in) the following:

(1) The military assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(c) **REPORT REQUIRED.**—Not later than March 1, 2000, the Comptroller General shall submit to Congress a report containing the results of the study. The report shall include the Comptroller General’s findings, conclusions, and recommendations concerning each of the matters specified in subsection (b).

Deadline.

**SEC. 365. COMPTROLLER GENERAL REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.**

(a) **REVIEW REQUIRED.**—The Comptroller General shall conduct a review of the impact that the consistent lack of adequate funding

for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) **FUNDING MATTERS TO BE REVIEWED.**—In conducting the review under this section, the Comptroller General shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) **COMMAND AND MANAGEMENT MATTERS TO BE REVIEWED.**—As part of the review conducted under this section, the Comptroller General shall—

(1) review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force; and

(2) develop, based on such review, recommendations for the optimum command structure for military installations, to have major command status, which are designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction.

Deadline.

(d) **REPORT REQUIRED.**—Not later than March 1, 2000, the Comptroller General shall submit to Congress a report containing the results of the review required under this section and the optimum command structure recommended under subsection (c).

10 USC 113 note.

**SEC. 366. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.**

(a) **ESTABLISHMENT OF STANDARDS.**—The Secretary of each military department shall establish, for deployable units of each of the Armed Forces under the jurisdiction of the Secretary, standards regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) **BASIS FOR STANDARDS.**—The standards to be established for a unit under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) **SUFFICIENCY CAPABILITIES.**—The standards to be established by the Secretary of a military department under subsection (a) shall reflect those spare parts and similar logistics capabilities



that the Secretary considers sufficient for the units of each of the Armed Forces under the Secretary's jurisdiction to successfully execute their missions under the conditions described in subsection (b).

(d) **RELATION TO READINESS REPORTING SYSTEM.**—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) **RELATION TO ANNUAL FUNDING NEEDS.**—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) **REPORTING REQUIREMENT.**—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

## Subtitle H—Information Technology Issues

### SEC. 371. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

(a) **AUTHORITY.**—Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) **AUTHORITY TO INSTALL EQUIPMENT.**—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of persons, designated in accordance with the regulations prescribed under paragraph (4), who provide voluntary services accepted under subsection (a)(3).

“(2) In the case of equipment installed under the authority of paragraph (1), the Secretary concerned may pay the charges incurred for the use of the equipment for authorized purposes.

“(3) To carry out this subsection, the Secretary concerned may use appropriated funds (notwithstanding section 1348 of title 31) or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating.

“(4) The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation shall prescribe regulations to carry out this subsection.”.

Regulations.

(b) **REPORT ON IMPLEMENTATION.**—Not later than two years after final regulations prescribed under subsection (f)(4) of section 1588 of title 10, United States Code, as added by subsection (a), take effect, the Comptroller General shall review the exercise of authority under such subsection (f) and submit to Congress a report on the findings resulting from the review.

Deadline.  
10 USC 1588  
note.

**SEC. 372. AUTHORITY FOR DISBURSING OFFICERS TO SUPPORT USE OF AUTOMATED TELLER MACHINES ON NAVAL VESSELS FOR FINANCIAL TRANSACTIONS.**

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(f) With respect to automated teller machines on naval vessels, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

“(1) The authority to provide operating funds to the automated teller machines.

“(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.”.

10 USC 113 note. **SEC. 373. USE OF SMART CARD TECHNOLOGY IN THE DEPARTMENT OF DEFENSE.**

(a) DEPARTMENT OF NAVY AS LEAD AGENCY.—The Department of the Navy shall serve as the lead agency for the development and implementation of a Smart Card program for the Department of Defense.

(b) COOPERATION OF OTHER MILITARY DEPARTMENTS.—The Department of the Army and the Department of the Air Force shall each establish a project office and cooperate with the Department of the Navy to develop implementation plans for exploiting the capability of Smart Card technology as a means for enhancing readiness and improving business processes throughout the military departments.

Deadlines.  
Establishment. (c) SENIOR COORDINATING GROUP.—(1) Not later than November 30, 1999, the Secretary of Defense shall establish a senior coordinating group to develop and implement—

(A) Department-wide interoperability standards for use of Smart Card technology; and

(B) a plan to exploit Smart Card technology as a means for enhancing readiness and improving business processes.

(2) The senior coordinating group shall be chaired by a representative of the Secretary of the Navy and shall include senior representatives from each of the Armed Forces and such other persons as the Secretary of Defense considers appropriate.

Reports. (3) Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing a detailed discussion of the progress made by the senior coordinating group in carrying out its duties.

(d) ROLE OF DEPARTMENT OF DEFENSE CHIEF INFORMATION OFFICE.—The senior coordinating group established under subsection (c) shall report to and receive guidance from the Department of Defense Chief Information Office.

(e) INCREASED USE TARGETED TO CERTAIN NAVAL REGIONS.—Not later than November 30, 1999, the Secretary of the Navy shall establish a business plan to implement the use of Smart Cards in one major Naval region of the continental United States that is in the area of operations of the United States Atlantic Command and one major Naval region of the continental United States that is in the area of operations of the United States Pacific Command. The regions selected shall include a major fleet concentration area. The implementation of the use of Smart Cards in each region shall cover the Navy and Marine Corps bases and

all non-deployed units in the region. The Secretary of the Navy shall submit the business plan to the congressional defense committees.

(f) **FUNDING FOR INCREASED USE OF SMART CARDS.**—Of the funds authorized to be appropriated for the Navy by section 102(a)(4) or 301(2), the Secretary of the Navy—

(1) shall allocate such amounts as may be necessary, but not to exceed \$30,000,000, to ensure that significant progress is made toward complete implementation of the use of Smart Card technology in the Department of the Navy; and

(2) may allocate additional amounts for the conversion of paper-based records to electronic media for records systems that have been modified to use Smart Card technology.

(g) **DEFINITIONS.**—In this section:

(1) The term “Smart Card” means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

- (A) Magnetic stripe.
- (B) Bar codes, linear or two-dimensional.
- (C) Non-contact and radio frequency transmitters.
- (D) Biometric information.
- (E) Encryption and authentication.
- (F) Photo identification.

(2) The term “Smart Card technology” means a Smart Card together with all of the associated information technology hardware and software that comprise the system for support and operation.

(h) **REPEAL OF REQUIREMENT FOR AUTOMATED IDENTIFICATION TECHNOLOGY OFFICE.**—Section 344 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1977; 10 U.S.C. 113 note) is amended by striking subsection (b).

**SEC. 374. REPORT ON DEFENSE USE OF SMART CARD AS PKI AUTHENTICATION DEVICE CARRIER.**

(a) **REPORT REQUIRED.**—Not later than February 1, 2000, the Secretary of Defense shall submit to Congress a report evaluating the option of the Department of Defense using the Smart Card as a Public-Private Key Infrastructure authentication device carrier. The report shall include the following:

Deadline.

(1) An evaluation of the advantages and disadvantages of using the Smart Card as a PKI authentication device carrier for the Department of Defense.

(2) A description of other available devices that could be readily used as a PKI authentication device carrier.

(3) A comparison of the cost of using the Smart Card and other available devices as the PKI authentication device carrier.

(b) **DEFINITIONS.**—In this section:

(1) The term “Smart Card” means a credit card-size device, normally for carrying and use by personnel, that contains one or more integrated circuits and may also employ one or more of the following technologies:

- (A) Magnetic stripe.
- (B) Bar codes, linear or two-dimensional.
- (C) Non-contact and radio frequency transmitters.

- (D) Biometric information.
- (E) Encryption and authentication.
- (F) Photo identification.

(2) The terms “Public-Private Key Infrastructure authentication device carrier” and “PKI authentication device carrier” mean a device that physically stores, carries, and employs electronic authentication or encryption keys necessary to create a unique digital signature, digital certificate, or other mark on an electronic document or file.

## Subtitle I—Other Matters

### SEC. 381. AUTHORITY TO LEND OR DONATE OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL AND OTHER CEREMONIES.

Regulations.

(a) **AUTHORITY.**—Subsection (a) of section 4683 of title 10, United States Code, is amended to read as follows:

“(a) **AUTHORITY TO LEND OR DONATE.**—(1) The Secretary of the Army, under regulations prescribed by the Secretary, may conditionally lend or donate excess M-1 rifles (not more than 15), slings, and cartridge belts to any eligible organization for use by that organization for funeral ceremonies of a member or former member of the armed forces, and for other ceremonial purposes.

“(2) If the rifles to be loaned or donated under paragraph (1) are to be used by the eligible organization for funeral ceremonies of a member or former member of the armed forces, the Secretary may issue and deliver the rifles, together with the necessary accoutrements and blank ammunition, without charge.”.

(b) **CONDITIONS AND DEFINITION.**—Such section is further amended by adding at the end the following new subsections:

“(c) **CONDITIONS ON LOAN OR DONATION.**—In lending or donating rifles under subsection (a), the Secretary shall impose such conditions on the use of the rifles as may be necessary to ensure security, safety, and accountability. The Secretary may impose such other conditions as the Secretary considers appropriate.

“(d) **ELIGIBLE ORGANIZATION DEFINED.**—In this section, the term ‘eligible organization’ means—

“(1) a unit or other organization of honor guards recognized by the Secretary of the Army as honor guards for a national cemetery;

“(2) a law enforcement agency; or

“(3) a local unit of any organization that, as determined by the Secretary of the Army, is a nationally recognized veterans’ organization.”.

(c) **CONFORMING AMENDMENTS.**—Subsection (b) of such section is amended—

(1) by inserting “RELIEF FROM LIABILITY.—” after “(b)”;

(2) by striking “a unit” and inserting “an eligible organization”; and

(3) by striking “lent” both places it appears and inserting “lent or donated”.

(d) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

**“§ 4683. Excess M-1 rifles: loan or donation for funeral and other ceremonial purposes”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 443 of such title is amended to read as follows:

“4683. Excess M-1 rifles: loan or donation for funeral and other ceremonial purposes.”.

(e) REPORT ON IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall review the exercise of authority under section 4683 of title 10, United States Code, as amended by this section, and submit to Congress a report on the findings resulting from the review.

Deadline.  
10 USC 4683  
note.

**SEC. 382. EXTENSION OF WARRANTY CLAIMS RECOVERY PILOT PROGRAM.**

Section 391 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1716; 10 U.S.C. 2304 note) is amended—

(1) in subsection (f), by striking “September 30, 1999” and inserting “September 30, 2000”;

(2) in subsection (g)(1), by striking “January 1, 2000” and inserting “January 1, 2001”; and

(3) in subsection (g)(2), by striking “March 1, 2000” and inserting “March 1, 2001”.

**SEC. 383. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS’ AND AIRMEN’S HOME, DISTRICT OF COLUMBIA.**

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101-510; 24 U.S.C. 401 et seq.) is amended by adding at the end of part A the following new section:

**“SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS’ AND AIRMEN’S HOME.**

24 USC 423.

“(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

“(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers’ and Airmen’s Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

“(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

“(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

“(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers’ and Airmen’s Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers’ and Airmen’s Home included on the National Register of Historic Places.

“(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).”.

**SEC. 384. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.**

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2650) is amended by striking “convey by sale” and inserting “convey, by sale or lease.”.

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

“(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.”.

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: “(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

“(A) Any lease of the real property under subsection (a) shall include an option to purchase.

“(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

“(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property.”; and

(2) in paragraph (2), by adding at the end the following new sentence: “In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.”.

**SEC. 385. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.**

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.  
Sec. 402. Revision in permanent end strength minimum levels.

### Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.  
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.  
Sec. 413. End strengths for military technicians (dual status).  
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.  
Sec. 415. Selected Reserve end strength flexibility.

### Subtitle C—Authorization of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.

## Subtitle A—Active Forces

### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

10 USC 115 note.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2000, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 372,037.
- (3) The Marine Corps, 172,518.
- (4) The Air Force, 360,877.

### SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—

- (1) in paragraph (2), by striking “372,696” and inserting “371,781”;
- (2) in paragraph (3), by striking “172,200” and inserting “172,148”; and
- (3) in paragraph (4), by striking “370,802” and inserting “360,877”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 10 USC 691 note.

## Subtitle B—Reserve Forces

### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

10 USC 12001  
note.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

- (1) The Army National Guard of the United States, 350,000.
- (2) The Army Reserve, 205,000.
- (3) The Naval Reserve, 90,288.
- (4) The Marine Corps Reserve, 39,624.
- (5) The Air National Guard of the United States, 106,678.
- (6) The Air Force Reserve, 73,708.
- (7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

10 USC 12001  
note.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 22,430.
- (2) The Army Reserve, 12,804.
- (3) The Naval Reserve, 15,010.
- (4) The Marine Corps Reserve, 2,272.
- (5) The Air National Guard of the United States, 11,157.
- (6) The Air Force Reserve, 1,134.

10 USC 115 note.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

- (1) For the Army Reserve, 6,474.
- (2) For the Army National Guard of the United States, 23,125.
- (3) For the Air Force Reserve, 9,785.
- (4) For the Air National Guard of the United States, 22,247.

**SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	3,227	1,071	860	140
Lieutenant Colonel or Commander .....	1,611	520	777	90
Colonel or Navy Captain .....	471	188	297	30”.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:



“Grade	Army	Navy	Air Force	Marine Corps
E–9 .....	645	202	405	20
E–8 .....	2,593	429	1,041	94”.

**SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.**

Section 115(c) of title 10, United States Code, is amended—

- (1) by striking “and” at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2) and inserting “; and”; and
- (3) by adding at the end the following new paragraph:
 

“(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.”.

## Subtitle C—Authorization of Appropriations

**SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of \$71,884,867,000, and in addition funds in the total amount of \$1,838,426,000 are authorized to be appropriated to the Department of Defense as emergency appropriations for fiscal year 2000 for military personnel, as appropriated in section 2012 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 83). The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

## TITLE V—MILITARY PERSONNEL POLICY

**Subtitle A—Officer Personnel Policy**

- Sec. 501. Temporary authority for recall of retired aviators.
- Sec. 502. Increase in maximum number of officers authorized to be on active-duty list in frocked grades of brigadier general and rear admiral (lower half).
- Sec. 503. Reserve officers requesting or otherwise causing nonselection for promotion.
- Sec. 504. Minimum grade of officers eligible to serve on boards of inquiry.
- Sec. 505. Minimum selection of warrant officers for promotion from below the promotion zone.
- Sec. 506. Increase in threshold period of active duty for applicability of restriction on holding of civil office by retired regular officers and reserve officers.
- Sec. 507. Exemption of retiree council members from recalled retiree limits.
- Sec. 508. Technical amendments relating to joint duty assignments.
- Sec. 509. Three-year extension of requirement for competition for joint 4-star officer positions.

**Subtitle B—Reserve Component Personnel Policy**

- Sec. 511. Continuation of officers on reserve active-status list to complete disciplinary action.
- Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
- Sec. 513. Exclusion of reserve officers on educational delay from eligibility for consideration for promotion.

- Sec. 514. Extension of period for retention of reserve component majors and lieutenant commanders who twice fail of selection for promotion.
- Sec. 515. Computation of years of service exclusion.
- Sec. 516. Retention of reserve component chaplains until age 67.
- Sec. 517. Expansion and codification of authority for space-required travel on military aircraft for reserves performing inactive-duty training outside the continental United States.

#### **Subtitle C—Military Technicians**

- Sec. 521. Revision to military technician (dual status) law.
- Sec. 522. Civil service retirement of technicians.
- Sec. 523. Revision to non-dual status technicians statute.
- Sec. 524. Revision to authorities relating to National Guard technicians.
- Sec. 525. Effective date.
- Sec. 526. Secretary of Defense review of Army technician costing process.
- Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

#### **Subtitle D—Service Academies**

- Sec. 531. Strength limitations at the service academies.
- Sec. 532. Superintendents of the service academies.
- Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
- Sec. 534. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
- Sec. 535. Expansion of foreign exchange programs of the service academies.

#### **Subtitle E—Education and Training**

- Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
- Sec. 542. Authority for Army War College to award degree of master of strategic studies.
- Sec. 543. Authority for Air University to confer graduate-level degrees.
- Sec. 544. Reserve credit for participation in health professions scholarship and financial assistance program.
- Sec. 545. Permanent authority for ROTC scholarships for graduate students.
- Sec. 546. Increase in monthly subsistence allowance for Senior ROTC cadets selected for advanced training.
- Sec. 547. Contingent funding increase for Junior ROTC program.
- Sec. 548. Change from annual to biennial reporting under the reserve component Montgomery GI bill.
- Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.
- Sec. 550. Accrual funding for Coast Guard Montgomery GI bill liabilities.

#### **Subtitle F—Reserve Component Management**

- Sec. 551. Financial assistance program for pursuit of degrees by officer candidates in Marine Corps Platoon Leaders Class program.
- Sec. 552. Options to improve recruiting for the Army Reserve.
- Sec. 553. Joint duty assignments for reserve component general and flag officers.
- Sec. 554. Grade of chiefs of reserve components and additional general officers at the National Guard Bureau.
- Sec. 555. Duties of Reserves on active duty in support of the Reserves.
- Sec. 556. Repeal of limitation on number of Reserves on full-time active duty in support of preparedness for responses to emergencies involving weapons of mass destruction.
- Sec. 557. Establishment of Office of the Coast Guard Reserve.
- Sec. 558. Report on use of National Guard facilities and infrastructure for support of provision of services to veterans.

#### **Subtitle G—Decorations, Awards, and Commendations**

- Sec. 561. Waiver of time limitations for award of certain decorations to certain persons.
- Sec. 562. Authority for award of Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.
- Sec. 563. Elimination of current backlog of requests for replacement of military decorations.
- Sec. 564. Retroactive award of Navy Combat Action Ribbon.
- Sec. 565. Sense of Congress concerning Presidential unit citation for crew of the U.S.S. Indianapolis.

**Subtitle H—Matters Relating to Recruiting**

- Sec. 571. Access to secondary school students for military recruiting purposes.
- Sec. 572. Increased authority to extend delayed entry period for enlistments of persons with no prior military service.
- Sec. 573. Army College First pilot program.
- Sec. 574. Use of recruiting materials for public relations purposes.

**Subtitle I—Matters Relating to Missing Persons**

- Sec. 575. Nondisclosure of debriefing information on certain missing persons previously returned to United States control.
- Sec. 576. Recovery and identification of remains of certain World War II servicemen lost in Pacific Theater of Operations.

**Subtitle J—Other Matters**

- Sec. 577. Authority for special courts-martial to impose sentences to confinement and forfeitures of pay of up to one year.
- Sec. 578. Funeral honors details for funerals of veterans.
- Sec. 579. Purpose and funding limitations for National Guard Challenge program.
- Sec. 580. Department of Defense Starbase program.
- Sec. 581. Survey of members leaving military service on attitudes toward military service.
- Sec. 582. Service review agencies covered by professional staffing requirement.
- Sec. 583. Participation of members in management of organizations abroad that promote international understanding.
- Sec. 584. Support for expanded child care services and youth program services for dependents.
- Sec. 585. Report and regulations on Department of Defense policies on protecting the confidentiality of communications with professionals providing therapeutic or related services regarding sexual or domestic abuse.
- Sec. 586. Members under burdensome personnel tempo.

**Subtitle K—Domestic Violence**

- Sec. 591. Defense task force on domestic violence.
- Sec. 592. Incentive program for improving responses to domestic violence involving members of the Armed Forces and military family members.
- Sec. 593. Uniform Department of Defense policies for responses to domestic violence.
- Sec. 594. Central Department of Defense database on domestic violence incidents.

**Subtitle A—Officer Personnel Policy****SEC. 501. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.**

(a) **AUTHORITY.**—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be made with the consent of the officer recalled.

(b) **LIMITATION.**—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) **TERMINATION.**—Each officer recalled to active duty under subsection (a) during the retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) **WAIVERS.**—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) **RETIRED AVIATOR RECALL PERIOD.**—For purposes of this section, the retired aviator recall period is the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) **REPORT.**—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of

Deadline.

Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

**SEC. 502. INCREASE IN MAXIMUM NUMBER OF OFFICERS AUTHORIZED TO BE ON ACTIVE-DUTY LIST IN FROCKED GRADES OF BRIGADIER GENERAL AND REAR ADMIRAL (LOWER HALF).**

Section 777(d)(1) of title 10, United States Code, is amended by striking "the following:" and all that follows and inserting "55."

**SEC. 503. RESERVE OFFICERS REQUESTING OR OTHERWISE CAUSING NONSELECTION FOR PROMOTION.**

(a) **REPORTING REQUIREMENT.**—Section 617(c) of title 10, United States Code, is amended by striking "regular".

Applicability.  
10 USC 617 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to boards convened under section 611(a) of title 10, United States Code, on or after the date of the enactment of this Act.

**SEC. 504. MINIMUM GRADE OF OFFICERS ELIGIBLE TO SERVE ON BOARDS OF INQUIRY.**

(a) **RETENTION BOARDS FOR REGULAR OFFICERS.**—The text of section 1187 of title 10, United States Code, is amended to read as follows:

"(a) **ACTIVE DUTY OFFICERS.**—Except as provided in subsection (b), each board convened under this chapter shall consist of officers appointed as follows:

"(1) Each member of the board shall be an officer of the same armed force as the officer being required to show cause for retention on active duty.

"(2) Each member of the board shall be on the active-duty list.

"(3) Each member of the board shall be in a grade above major or lieutenant commander, except that at least one member of the board shall be in a grade above lieutenant colonel or commander.

"(4) Each member of the board shall be senior in grade to any officer to be considered by the board.

"(b) **RETIRED OFFICERS.**—If qualified officers on active duty are not available in sufficient numbers to comprise a board convened under this chapter, the Secretary of the military department concerned shall complete the membership of the board by appointing to the board retired officers of the same armed force. A retired officer may be appointed to such a board only if the retired grade of that officer—

"(1) is above major or lieutenant commander or, in the case of an officer to be the senior officer of the board, above lieutenant colonel or commander; and

"(2) is senior to the grade of any officer to be considered by the board.

"(c) **INELIGIBILITY BY REASON OF PREVIOUS CONSIDERATION OF SAME OFFICER.**—No person may be a member of more than one board convened under this chapter to consider the same officer.

"(d) **EXCLUSION FROM STRENGTH LIMITATION.**—A retired general or flag officer who is on active duty for the purpose of serving on a board convened under this chapter shall not, while so serving,

be counted against any limitation on the number of general and flag officers who may be on active duty.”

(b) RETENTION BOARDS FOR RESERVE OFFICERS.—Subsection (a) of section 14906 of such title is amended to read as follows:

“(a) COMPOSITION OF BOARDS.—Each board convened under this chapter shall consist of officers appointed as follows:

“(1) Each member of the board shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

“(2) Each member of the board shall hold a grade above major or lieutenant commander, except that at least one member of the board shall hold a grade above lieutenant colonel or commander.

“(3) Each member of the board shall be senior in grade to any officer to be considered by the board.”

**SEC. 505. MINIMUM SELECTION OF WARRANT OFFICERS FOR PROMOTION FROM BELOW THE PROMOTION ZONE.**

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: “If the number determined under this subsection with respect to a promotion zone within a grade (or grade and competitive category) is less than one, the board may recommend one such officer for promotion from below the zone within that grade (or grade and competitive category).”

**SEC. 506. INCREASE IN THRESHOLD PERIOD OF ACTIVE DUTY FOR APPLICABILITY OF RESTRICTION ON HOLDING OF CIVIL OFFICE BY RETIRED REGULAR OFFICERS AND RESERVE OFFICERS.**

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “180 days” and inserting “270 days”; and

(2) in subparagraph (C), by striking “180 days” and inserting “270 days”.

**SEC. 507. EXEMPTION OF RETIREE COUNCIL MEMBERS FROM RECALLED RETIREE LIMITS.**

Section 690(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.”

**SEC. 508. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.**

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

“(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general or vice admiral until the officer completes a full tour of duty in a joint duty assignment.”

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

- (1) by striking “(1) Until January 1, 1997, an” and inserting “An”;
- (2) by striking “may be” and inserting “who before January 1, 1997, is”;
- (3) by striking “. An officer so appointed”; and
- (4) by striking paragraph (2).

**SEC. 509. THREE-YEAR EXTENSION OF REQUIREMENT FOR COMPETITION FOR JOINT 4-STAR OFFICER POSITIONS.**

(a) **EXTENSION OF REQUIREMENT.**—Section 604(c) of title 10, United States Code, is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(b) **GRADE RELIEF.**—Section 525(b)(5)(C) of such title is amended by striking “September 30, 2000” and inserting “September 30, 2003”.

(c) **CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.**—Paragraph (5) of section 525(b) of such title is amended by adding at the end of subparagraph (A) the following new sentence: “Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may be, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.”.

## **Subtitle B—Reserve Component Personnel Policy**

**SEC. 511. CONTINUATION OF OFFICERS ON RESERVE ACTIVE-STATUS LIST TO COMPLETE DISCIPLINARY ACTION.**

(a) **IN GENERAL.**—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 14518. Continuation of officers to complete disciplinary action**

“The Secretary concerned may delay the separation or retirement under this chapter of an officer against whom an action has been commenced with a view to trying the officer by court-martial. Any such delay may continue until the completion of the disciplinary action against the officer.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“14518. Continuation of officers to complete disciplinary action.”.

**SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.**

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty—

“(A) to receive authorized medical care;

“(B) to be medically evaluated for disability or other purposes; or

“(C) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

“(2) A member ordered to active duty under this subsection may, with the member’s consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.

“(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.”.

**SEC. 513. EXCLUSION OF RESERVE OFFICERS ON EDUCATIONAL DELAY FROM ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.**

(a) EXCLUSION.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) OFFICERS ON EDUCATIONAL DELAY.—An officer on the reserve active-status list is ineligible for consideration for promotion, but shall remain on the reserve active-status list, while the officer—

“(1) is pursuing a program of graduate level education in an educational delay status approved by the Secretary concerned; and

“(2) is receiving from the Secretary financial assistance in connection with the pursuit of that program of education while in that status.”.

(b) RETROACTIVE EFFECT.—(1) Subsection (h) of section 14301 of title 10, United States Code (as added by subsection (a)), shall apply with respect to boards convened under section 14101(a) of such title before, on, or after the date of the enactment of this Act.

10 USC 14301  
note.

(2) The Secretary of the military department concerned, upon receipt of request submitted in a form and manner prescribed by the Secretary, shall expunge from the military records of an officer any indication of a failure of selection of the officer for promotion by a board referred to in paragraph (1) while the officer was ineligible for consideration by that board by reason of section 14301(h) of title 10, United States Code.

Records.

**SEC. 514. EXTENSION OF PERIOD FOR RETENTION OF RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.**

(a) PARITY WITH OFFICERS IN PAY GRADES O-2 AND O-3.—Section 14506 of title 10, United States Code, is amended—

(1) by inserting “the later of (1)” after “in accordance with section 14513 of this title on”; and

(2) by inserting before the period at the end the following: “, or (2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to removals of reserve officers from

Applicability.  
10 USC 14506  
note.

reserve active-status lists under section 14506 of title 10, United States Code, on or after the date of the enactment of this Act.

**SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.**

The text of section 14706 of title 10, United States Code, is amended to read as follows:

“(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer’s years of service include all service of the officer as a commissioned officer of a uniformed service other than the following:

“(1) Service as a warrant officer.

“(2) Constructive service.

“(3) Service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment to a professional specialty, but only if that service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

“(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member’s service in a student status.

“(c) For purposes of subsection (a)(3), an officer shall be considered to be in a professional specialty if the officer is appointed or assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, or the Army Medical Specialists Corps or is designated as a chaplain or judge advocate.”.

**SEC. 516. RETENTION OF RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.**

Section 14703(b) of title 10, United States Code, is amended by striking “(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)”.

**SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL ON MILITARY AIRCRAFT FOR RESERVES PERFORMING INACTIVE-DUTY TRAINING OUTSIDE THE CONTINENTAL UNITED STATES.**

(a) **AUTHORITY.**—(1) Chapter 1805 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 18505. Reserves traveling to inactive-duty training OCONUS: authority for space-required travel**

“(a) In the case of a member of a reserve component whose place of inactive-duty training is outside the contiguous States (including a place other than the place of the member’s unit training assembly if the member is performing the inactive-duty training in another location), the member may travel in a space-required status on aircraft of the armed forces between the member’s home and the place of such training if there is no transportation between those locations by means of road or railroad (or a combination of road and railroad).

“(b) A member traveling in a space-required status on any such aircraft under subsection (a) is not authorized to receive travel,



transportation, or per diem allowances in connection with that travel.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“18505. Reserves traveling to inactive-duty training OCONUS: authority for space-required travel.”.

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 8023 of Public Law 105–262 (112 Stat. 2302) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to travel commencing on or after the date of the enactment of this Act.

Applicability.  
10 USC 18505  
note.

## Subtitle C—Military Technicians

### SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “section 709” and inserting “section 709(b)”; and

(2) in subparagraph (C), by inserting “civilian” after “is assigned to a”.

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting “(dual status)” after “military technician” the second place it appears; and

(2) in paragraph (2)—

(A) by striking “The Secretary” and inserting “Except as otherwise provided by law, the Secretary”; and

(B) by striking “not to exceed six months” and inserting “up to 12 months”.

### SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 10218. Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws**

“(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Army Reserve or the Air Force Reserve as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

“(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

“(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

“(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

“(ii) apply for a civil service position that is not a technician position.

“(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

“(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

“(ii) shall be separated or retired—

“(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

“(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

“(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

“(A) being separated from the Selected Reserve; or

“(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

“(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

“(2)(A) An individual who on the date of the enactment of this section is employed by the Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

“(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

“(ii) apply for a civil service position that is not a technician position.

“(B) If such a technician continues employment with the Army Reserve or the Air Force Reserve as a non-dual status technician, the technician—

“(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this subsection, to apply for any voluntary personnel action; and

“(ii) shall be separated or retired—

“(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

“(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

“(3) An individual employed by the Army Reserve or the Air Force Reserve as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-

in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

“(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

“(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term ‘voluntary personnel action’, with respect to a non-dual status technician, means any of the following:

“(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

“(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“10218. Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws.”.

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10218 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting “six months” for “30 days”.

Effective date.  
Applicability.  
10 USC 10218  
note.

(b) EARLY RETIREMENT.—Section 8414(c) of title 5, United States Code, is amended to read as follows:

“(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee’s reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

“(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

“(A) after completing 25 years of service as a military technician (dual status), or

“(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status), is entitled to an annuity.”.

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking “military reserve technician” and inserting “military technician (dual status)”.

(2) Section 8401(30) is amended to read as follows:

“(30) the term ‘military technician (dual status)’ means an employee described in section 10216 of title 10;”.

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “or section 10216 of title 10” after “title 32”;

(B) by striking “such title” and all that follows through the period and inserting “title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.”;

(2) in paragraph (2)(A)(i)—

(A) by inserting “or section 10216 of title 10” after “title 32”; and

(B) by striking “National Guard or from holding the military grade required for such employment” and inserting “Selected Reserve”; and

(3) in paragraph (3)(C), by inserting “or section 10216 of title 10” after “title 32”.

**SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.**

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “military” after “non-dual status” in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

“(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

“(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve.”; and

(2) by adding at the end the following new subsection:

Effective dates.

“(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

“(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.”.

(b) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

**SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.**

Section 709 of title 32, United States Code, is amended to read as follows:

**“§ 709. Technicians: employment, use, status**

“(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in— Regulations.

“(1) the administration and training of the National Guard; and

“(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

“(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

“(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

“(2) Be a member of the National Guard.

“(3) Hold the military grade specified by the Secretary concerned for that position.

“(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member’s grade and component of the armed forces.

“(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

“(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

“(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

“(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

“(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

“(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

“(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

“(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

“(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

“(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

“(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

“(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

“(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

“(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

“(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.”.

10 USC 10217  
note.

**SEC. 525. EFFECTIVE DATE.**

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

10 USC 113 note.

**SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.**

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) **REPORT.**—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000. Deadline.

**SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.**

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2000, may not exceed the following:

- (1) For the Army Reserve, 1,295.
- (2) For the Army National Guard of the United States, 1,800.
- (3) For the Air Force Reserve, 0.
- (4) For the Air National Guard of the United States, 342.

## Subtitle D—Service Academies

**SEC. 531. STRENGTH LIMITATIONS AT THE SERVICE ACADEMIES.**

(a) **UNITED STATES MILITARY ACADEMY.**—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001–2002 academic year.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999–2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000–2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of an academic year is graduation day.

10 USC 4342  
note.  
Deadline.

(b) REENACTMENT OF LIMITATION; AUTHORIZED VARIANCE.—(1) Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “is as follows:” in the matter preceding paragraph (1) and inserting “(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:”; and

(B) by adding at the end the following new subsection: “(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary of the Army may for any year (beginning with the 2001–2002 academic year) permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.”.

(2) Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

“(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:”; and

(B) by adding at the end the following new subsection: “(g) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of the Brigade of Midshipmen, the Secretary of the Navy may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.”.

(3) Section 9342 of such title is amended—

(A) in subsection (a), by striking “is as follows:” in the matter preceding paragraph (1) and inserting “(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:”; and

(B) by adding at the end the following new subsection: “(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of Air Force Cadets, the Secretary of the Air Force may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.”.

(4) Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note) is repealed.

#### SEC. 532. SUPERINTENDENTS OF THE SERVICE ACADEMIES.

(a) POSITION OF SUPERINTENDENT REQUIRED TO BE TERMINAL POSITION.—(1)(A) Chapter 367 of title 10, United States Code, is amended by inserting after section 3920 the following new section:

##### **“§ 3921. Mandatory retirement: Superintendent of the United States Military Academy**

“Upon the termination of the detail of an officer to the position of Superintendent of the United States Military Academy, the Secretary of the Army shall retire the officer under any provision of this chapter under which that officer is eligible to retire.”.



(B) Chapter 403 of such title is amended by inserting after section 4333 the following new section:

**“§ 4333a. Superintendent: condition for detail to position**

“As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.”.

(2)(A) Chapter 573 of such title is amended by inserting after the table of sections at the beginning of such chapter the following new section:

**“§ 6371. Mandatory retirement: Superintendent of the United States Naval Academy**

“Upon the termination of the detail of an officer to the position of Superintendent of the United States Naval Academy, the Secretary of the Navy shall retire the officer under any provision of chapter 571 of this title under which the officer is eligible to retire.”.

(B) Chapter 603 of such title is amended by inserting after section 6951 the following new section:

**“§ 6951a. Superintendent**

Establishment.

“(a) There is a Superintendent of the United States Naval Academy. The immediate governance of the Naval Academy is under the Superintendent.

“(b) The Superintendent shall be detailed to that position by the President. As a condition for detail to that position, an officer shall acknowledge that upon termination of that detail the officer shall be retired.”.

President.

(3)(A) Chapter 867 of such title is amended by inserting after section 8920 the following new section:

**“§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy**

“Upon the termination of the detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.”.

(B) Chapter 903 of such title is amended by inserting after section 9333 the following new section:

**“§ 9333a. Superintendent: condition for detail to position**

“As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired.”.

(4)(A) The table of sections at the beginning of chapter 367 of title 10, United States Code, is amended by inserting after the item relating to section 3920 the following new item:

“3921. Mandatory retirement: Superintendent of the United States Military Academy.”.

(B) The table of sections at the beginning of chapter 403 of such title is amended by inserting after the item relating to section 4333 the following new item:

“4333a. Superintendent: condition for detail to position.”.

(C) The table of sections at the beginning of chapter 573 of such title is amended by inserting before the item relating to section 6383 the following new item:

“6371. Mandatory retirement: Superintendent of the United States Naval Academy.”.

(D) The table of sections at the beginning of chapter 603 of such title is amended by inserting after the item relating to section 6951 the following new item:

“6951a. Superintendent.”.

(E) The table of sections at the beginning of chapter 867 of such title is amended by inserting after the item relating to section 8920 the following new item:

“8921. Mandatory retirement: Superintendent of the United States Air Force Academy.”.

(F) The table of sections at the beginning of chapter 903 of such title is amended by inserting after the item relating to section 9333 the following new item:

“9333a. Superintendent: condition for detail to position.”.

10 USC 3921  
note.

(5) The amendments made by this subsection shall not apply to an officer serving on the date of the enactment of this Act in the position of Superintendent of the United States Military Academy, Superintendent of the United States Naval Academy, or Superintendent of the United States Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service.

(b) EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United States Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).”.

**SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.**

(a) DEAN OF THE ACADEMIC BOARD, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade

by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.”.

(b) DEAN OF THE FACULTY, USAFA.—Section 9335 of title 10, United States Code, is amended—

(1) by inserting “(a)” at the beginning of the text of the section; and

(2) by adding at the end the following new subsection:

“(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.”.

**SEC. 534. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking “35 percent” and inserting “50 percent”; and

(2) by striking “five persons” and inserting “20 persons”.

(b) NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended—

(1) by striking “35 percent” and inserting “50 percent”; and

(2) by striking “five persons” and inserting “20 persons”.

(c) AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended—

(1) by striking “35 percent” and inserting “50 percent”; and

(2) by striking “five persons” and inserting “20 persons”.

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

Applicability.  
10 USC 4344  
note.

(e) CONFORMING REPEAL.—Section 301 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 66) is repealed.

*Ante*, p. 66.

**SEC. 535. EXPANSION OF FOREIGN EXCHANGE PROGRAMS OF THE SERVICE ACADEMIES.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4345 of title 10, United States Code, is amended—

(1) in subsection (b), by striking “10 cadets” and inserting “24 cadets”; and

(2) in subsection (c)(3), by striking “\$50,000” and inserting “\$120,000”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6957a of such title is amended—

(1) in subsection (b), by striking “10 midshipmen” and inserting “24 midshipmen”; and

(2) in subsection (c)(3), by striking “\$50,000” and inserting “\$120,000”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9345 of such title is amended—

(1) in subsection (b), by striking “10 Air Force cadets” and inserting “24 Air Force cadets”; and

(2) in subsection (c)(3), by striking “\$50,000” and inserting “\$120,000”.

## Subtitle E—Education and Training

### SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) IN GENERAL.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2111b. Senior military colleges: Department of Defense international student program**

“(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

“(b) PURPOSES.—The purposes of the program shall be—

“(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

“(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

“(c) COORDINATION WITH THE SENIOR MILITARY COLLEGES.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

“(d) RECOMMENDATIONS FOR ADMISSION OF STUDENTS UNDER THE PROGRAM.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

“(e) DOD FINANCIAL SUPPORT.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2111b. Senior military colleges: Department of Defense international student program.”.

(b) **EFFECTIVE DATE.**—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.

10 USC 2111b  
note.

(c) **REPEAL OF OBSOLETE PROVISION.**—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) **FISCAL YEAR 2000 FUNDING.**—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, \$2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

**SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.**

(a) **AUTHORITY.**—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 4321. United States Army War College: master of strategic studies degree**

Regulations.

“Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4321. United States Army War College: master of strategic studies degree.”.

**SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO CONFER GRADUATE-LEVEL DEGREES.**

(a) **IN GENERAL.**—Subsection (a) of section 9317 of title 10, United States Code, is amended to read as follows:

“(a) **AUTHORITY.**—Upon the recommendation of the faculty of the appropriate school of the Air University, the commander of the Air University may confer—

“(1) the degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree;

“(2) the degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree; and

“(3) the degree of master of airpower art and science upon graduates of the School of Advanced Airpower Studies who fulfill the requirements for that degree.”.

(b) **CLERICAL AMENDMENTS.**—(1) The heading for that section is amended to read:

**“§ 9317. Air University: graduate-level degrees”.**

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

“9317. Air University: graduate-level degrees.”.

**SEC. 544. RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.**

Section 2126(b) of title 10, United States Code, is amended—  
(1) by striking paragraphs (2) and (3) and inserting the following:

“(2) Service credited under paragraph (1) counts only for the award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

“(3) The number of points credited to a member under paragraph (1) for a year of participation in a course of study is 50. The points shall be credited to the member for one of the years of that participation at the end of each year after the completion of the course of study that the member serves in the Selected Reserve and is credited under section 12732(a)(2) of this title with at least 50 points. The points credited for the participation shall be recorded in the member’s records as having been earned in the year of the participation in the course of study.”;

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph (5):

“(5) A member of the Selected Reserve may be considered to be in an active status while pursuing a course of study under this subchapter only for purposes of sections 12732(a) and 12733(3) of this title.”.

**SEC. 545. PERMANENT AUTHORITY FOR ROTC SCHOLARSHIPS FOR GRADUATE STUDENTS.**

Section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

“(2) The Secretary of the military department concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under this paragraph.”.

**SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.**

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking “\$150 a month” and inserting “\$200 a month”.

37 USC 209 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

**SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.**

(a) IN GENERAL.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2033. Contingent funding increase**

“If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of \$62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of

\$62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2033. Contingent funding increase.”

(b) EFFECTIVE DATE.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999.

Applicability.  
10 USC 2033  
note.

**SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.**

(a) IN GENERAL.—Section 16137 of title 10, United States Code, is amended to read as follows:

**“§ 16137. Biennial report to Congress**

“The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years. The Secretary may submit the report more frequently and adjust the period covered by the report accordingly.”

Deadline.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

“16137. Biennial report to Congress.”

**SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.**

(a) RECODIFICATION AND CONSOLIDATION FOR LIMITATIONS ON FEDERAL GRANTS AND CONTRACTS.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

**“§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies**

“(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d)(1) may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

“(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section 654 of this title and other applicable Federal laws) at that institution (or any subelement of that institution); or

“(2) a student at that institution (or any subelement of that institution) from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

“(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d)(2) may be provided by contract or by grant (including a grant of funds to be available for student aid) to an institution of higher education (including any subelement of such institution) if the Secretary of Defense determines that that institution (or any subelement of that institution) has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

“(1) the Secretary of a military department or Secretary of Transportation from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

“(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at that institution (or any subelement of that institution):

“(A) Names, addresses, and telephone listings.

“(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

“(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to an institution of higher education (or any subelement of that institution) if the Secretary of Defense determines that—

“(1) the institution (and each subelement of that institution) has ceased the policy or practice described in that subsection; or

“(2) the institution of higher education involved has a long-standing policy of pacifism based on historical religious affiliation.

“(d) COVERED FUNDS.—(1) The limitation established in subsection (a) applies to the following:

“(A) Any funds made available for the Department of Defense.

“(B) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

“(2) The limitation established in subsection (b) applies to the following:

“(A) Funds described in paragraph (1).

“(B) Any funds made available for the Department of Transportation.

“(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

“(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

“(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the institution of higher education (and any subelement of that institution) for contracts and grants.

“(f) SEMI-ANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six

Federal Register,  
publication.

Records.



months a list of each institution of higher education that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).”.

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

“983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.”.

(b) **REPEAL OF CODIFIED PROVISIONS.**—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104-208; 110 Stat. 3009-270; 10 U.S.C. 503 note).

**SEC. 550. ACCRUAL FUNDING FOR COAST GUARD MONTGOMERY GI BILL LIABILITIES.**

Section 2006 of title 10, United States Code, is amended as follows:

(1) Subsection (a) is amended by striking “Department of Defense education liabilities” and inserting “armed forces education liabilities”.

(2) Paragraph (1) of subsection (b) is amended to read as follows:

“(1) The term ‘armed forces education liabilities’ means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.”.

(3) Subsection (b)(2)(C) is amended—

(A) by inserting “Department of Defense” after “future”; and

(B) by striking “chapter 106” and inserting “chapter 1606”.

(4) Subsection (c)(1) is amended by inserting “and the Secretary of the Department in which the Coast Guard is operating” after “Defense”.

(5) Subsection (d) is amended—

(A) by striking “Department of Defense” and inserting “armed forces”; and

(B) by inserting “the Secretary of the Department in which the Coast Guard is operating,” after “Secretary of Defense,”.

(6) Subsection (f)(5) is amended by inserting “and the Department in which the Coast Guard is operating” after “Department of Defense”.

(7) Subsection (g) is amended—

(A) by inserting “and the Secretary of the Department in which the Coast Guard is operating” in paragraphs (1) and (2) after “The Secretary of Defense”; and

(B) by striking “of a military department” in paragraph (3) and inserting “concerned”.

## **Subtitle F—Reserve Component Management**

### **SEC. 551. FINANCIAL ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY OFFICER CANDIDATES IN MARINE CORPS PLATOON LEADERS CLASS PROGRAM.**

(a) IN GENERAL.—(1) Part IV of subtitle E of title 10, United States Code, is amended by adding at the end the following new chapter:

#### **“CHAPTER 1611—OTHER EDUCATIONAL ASSISTANCE PROGRAMS**

“Sec.

“16401. Marine Corps Platoon Leaders Class program: officer candidates pursuing degrees.

#### **“§ 16401. Marine Corps Platoon Leaders Class program: officer candidates pursuing degrees**

“(a) AUTHORITY FOR FINANCIAL ASSISTANCE PROGRAM.—The Secretary of the Navy may provide financial assistance to an eligible enlisted member of the Marine Corps Reserve for expenses of the member while the member is pursuing on a full-time basis at an institution of higher education a program of education approved by the Secretary that leads to—

“(1) a baccalaureate degree in less than five academic years;

or

“(2) a doctor of jurisprudence or bachelor of laws degree in not more than three academic years.

“(b) ELIGIBILITY.—(1) To be eligible for financial assistance under this section, an enlisted member of the Marine Corps Reserve must—

“(A) be an officer candidate in the Marine Corps Platoon Leaders Class program and have successfully completed one six-week (or longer) increment of military training required under that program;

“(B) meet the applicable age requirement specified in paragraph (2);

“(C) be enrolled on a full-time basis in a program of education referred to in subsection (a) at any institution of higher education; and

“(D) enter into a written agreement with the Secretary described in paragraph (3).

“(2)(A) In the case of a member pursuing a baccalaureate degree, the member meets the age requirements of this paragraph if the member will be under 27 years of age on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class program, except that if the member has served on active duty, the member may, on such date, be any age under 30 years that exceeds 27 years by a number of months that is not more than the number of months that the member served on active duty.

“(B) In the case of a member pursuing a doctor of jurisprudence or bachelor of laws degree, the member meets the age requirements of this paragraph if the member will be under 31 years of age

on June 30 of the calendar year in which the member is projected to be eligible for appointment as a commissioned officer in the Marine Corps through the Marine Corps Platoon Leaders Class program, except that if the member has served on active duty, the member may, on such date, be any age under 35 years that exceeds 31 years by a number of months that is not more than the number of months that the member served on active duty.

“(3) A written agreement referred to in paragraph (1)(D) is an agreement between the member and the Secretary in which the member agrees—

“(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

“(B) to serve on active duty for at least five years; and

“(C) under such terms and conditions as shall be prescribed by the Secretary, to serve in the Marine Corps Reserve until the eighth anniversary of the date of the appointment.

“(c) COVERED EXPENSES.—Expenses for which financial assistance may be provided under this section are—

“(1) tuition and fees charged by the institution of higher education involved;

“(2) the cost of books; and

“(3) in the case of a program of education leading to a baccalaureate degree, laboratory expenses.

“(d) AMOUNT.—The amount of financial assistance provided to a member under this section shall be prescribed by the Secretary, but may not exceed \$5,200 for any academic year.

“(e) LIMITATIONS.—(1) Financial assistance may be provided to a member under this section only for three consecutive academic years.

“(2) Not more than 1,200 members may participate in the financial assistance program under this section in any academic year.

“(f) FAILURE TO COMPLETE PROGRAM.—(1) A member who receives financial assistance under this section may be ordered to active duty in the Marine Corps by the Secretary to serve in an appropriate enlisted grade for such period as the Secretary prescribes, but not for more than four years, if the member—

“(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class program and refuses to accept an appointment as a commissioned officer in the Marine Corps when offered;

“(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class program; or

“(C) is disenrolled from the Marine Corps Platoon Leaders Class program for failure to maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

“(2) The Secretary of the Navy may waive the obligated service under paragraph (1) of a person who is not physically qualified for appointment under section 532 of this title and later is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct.

“(g) INSTITUTION OF HIGHER EDUCATION DEFINED.—In this section, the term ‘institution of higher education’ has the meaning

given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

(2) The tables of chapters at the beginning of subtitle E of such title and at the beginning of part IV of such subtitle are amended by adding after the item relating to chapter 1609 the following new item:

**“1611. Other Educational Assistance Programs .....16401”.**

(b) CONFORMING AMENDMENT.—Section 3695(a)(5) of title 38, United States Code, is amended by striking “Chapters 106 and 107” and inserting “Chapters 107, 1606, and 1610”.

(c) COMPUTATION OF CREDITABLE SERVICE.—Section 205 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(f) Notwithstanding subsection (a), the periods of service of a commissioned officer appointed under section 12209 of title 10 after receiving financial assistance under section 16401 of such title that are counted under this section may not include a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning (concurrently with the period of service as a member of the Marine Corps Platoon Leaders Class program) as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.”.

10 USC 16401  
note.

(d) TRANSITION PROVISION.—(1) An enlisted member of the Marine Corps Reserve selected for training as an officer candidate under section 12209 of title 10, United States Code, before implementation of a financial assistance program under section 16401 of such title (as added by subsection (a)) may, upon application, participate in the financial assistance program established under section 16401 of such title (as added by subsection (a)) if the member—

(A) is eligible for financial assistance under such section 16401;

Deadline.

(B) submits a request for the financial assistance to the Secretary of the Navy not later than 180 days after the date on which the Secretary establishes the financial assistance program; and

(C) enters into a written agreement described in subsection (b)(3) of such section.

(2) Section 205(f) of title 37, United States Code, as added by subsection (c), applies to a member referred to in paragraph (1).

#### **SEC. 552. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.**

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a

new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement. Deadline.

**SEC. 553. JOINT DUTY ASSIGNMENTS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS.**

Subsection (b) of section 526 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) The Chairman of the Joint Chiefs of Staff may designate up to 10 general and flag officer positions on the staffs of the commanders of the unified and specified combatant commands as positions to be held only by reserve component officers who are in a general or flag officer grade below lieutenant general or vice admiral. Each position so designated shall be considered to be a joint duty assignment position for purposes of chapter 38 of this title.

“(B) A reserve component officer serving in a position designated under subparagraph (A) while on active duty under a call or order to active duty that does not specify a period of 180 days or less shall not be counted for the purposes of the limitations under subsection (a) and under section 525 of this title if the officer was selected for service in that position in accordance with the procedures specified in subparagraph (C).

“(C) Whenever a vacancy occurs, or is anticipated to occur, in a position designated under subparagraph (A)—

“(i) the Secretary of Defense shall require the Secretary of the Army to submit the name of at least one Army reserve component officer, the Secretary of the Navy to submit the name of at least one Naval Reserve officer and the name of at least one Marine Corps Reserve officer, and the Secretary of the Air Force to submit the name of at least one Air Force reserve component officer for consideration by the Secretary for assignment to that position; and

“(ii) the Chairman of the Joint Chiefs of Staff may submit to the Secretary of Defense the name of one or more officers (in addition to the officers whose names are submitted pursuant to clause (i)) for consideration by the Secretary for assignment to that position.

“(D) Whenever the Secretaries of the military departments are required to submit the names of officers under subparagraph (C)(i), the Chairman of the Joint Chiefs of Staff shall submit to the Secretary of Defense the Chairman’s evaluation of the performance of each officer whose name is submitted under that subparagraph (and of any officer whose name the Chairman submits to the Secretary under subparagraph (C)(ii) for consideration for the same vacancy).

“(E) Subparagraph (B) does not apply in the case of an officer serving in a position designated under subparagraph (A) if the Secretary of Defense, when considering officers for assignment to

fill the vacancy in that position which was filled by that officer, did not have a recommendation for that assignment from each Secretary of a military department who (pursuant to subparagraph (C)) was required to make such a recommendation.”.

**SEC. 554. GRADE OF CHIEFS OF RESERVE COMPONENTS AND ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) PROCEDURES FOR APPOINTING RESERVE CHIEFS IN HIGHER GRADE.—(1) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 12505. Selection of officers for certain senior reserve component positions**

“(a) COVERED POSITIONS.—(1) This section applies to the positions specified in sections 3038, 5143, 5144, and 8038 and the positions of Director, Army National Guard, and Director, Air National Guard, specified in subparagraphs (A) and (B) of section 10506(a)(1) of this title.

“(2) An officer may be assigned to one of the positions specified in paragraph (1) for service in the grade of lieutenant general or vice admiral if appointed to that grade for service in that position by the President, by and with the advice and consent of the Senate. An officer may be recommended to the President for such an appointment if selected for appointment to that position in accordance with this section.

“(b) ELIGIBILITY FOR HIGHER GRADE.—An officer shall be considered to have been selected for appointment to a position specified in subsection (a) in accordance with this section if—

“(1) the officer is recommended for that appointment by the Secretary of the military department concerned;

“(2) the officer is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience; and

“(3) the officer is recommended by the Secretary of Defense to the President for appointment in accordance with this section.

“(c) COUNTING FOR PURPOSES OF GRADE LIMITATIONS.—An officer on active duty for service in a position specified in subsection (a) who is serving in that position (by reason of selection in accordance with this section) in the grade of lieutenant general or vice admiral shall be counted for purposes of the grade limitations under sections 525 and 526 of this title. This subsection does not affect the counting for those purposes of officers serving in those positions under any other provision of law.

“(d) TRANSITION WAIVER AUTHORITY.—Until October 1, 2002, the Secretary of Defense may waive paragraph (2) of subsection (b) with respect to the appointment of an officer to a position specified in subsection (a) if in the judgment of the Secretary—

“(1) the officer is qualified for service in the position; and

“(2) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“12505. Selection of officers for certain senior reserve component positions.”.

Termination  
date.

(b) CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”.

(c) CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended—

(1) by striking “above rear admiral (lower half)” and inserting “rear admiral”; and

(2) by adding at the end the following new sentence: “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of vice admiral.”.

(d) COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended—

(1) by striking “above brigadier general” and inserting “major general”; and

(2) by adding at the end the following new sentence: “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”.

(e) CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by adding at the end the following new sentence: “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”.

(f) GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by inserting “or, if appointed to that position in accordance with section 12505(a)(2) of this title, the grade of lieutenant general,” after “major general”.

10 USC 12505  
note.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

10 USC 12505  
note.

(h) APPLICABILITY TO INCUMBENTS.—(1) If an officer who is a covered position incumbent is appointed under the amendments made by this section to the grade of lieutenant general or vice admiral, the term of service of that officer in that covered position shall not be extended by reason of such appointment.

(2) For purposes of this subsection:

(A) The term “covered position incumbent” means a reserve component officer who on the effective date specified in subsection (g) is serving in a covered position.

(B) The term “covered position” means a position specified in section 12505 of title 10, United States Code, as added by subsection (a).

#### **SEC. 555. DUTIES OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

(a) DUTIES.—Section 12310 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (d) and transferring that subsection, as so redesignated, to the end of the section; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) DUTIES.—A Reserve on active duty as described in subsection (a) may be assigned only duties in connection with the functions described in that subsection, which may include the following:

“(1) Supporting operations or missions assigned in whole or in part to reserve components.

“(2) Supporting operations or missions performed or to be performed by—

“(A) a unit composed of elements from more than one component of the same armed force; or

“(B) a joint forces unit that includes—

“(i) one or more reserve component units; or

“(ii) a member of a reserve component whose reserve component assignment is in a position in an element of the joint forces unit.

“(3) Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the commanders of the unified combatant command regarding reserve component matters.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “GRADE WHEN ORDERED TO ACTIVE DUTY.—” after “(a)”;

(2) in subsection (c)(1), by striking “(c)(1) A Reserve” and inserting “(c) DUTIES RELATING TO DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION.—(1) Notwithstanding subsection (b), a Reserve”; and

(3) in subsection (d), as redesignated and transferred by subsection (a)(1), by inserting “TRAINING.—” before “A Reserve”.

(c) REPORT ON THE USE OF RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.—(1) The Secretary of Defense shall review how the Reserves on active duty in support of the reserves are or will be used in relation to the duties set forth under subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2).

Deadline.

(2) Not later than March 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the review under paragraph (1). The report shall include the following:

(A) An itemization and description, shown by operation or mission referred to in subsection (b) of section 12310 of title 10, United States Code, as added by subsection (a)(2), of the numbers of Reserves on active duty involved in each of those operations and missions.

(B) An assessment and recommendation as to whether the Reserves on active duty in support of the reserves should be managed as a separate personnel category in which they compete only among themselves for promotion, retention, school selection, command, and other centrally selected personnel actions.

(C) An assessment and recommendation as to whether those Reserves should be considered as being part of their respective active component for purposes of management of end strengths and whether funds for those Reserves should be provided from appropriations for active component military personnel (rather than reserve component personnel).

(D) An assessment and recommendations for changes in the existing officer and enlisted personnel systems required as a result of the amendments to section 12310 of title 10, United States Code, made by subsection (a), with such assessment to take a comprehensive life-cycle approach to the careers



of those Reserves and how those careers should be managed, with special attention to issues related to accession, promotion, professional development, retention, separation and retirement.

**SEC. 556. REPEAL OF LIMITATION ON NUMBER OF RESERVES ON FULL-TIME ACTIVE DUTY IN SUPPORT OF PREPAREDNESS FOR RESPONSES TO EMERGENCIES INVOLVING WEAPONS OF MASS DESTRUCTION.**

(a) REPEAL.—Paragraph (4) of section 12310(c) of title 10, United States Code, is amended by striking the first sentence.

(b) CONFORMING AMENDMENTS.—Paragraph (6) of such section is amended—

(1) by striking “or to increase the number of personnel authorized by paragraph (4)” in the matter preceding subparagraph (A); and

(2) in subparagraph (A), by striking “or for the requested additional personnel” and all that follows through “Federal levels”.

**SEC. 557. ESTABLISHMENT OF OFFICE OF THE COAST GUARD RESERVE.**

(a) ESTABLISHMENT.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

**“§ 53. Office of the Coast Guard Reserve; Director**

“(a) ESTABLISHMENT OF OFFICE; DIRECTOR.—There is in the executive part of the Coast Guard an Office of the Coast Guard Reserve. The head of the Office is the Director of the Coast Guard Reserve. The Director of the Coast Guard Reserve is the principal adviser to the Commandant on Coast Guard Reserve matters and may have such additional functions as the Commandant may direct.

“(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Director of the Coast Guard Reserve, from officers of the Coast Guard who—

“(1) have had at least 10 years of commissioned service;

“(2) are in a grade above captain; and

“(3) have been recommended by the Secretary of Transportation.

“(c) TERM.—(1) The Director of the Coast Guard Reserve holds office for a term determined by the President, normally two years, but not more than four years. An officer may be removed from the position of Director for cause at any time.

“(2) The Director of the Coast Guard Reserve, while so serving, holds a grade above Captain, without vacating the officer’s permanent grade.

“(d) BUDGET.—The Director of the Coast Guard Reserve is the official within the executive part of the Coast Guard who, subject to the authority, direction, and control of the Secretary of Transportation and the Commandant, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Coast Guard Reserve. As such, the Director of the Coast Guard Reserve is the director and functional manager of appropriations made for the Coast Guard Reserve in those areas.

“(e) ANNUAL REPORT.—The Director of the Coast Guard Reserve shall submit to the Secretary of Transportation and the Secretary of Defense an annual report on the state of the Coast Guard Reserve and the ability of the Coast Guard Reserve to meet its

President.  
Congress.

missions. The report shall be prepared in conjunction with the Commandant and may be submitted in classified and unclassified versions.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 52 the following new item:

“53. Office of the Coast Guard Reserve; Director.”.

**SEC. 558. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF SERVICES TO VETERANS.**

(a) REPORT.—The Chief of the National Guard Bureau shall submit to the Secretary of Defense a report, to be prepared in consultation with the Secretary of Veterans Affairs, assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary of Veterans Affairs. The report shall include an assessment of any costs and benefits associated with the use of those facilities and that infrastructure for that purpose.

(b) TRANSMITTAL TO CONGRESS.—The Secretary of Defense shall, not later than April 1, 2000, transmit to Congress the report submitted to the Secretary under subsection (a), together with any comments on the report consistent with the requirements of section 18235 of title 10, United States Code, that the Secretary considers appropriate.

## **Subtitle G—Decorations, Awards, and Commendations**

**SEC. 561. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.**

(a) WAIVER.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.

Applicability.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

Applicability.

(c) COAST GUARD COMMENDATION MEDAL.—Subsection (a) applies to the award of the Coast Guard Commendation Medal to Mark H. Freeman, of Seattle, Washington for heroic achievement

performed in a manner above that normally to be expected during rescue operations for the S.S. Seagate, in September 1956, while serving as a member of the Coast Guard at Gray Harbor Lifeboat Station, Westport, Washington.

**SEC. 562. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.**

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) **ACTION DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

**SEC. 563. ELIMINATION OF CURRENT BACKLOG OF REQUESTS FOR REPLACEMENT OF MILITARY DECORATIONS.**

(a) **ELIMINATION OF CURRENT BACKLOG.**—The Secretary of Defense shall eliminate the backlog (as of the date of the enactment of this Act) of requests made to the Department of Defense for the issuance or replacement of military decorations for members or former members of the Armed Forces.

(b) **CONDITION.**—The Secretary shall allocate funds and other resources in order to carry out subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) **REPORT.**—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the elimination of the backlog described in subsection (a). The report shall include a plan for preventing accumulation of backlogs in the future.

Deadline.

(d) **DECORATION DEFINED.**—For the purposes of this section, the term “decoration” means a medal or other decoration that a member or former member of the Armed Forces was awarded by the United States with respect to service in the Armed Forces.

**SEC. 564. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.**

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy or Marine Corps for participation in ground or surface combat during any period on or after December 7, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has not been previously recognized in an appropriate manner for such participation.

**SEC. 565. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.**

(a) **FINDINGS.**—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year

1995 (Public Law 103-337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA-35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA-35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

### Subtitle H—Matters Related to Recruiting

#### SEC. 571. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.”.

Raymond  
Spruance.  
William F.  
Halsey.

**SEC. 572. INCREASED AUTHORITY TO EXTEND DELAYED ENTRY PERIOD FOR ENLISTMENTS OF PERSONS WITH NO PRIOR MILITARY SERVICE.**

(a) **MAXIMUM PERIOD OF EXTENSION.**—Section 513(b)(1) of title 10, United States Code, is amended by striking “180 days” in the second sentence and inserting “365 days”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into, on or after that date.

Applicability.  
10 USC 513 note.

**SEC. 573. ARMY COLLEGE FIRST PILOT PROGRAM.**

10 USC 513 note.

(a) **PROGRAM REQUIRED.**—The Secretary of the Army shall establish a pilot program (to be known as the “Army College First” program) to assess whether the Army could increase the number of, and the level of the qualifications of, persons entering the Army as enlisted members by encouraging recruits to pursue higher education or vocational or technical training before entry into active service in the Army.

(b) **DELAYED ENTRY WITH ALLOWANCE FOR HIGHER EDUCATION.**—Under the pilot program, the Secretary may exercise the authority under section 513 of title 10, United States Code—

(1) to accept the enlistment of a person as a Reserve for service in the Selected Reserve or Individual Ready Reserve of the Army Reserve or, notwithstanding the scope of the authority under subsection (a) of that section, in the Army National Guard of the United States;

(2) to authorize, notwithstanding the period limitation in subsection (b) of that section, a delay of the enlistment of any such person in a regular component under that subsection for the period during which the person is enrolled in, and pursuing a program of education at, an institution of higher education, or a program of vocational or technical training, on a full-time basis that is to be completed within two years after the date of such enlistment as a Reserve under paragraph (1); and

(3) in the case of a person enlisted in a reserve component for service in the Individual Ready Reserve, pay an allowance to the person for each month of that period.

(c) **MAXIMUM PERIOD OF DELAY.**—The period of delay authorized a person under paragraph (2) of subsection (b) may not exceed the two-year period beginning on the date of the person’s enlistment accepted under paragraph (1) of such subsection.

(d) **AMOUNT OF ALLOWANCE.**—(1) The monthly allowance paid under subsection (b)(3) is \$150. The allowance may not be paid for more than 24 months.

(2) An allowance under this section is in addition to any other pay or allowance to which a member of a reserve component is entitled by reason of participation in the Ready Reserve of that component.

(e) **COMPARISON GROUP.**—To perform the assessment under subsection (a), the Secretary may define and study any group not including persons receiving a benefit under subsection (b) and compare that group with any group or groups of persons who receive such benefits under the pilot program.

(f) **DURATION OF PILOT PROGRAM.**—The pilot program shall be in effect during the period beginning on October 1, 1999, and ending on September 30, 2004.

Deadline.

(g) REPORT.—Not later than February 1, 2004, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) The assessment of the Secretary regarding the value of the authority under this section for achieving the objectives of increasing the number of, and the level of the qualifications of, persons entering the Army as enlisted members.

(2) Any recommendation for legislation or other action that the Secretary considers appropriate to achieve those objectives through grants of entry delays and financial benefits for advanced education and training of recruits.

**SEC. 574. USE OF RECRUITING MATERIALS FOR PUBLIC RELATIONS PURPOSES.**

(a) AUTHORITY.—Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2257. Use of recruiting materials for public relations**

“The Secretary of Defense may use for public relations purposes of the Department of Defense any advertising materials developed for use for recruitment and retention of personnel for the armed forces. Any such use shall be under such conditions and subject to such restrictions as the Secretary of Defense shall prescribe.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2257. Use of recruiting materials for public relations.”.

## **Subtitle I—Matters Relating to Missing Persons**

**SEC. 575. NONDISCLOSURE OF DEBRIEFING INFORMATION ON CERTAIN MISSING PERSONS PREVIOUSLY RETURNED TO UNITED STATES CONTROL.**

Section 1506 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) NONDISCLOSURE OF CERTAIN INFORMATION.—A record of the content of a debriefing of a missing person returned to United States control during the period beginning on July 8, 1959, and ending on February 10, 1996, that was conducted by an official of the United States authorized to conduct the debriefing is privileged information and, notwithstanding sections 552 and 552a of title 5, may not be disclosed, in whole or in part, under either such section. However, this subsection does not limit the responsibility of the Secretary concerned under paragraphs (2) and (3) of subsection (d) to place extracts of non-derogatory information, or a notice of the existence of such information, in the personnel file of a missing person.”.

10 USC 1501  
note.

**SEC. 576. RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN LOST IN PACIFIC THEATER OF OPERATIONS.**

(a) RECOVERY OF REMAINS.—(1) The Secretary of Defense shall make every reasonable effort to search for, recover, and identify

the remains of United States servicemen lost in the Pacific theater of operations during World War II (including in New Guinea) while engaged in flight operations.

(2) In order to provide high priority to carrying out paragraph (1), the Secretary of Defense shall consider increasing the number of personnel assigned to the Central Identification Laboratory, Hawaii.

(3) Not later than September 30, 2000, the Secretary shall submit to Congress a report setting forth the efforts made to accomplish the objectives specified in paragraph (1). The Secretary shall include in the report a statement of the backlog of cases at the Central Identification Laboratory, Hawaii, shown by conflict, and the status of the joint manning plan required by section 566(c) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2029)

Deadline.  
Reports.

(b) DIPLOMATIC INTERVENTION IF REQUIRED.—The Secretary of State, upon request by the Secretary of Defense, shall work with officials of governments of nations in the area that was covered by the Pacific theater of operations of World War II to seek to overcome any diplomatic obstacles that may impede the Secretary of Defense from carrying out the objectives specified in subsection (a)(1).

## Subtitle J—Other Matters

### SEC. 577. AUTHORITY FOR SPECIAL COURTS-MARTIAL TO IMPOSE SENTENCES TO CONFINEMENT AND FORFEITURES OF PAY OF UP TO ONE YEAR.

(a) MAXIMUM PUNISHMENTS THAT MAY BE ADJUDGED BY A SPECIAL COURT-MARTIAL.—Section 819 of title 10, United States Code (article 19 of the Uniform Code of Military Justice), is amended—

(1) in the second sentence, by striking “six months” both places it appears and inserting “one year”; and

(2) in the third sentence, by inserting after “A bad conduct discharge” the following: “, confinement for more than six months, or forfeiture of pay for more than six months”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the sixth month beginning after the date of the enactment of this Act and shall apply with respect to charges referred on or after that effective date to trial by special courts-martial.

Applicability.  
10 USC 819 note.

### SEC. 578. FUNERAL HONORS DETAILS FOR FUNERALS OF VETERANS.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—(1) Subsection (a) of section 1491 of title 10, United States Code, is amended to read as follows:

“(a) AVAILABILITY OF FUNERAL HONORS DETAIL ENSURED.—The Secretary of Defense shall ensure that, upon request, a funeral honors detail is provided for the funeral of any veteran.”.

(2) Section 1491(a) of title 10, United States Code, as amended by paragraph (1), shall apply with respect to funerals that occur after December 31, 1999.

(b) COMPOSITION OF FUNERAL HONORS DETAILS.—(1) Subsection (b) of such section is amended—

Applicability.  
Effective date.  
10 USC 1491  
note.

(A) by striking “HONOR GUARD DETAILS.—” and inserting “FUNERAL HONORS DETAILS.—(1)”;

(B) by striking “an honor guard detail” and inserting “a funeral honors detail”; and

(C) by striking “not less than three persons” and all that follows and inserting “two or more persons.”.

(2) Subsection (c) of such section is amended—

(A) by striking “(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail” and inserting “(2) At least two members of the funeral honors detail for a veteran’s funeral shall be members of the armed forces, at least one of whom shall be a member of the armed force of which the veteran was a member. The remainder of the detail”; and

(B) by striking the second sentence and inserting the following: “Each member of the armed forces in the detail shall wear the uniform of the member’s armed force while serving in the detail.”.

(c) CEREMONY, SUPPORT, AND WAIVER.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (b) the following new subsections:

“(c) CEREMONY.—A funeral honors detail shall, at a minimum, perform at the funeral a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran’s family and the playing of Taps. Unless a bugler is a member of the detail, the funeral honors detail shall play a recorded version of Taps using audio equipment which the detail shall provide if adequate audio equipment is not otherwise available for use at the funeral.

“(d) SUPPORT.—To provide a funeral honors detail under this section, the Secretary of a military department may provide the following:

“(1) Transportation, or reimbursement for transportation, and expenses for a person who participates in the funeral honors detail and is not a member of the armed forces or an employee of the United States.

“(2) Materiel, equipment, and training for members of a veterans organization or other organization referred to in subsection (b)(2).

“(e) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any requirement provided in or pursuant to this section when the Secretary considers it necessary to do so to meet the requirements of war, national emergency, or a contingency operation or other military requirements. The authority to make such a waiver may not be delegated to an official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.

“(2) Before or promptly after granting a waiver under paragraph (1), the Secretary shall transmit a notification of the waiver to the Committees on Armed Services of the Senate and House of Representatives.”.

(d) REGULATIONS.—Subsection (f) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

Notification.



“(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Those regulations shall include the following:

“(1) A system for selection of units of the armed forces and other organizations to provide funeral honors details.

“(2) Procedures for responding and coordinating responses to requests for funeral honors details.

“(3) Procedures for establishing standards and protocol.

“(4) Procedures for providing training and ensuring quality of performance.”.

(e) INCLUSION OF CERTAIN MEMBERS OF THE SELECTED RESERVE IN PERSONS ELIGIBLE FOR FUNERAL HONORS.—Subsection (h) of such section, as redesignated by subsection (d)(1), is amended to read as follows:

“(h) VETERAN DEFINED.—In this section, the term ‘veteran’ means a decedent who—

“(1) served in the active military, naval, or air service (as defined in section 101(24) of title 38) and who was discharged or released therefrom under conditions other than dishonorable; or

“(2) was a member or former member of the Selected Reserve described in section 2301(f) of title 38.”.

(f) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

“(4) Voluntary services as a member of a funeral honors detail under section 1491 of this title.”.

(g) DUTY STATUS OF RESERVES IN FUNERAL HONORS DETAILS.—

(1) Section 114 of title 32, United States Code, is amended—

(A) by striking “honor guard functions” both places it appears and inserting “funeral honors functions”; and

(B) by striking “drill or training otherwise required” and inserting “drill or training, but may be performed as funeral honors duty under section 115 of this title”.

(2) Chapter 1 of such title is amended by adding at the end the following new section:

**“§ 115. Funeral honors duty performed as a Federal function**

“(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

“(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

“(1) service credit under section 12732(a)(2)(E) of title 10; and

“(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

“(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for

travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

“(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.”.

(3) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 12503. Ready Reserve: funeral honors duty**

“(a) ORDER TO DUTY.—A member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran as defined in section 1491 of this title.

“(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

“(1) service credit under section 12732(a)(2)(E) of this title;

and

“(2) if authorized by the Secretary concerned, the allowance under section 435 of title 37.

“(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

“(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

“(e) MEMBERS OF THE NATIONAL GUARD.—This section does not apply to members of the Army National Guard of the United States or the Air National Guard of the United States. The performance of funeral honors duty by those members is provided for in section 115 of title 32.”.

(4) Section 12552 of title 10, United States Code, is amended to read as follows:

**“§ 12552. Funeral honors functions at funerals for veterans**

“Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491(h) of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title”.

(h) CREDITING FOR RESERVE RETIREMENT PURPOSES.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after subparagraph (D) the following new subparagraph:

“(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12503 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.”;

and

(B) by striking “, and (D)” in the last sentence and inserting “, (D), and (E)”.

(2) Section 12733 of such title is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) One day for each point credited to the person under subparagraph (E) of section 12732(a)(2) of this title.”.

(i) BENEFITS FOR MEMBERS IN FUNERAL HONORS DUTY STATUS.—(1) Section 1074a(a) of such title is amended—

(A) in each of paragraphs (1) and (2)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking the period at the end of subparagraph

(B) and inserting “; or”; and

(iii) by adding at the end the following:

“(C) service on funeral honors duty under section 12503 of this title or section 115 of title 32.”; and

(B) by adding at the end the following new paragraph:

“(4) Each member of the armed forces who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight immediately before serving on funeral honors duty under section 12503 of this title or section 115 of title 32 at or in the vicinity of the place at which the member was to so serve, if the place is outside reasonable commuting distance from the member’s residence.”.

(2) Section 1076(a)(2) of such title is amended by adding at the end the following new subparagraph:

“(E) A member who died from an injury, illness, or disease incurred or aggravated while the member—

“(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) was traveling to or from the place at which the member was to so serve; or

“(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member’s residence.”.

(3) Section 1204(2) of such title is amended—

(A) by striking “or” at the end of subparagraph (A);

(B) by inserting “or” after the semicolon at the end of subparagraph (B); and

(C) by adding at the end the following new subparagraph:

“(C) is a result of an injury, illness, or disease incurred or aggravated in line of duty—

“(i) while the member was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) while the member was traveling to or from the place at which the member was to so serve; or

“(iii) while the member remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member’s residence.”.

(4) Paragraph (2) of section 1206 of such title is amended to read as follows:

“(2) the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty—

“(A) while—

“(i) performing active duty or inactive-duty training;

“(ii) traveling directly to or from the place at which such duty is performed; or

“(iii) remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member’s residence; or

“(B) while the member—

“(i) was serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) was traveling to or from the place at which the member was to so serve; or

“(iii) remained overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member’s residence.”.

(5) Section 1481(a)(2) of such title is amended—

(A) by striking “or” at the end of subparagraph (D);

(B) by striking the period at the end of subparagraph

(E) and inserting “; or”; and

(C) by adding at the end the following new subparagraph:

“(F) either—

“(i) serving on funeral honors duty under section 12503 of this title or section 115 of title 32;

“(ii) traveling directly to or from the place at which the member is to so serve; or

“(iii) remaining overnight at or in the vicinity of that place before so serving, if the place is outside reasonable commuting distance from the member’s residence.”.

(j) FUNERAL HONORS DUTY ALLOWANCE.—Chapter 4 of title 37, United States Code, is amended by adding at the end the following new section:

**“§ 435. Funeral honors duty: allowance**

“(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may authorize payment of an allowance to a member of the Ready Reserve for any day on which the member performs at least two hours of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32.

“(b) AMOUNT.—The daily rate of an allowance under this section is \$50.

“(c) FULL COMPENSATION.—Except for expenses reimbursed under subsection (c) of section 12503 of title 10 or subsection (c) of section 115 of title 32, the allowance paid under this section is the only monetary compensation authorized to be paid a member for the performance of funeral honors duty pursuant to such section, regardless of the grade in which the member is serving, and shall constitute payment in full to the member.”.

(k) CLERICAL AMENDMENTS.—(1) The heading for section 1491 of title 10, United States Code, is amended to read as follows:

**“§ 1491. Funeral honors functions at funerals for veterans”.**

(2)(A) The item relating to section 1491 in the table of sections at the beginning of chapter 75 of title 10, United States Code, is amended to read as follows:

“1491. Funeral honors functions at funerals for veterans.”.

(B) The table of sections at the beginning of chapter 1213 of such title is amended by adding at the end the following new item:

“12503. Ready Reserve: funeral honors duty.”.

(C) The item relating to section 12552 in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

“12552. Funeral honors functions at funerals for veterans.”.

(3)(A) The heading for section 114 of title 32, United States Code, is amended to read as follows:

**“§ 114. Funeral honors functions at funerals for veterans”.**

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following new items:

“114. Funeral honors functions at funerals for veterans.

“115. Funeral honors duty performed as a Federal function.”.

(4) The table of sections at the beginning of chapter 4 of title 37, United States Code, is amended by adding at the end the following new item:

“435. Funeral honors duty: allowance.”.

**SEC. 579. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.**

(a) PROGRAM AUTHORITY AND PURPOSE.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

“(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the ‘National Guard Challenge Program’, which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.”.

(b) ANNUAL FUNDING LIMITATION.—Subsection (b) of such section is amended by striking “\$50,000,000” and inserting “\$62,500,000”.

**SEC. 580. DEPARTMENT OF DEFENSE STARBASE PROGRAM.**

(a) PROGRAM AUTHORITY.—Chapter 111 of title 10, United States Code, is amended by inserting after section 2193 the following new section:

**“§ 2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology**

“(a) **AUTHORITY FOR PROGRAM.**—The Secretary of Defense may conduct a science, mathematics, and technology education improvement program known as the ‘Department of Defense STARBASE Program’. The Secretary shall carry out the program in coordination with the Secretaries of the military departments.

“(b) **PURPOSE.**—The purpose of the program is to improve knowledge and skills of students in kindergarten through twelfth grade in mathematics, science, and technology.

“(c) **STARBASE ACADEMIES.**—(1) The Secretary shall provide for the establishment of at least 25 academies under the program.

“(2) The Secretary of Defense shall establish guidelines, criteria, and a process for the establishment of STARBASE programs in addition to those in operation on the date of the enactment of this section.

“(3) The Secretary may support the establishment and operation of any academy in excess of two academies in a State only if the Secretary has first authorized in writing the establishment of the academy and the costs of the establishment and operation of the academy are paid out of funds provided by sources other than the Department of Defense. Any such costs that are paid out of appropriated funds shall be considered as paid out of funds provided by such other sources if such sources fully reimburse the United States for the costs.

Standards.

“(d) **PERSONS ELIGIBLE TO PARTICIPATE IN PROGRAM.**—The Secretary shall prescribe standards and procedures for selection of persons for participation in the program.

“(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations governing the conduct of the program.

“(f) **AUTHORITY TO ACCEPT FINANCIAL AND OTHER SUPPORT.**—The Secretary of Defense and the Secretaries of the military departments may accept financial and other support for the program from other departments and agencies of the Federal Government, State governments, local governments, and not-for-profit and other organizations in the private sector.

Deadline.

“(g) **ANNUAL REPORT.**—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress a report on the program under this section. The report shall contain a discussion of the design and conduct of the program and an evaluation of the effectiveness of the program.

“(h) **STATE DEFINED.**—In this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.”.

10 USC 2193b  
note.

(b) **EXISTING STARBASE ACADEMIES.**—While continuing in operation, the academies existing on the date of the enactment of this Act under the Department of Defense STARBASE Program, as such program is in effect on such date, shall be counted for the purpose of meeting the requirement under section 2193b(c)(1) of title 10, United States Code (as added by subsection (a)), relating to the minimum number of STARBASE academies.

(c) **REORGANIZATION OF CHAPTER.**—Chapter 111 of title 10, United States Code, as amended by subsection (a), is further amended—

(1) by inserting after section 2193 and before the section 2193b added by subsection (a) the following:

**“§ 2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics”;**

(2) by transferring subsection (b) of section 2193 to section 2193a (as added by paragraph (1)), inserting such subsection after the heading for section 2193a, and striking out “(b)”; and

(3) by redesignating subsection (c) of section 2193 as subsection (b).

(d) CLERICAL AMENDMENTS.—(1) The heading for section 2192 of such title is amended to read as follows:

**“§ 2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering”.**

(2) The heading for section 2193 is amended to read as follows:

**“§ 2193. Improvement of education in technical fields: grants for higher education in science and mathematics”.**

(3) The table of sections at the beginning of such chapter is amended by striking the items relating to sections 2192 and 2193 and inserting the following:

“2192. Improvement of education in technical fields: general authority regarding education in science, mathematics, and engineering.

“2193. Improvement of education in technical fields: grants for higher education in science and mathematics.

“2193a. Improvement of education in technical fields: general authority for support of elementary and secondary education in science and mathematics.

“2193b. Improvement of education in technical fields: program for support of elementary and secondary education in science, mathematics, and technology.”.

**SEC. 581. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE.**

10 USC 113 note.

(a) EXIT SURVEY.—The Secretary of Defense shall develop and implement, as part of outprocessing activities, a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are voluntarily discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) MATTERS TO BE COVERED.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction during service as a member of the Armed Forces.

(6) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(7) Affiliation with a reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

Deadline.

(8) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

(c) REPORT TO CONGRESS.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

**SEC. 582. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.**

Section 1555(c)(2) of title 10, United States Code, is amended by inserting “the Navy Council of Personnel Boards and” after “Department of the Navy,”.

**SEC. 583. PARTICIPATION OF MEMBERS IN MANAGEMENT OF ORGANIZATIONS ABROAD THAT PROMOTE INTERNATIONAL UNDERSTANDING.**

Section 1033(b)(3) of title 10, United States Code, is amended by inserting after subparagraph (D) the following new subparagraph:

“(E) An entity that, operating in a foreign nation where United States military personnel are serving at United States military activities, promotes understanding and tolerance between such personnel (and their families) and the citizens of that host foreign nation through programs that foster social relations between those persons.”.

**SEC. 584. SUPPORT FOR EXPANDED CHILD CARE SERVICES AND YOUTH PROGRAM SERVICES FOR DEPENDENTS.**

(a) AUTHORITY.—(1) Subchapter II of chapter 88 of title 10, United States Code, is amended—

(A) by redesignating section 1798 as section 1800; and

(B) by inserting after section 1797 the following new sections:

**“§ 1798. Child care services and youth program services for dependents: financial assistance for providers**

“(a) AUTHORITY.—The Secretary of Defense may provide financial assistance to an eligible civilian provider of child care services or youth program services that furnishes such services for members of the armed forces and employees of the United States if the Secretary determines that providing such financial assistance—

“(1) is in the best interest of the Department of Defense;

“(2) enables supplementation or expansion of furnishing of child care services or youth program services for military installations, while not supplanting or replacing such services; and

“(3) ensures that the eligible provider is able to comply, and does comply, with the regulations, policies, and standards of the Department of Defense that are applicable to the furnishing of such services.

“(b) ELIGIBLE PROVIDERS.—A provider of child care services or youth program services is eligible for financial assistance under this section if the provider—

“(1) is licensed to provide those services under applicable State and local law;



“(2) has previously provided such services for members of the armed forces or employees of the United States; and

“(3) either—

“(A) is a family home day care provider; or

“(B) is a provider of family child care services that—

“(i) otherwise provides federally funded or sponsored child development services;

“(ii) provides the services in a child development center owned and operated by a private, not-for-profit organization;

“(iii) provides before-school or after-school child care program in a public school facility;

“(iv) conducts an otherwise federally funded or federally sponsored school age child care or youth services program;

“(v) conducts a school age child care or youth services program that is owned and operated by a not-for-profit organization; or

“(vi) is a provider of another category of child care services or youth services determined by the Secretary of Defense as appropriate for meeting the needs of members of the armed forces or employees of the Department of Defense.

“(c) FUNDING.—To provide financial assistance under this subsection, the Secretary of Defense may use any funds appropriated to the Department of Defense for operation and maintenance.

“(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for meeting the needs of members of the armed forces or employees of the Department of Defense for child care services and youth program services. The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to meet those needs.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1799(d) of this title into a single report for submission to Congress.

**“§ 1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible**

“(a) AUTHORITY.—The Secretary of Defense may authorize participation in child care or youth programs of the Department of Defense, to the extent of the availability of space and services, by children and youth under the age of 19 who are not dependents of members of the armed forces or of employees of the Department of Defense and are not otherwise eligible for participation in those programs.

“(b) LIMITATION.—Authorization of participation in a program under subsection (a) shall be limited to situations in which that participation promotes the attainment of the objectives set forth in subsection (c), as determined by the Secretary.

“(c) OBJECTIVES.—The objectives for authorizing participation in a program under subsection (a) are as follows:

“(1) To support the integration of children and youth of military families into civilian communities.

“(2) To make more efficient use of Department of Defense facilities and resources.

“(3) To establish or support a partnership or consortium arrangement with schools and other youth services organizations serving children of members of the armed forces.

“(d) BIENNIAL REPORT.—(1) Every two years the Secretary of Defense shall submit to Congress a report on the exercise of authority under this section. The report shall include an evaluation of the effectiveness of that authority for achieving the objectives set out under subsection (c). The report may include any recommendations for legislation that the Secretary considers appropriate to enhance the capability of the Department of Defense to attain those objectives.

“(2) A biennial report under this subsection may be combined with the biennial report under section 1798(d) of this title into a single report for submission to Congress.”.

(2) The table of sections at the beginning of such subchapter is amended by striking the item relating to section 1798 and inserting the following new items:

“1798. Child care services and youth program services for dependents: financial assistance for providers.

“1799. Child care services and youth program services for dependents: participation by children and youth otherwise ineligible.

“1800. Definitions.”.

Deadline.  
10 USC 1798  
note.

(b) FIRST BIENNIAL REPORTS.—The first biennial reports under sections 1798(d) and 1799(d) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 2002, and shall cover fiscal years 2000 and 2001.

10 USC 1071  
note.

**SEC. 585. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.**

(a) STUDY AND REPORT.—(1) The Comptroller General of the United States shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent (as defined in section 1072(2) of title 10, United States Code, with respect to a member of the Armed Forces) of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

Deadline.

(2) Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall conclude the study and submit a report on the results of the study to Congress and the Secretary of Defense.

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers appropriate to provide the maximum protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, taking into consideration—

- (1) the findings of the Comptroller General;
- (2) the standards of confidentiality and ethical standards issued by relevant professional organizations;
- (3) applicable requirements of Federal and State law;
- (4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse;
- (5) military necessity; and
- (6) such other factors as the Secretary, in consultation with the Attorney General, may consider appropriate.

(c) **REPORT BY SECRETARY OF DEFENSE.**—Not later than January 21, 2000, the Secretary of Defense shall submit to Congress a report on the actions taken under subsection (b) and any other actions taken by the Secretary to provide the maximum possible protections for confidentiality described in that subsection. Deadline.

**SEC. 586. MEMBERS UNDER BURDENSOME PERSONNEL TEMPO.**

(a) **MANAGEMENT OF DEPLOYMENTS OF INDIVIDUAL MEMBERS.**—Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 49 the following new chapter:

**“CHAPTER 50—MISCELLANEOUS COMMAND RESPONSIBILITIES**

“Sec.  
“991. Management of deployments of members.

**“§ 991. Management of deployments of members**

“(a) **GENERAL OR FLAG OFFICER RESPONSIBILITIES.**—(1) The deployment (or potential deployment) of a member of the armed forces shall be managed, during any period when the member is a high-deployment days member, by the officer in the chain of command of that member who is the lowest-ranking general or flag officer in that chain of command. That officer shall ensure that the member is not deployed, or continued in a deployment, on any day on which the total number of days on which the member has been deployed out of the preceding 365 days would exceed 220 unless an officer in the grade of general or admiral in the member’s chain of command approves the deployment, or continued deployment, of the member.

“(2) In this section, the term ‘high-deployment days member’ means a member who has been deployed 182 days or more out of the preceding 365 days.

“(b) **DEPLOYMENT DEFINED.**—(1) For the purposes of this section, a member of the armed forces shall be considered to be deployed or in a deployment on any day on which, pursuant to orders, the member is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the member to spend off-duty time in the housing in which the member resides when on garrison duty at the member’s permanent duty station.

“(2) For the purposes of this section, a member is not deployed or in a deployment when the member is—

“(A) performing service as a student or trainee at a school (including any Government school); or

“(B) performing administrative, guard, or detail duties in garrison at the member’s permanent duty station.

“(3) The Secretary of Defense may prescribe a definition of deployment for the purposes of this section other than the definition

specified in paragraphs (1) and (2). Any such definition may not take effect until 90 days after the date on which the Secretary notifies the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of the revised standard definition of deployment.

“(c) RECORDKEEPING.—The Secretary of each military department shall establish a system for tracking and recording the number of days that each member of the armed forces under the jurisdiction of the Secretary is deployed.

“(d) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of the military department concerned may suspend the applicability of this section to a member or any group of members under the Secretary’s jurisdiction when the Secretary determines that such a waiver is necessary in the national security interests of the United States.

“(e) INAPPLICABILITY TO COAST GUARD.—This section does not apply to a member of the Coast Guard when the Coast Guard is not operating as a service in the Navy.”.

(b) PER DIEM ALLOWANCE FOR LENGTHY OR NUMEROUS DEPLOYMENTS.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

**“§ 435. Per diem allowance for lengthy or numerous deployments**

“(a) PER DIEM REQUIRED.—The Secretary of the military department concerned shall pay a high-deployment per diem allowance to a member of the armed forces under the Secretary’s jurisdiction for each day on which the member (1) is deployed, and (2) has, as of that day, been deployed 251 days or more out of the preceding 365 days.

“(b) DEFINITION OF DEPLOYED.—In this section, the term ‘deployed’, with respect to a member, means that the member is deployed or in a deployment within the meaning of section 991(b) of title 10 (including any definition of ‘deployment’ prescribed under paragraph (3) of that section).

“(c) AMOUNT OF PER DIEM.—The amount of the high-deployment per diem payable to a member under this section is \$100.

“(d) PAYMENT OF CLAIMS.—A claim of a member for payment of the high-deployment per diem allowance that is not fully substantiated by the recordkeeping system applicable to the member under section 991(c) of title 10 shall be paid if the member furnishes the Secretary concerned with other evidence determined by the Secretary as being sufficient to substantiate the claim.

“(e) RELATIONSHIP TO OTHER ALLOWANCES.—A high-deployment per diem payable to a member under this section is in addition to any other pay or allowance payable to the member under any other provision of law.

“(f) NATIONAL SECURITY WAIVER.—No per diem may be paid under this section to a member for any day on which the applicability of section 991 of title 10 to the member is suspended under subsection (d) of that section.”.

(c) CLERICAL AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A of title 10, United States Code, and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 49 the following new item:

**“50. Miscellaneous Command Responsibilities ..... 991”.**

(2) The table of sections at the beginning of chapter 7 of title 37, United States Code, is amended by inserting after the item relating to section 434 the following new item:

“435. Per diem allowance for lengthy or numerous deployments.”.

(d) **EFFECTIVE DATE.**—(1) Section 991 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 2000. No day on which a member of the Armed Forces is deployed (as defined in subsection (b) of that section) before that date may be counted in determining the number of days on which a member has been deployed for purposes of that section. 10 USC 991 note.

(2) Section 435 of title 37, United States Code (as added by subsection (b)), shall take effect on October 1, 2001. 37 USC 435 note.

(e) **IMPLEMENTING REGULATIONS.**—Not later than June 1, 2000, the Secretary of each military department shall prescribe in regulations the policies and procedures for implementing such provisions of law for that military department. Deadline.  
10 USC 991 note.

## Subtitle K—Domestic Violence

### SEC. 591. DEFENSE TASK FORCE ON DOMESTIC VIOLENCE.

10 USC 1562  
note.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a Department of Defense task force to be known as the Defense Task Force on Domestic Violence.

(b) **STRATEGIC PLAN.**—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary of Defense a long-term plan (referred to as a “strategic plan”) for means by which the Department of Defense may address matters relating to domestic violence within the military more effectively. The plan shall include an assessment of, and recommendations for measures to improve, the following: Deadline.

(1) Ongoing victims’ safety programs.

(2) Offender accountability.

(3) The climate for effective prevention of domestic violence.

(4) Coordination and collaboration among all military organizations with responsibility or jurisdiction with respect to domestic violence.

(5) Coordination between military and civilian communities with respect to domestic violence.

(6) Research priorities.

(7) Data collection and case management and tracking.

(8) Curricula and training for military commanders.

(9) Prevention and responses to domestic violence at overseas military installations.

(10) Other issues identified by the task force relating to domestic violence within the military.

(c) **REVIEW OF VICTIMS’ SAFETY PROGRAM.**—The task force shall review the efforts of the Secretary of Defense to establish a program for improving responses to domestic violence under section 592 and shall include in its report under subsection (e) a description of that program, including best practices identified on installations, lessons learned, and resulting policy recommendations.

(d) **OTHER TASK FORCE REVIEWS.**—The task force shall review and make recommendations regarding the following:

(1) Standard guidelines to be used by the Secretaries of the military departments in negotiating agreements with

civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(e) ANNUAL REPORT.—(1) The task force shall submit to the Secretary an annual report on its activities and on the activities of the military departments to respond to domestic violence in the military.

(2) The first such report shall be submitted not later than the date specified in subsection (b) and shall be submitted with the strategic plan submitted under that subsection. The task force shall include in that report the following:

(A) Analysis and oversight of the efforts of the military departments to respond to domestic violence in the military and a description of barriers to implementation of improvements in those efforts.

(B) A description of the activities and achievements of the task force.

(C) A description of successful and unsuccessful programs.

(D) A description of pending, completed, and recommended Department of Defense research relating to domestic violence.

(E) Such recommendations for policy and statutory changes as the task force considers appropriate.

(3) Each subsequent annual report shall include the following:

(A) A detailed discussion of the achievements in responses to domestic violence in the Armed Forces.

(B) Pending research on domestic violence.

(C) Any recommendations for actions to improve the responses of the Armed Forces to domestic violence in the Armed Forces that the task force considers appropriate.

Deadline.

(4) Within 90 days of receipt of a report under paragraph (2) or (3), the Secretary shall submit the report and the Secretary's evaluation of the report to the Committees on Armed Services of the Senate and House of Representatives. The Secretary shall include with the report the information collected pursuant to section 1562(b) of title 10, United States Code, as added by section 594.

(f) MEMBERSHIP.—(1) The task force shall consist of not more than 24 members, to be appointed by the Secretary of Defense. Members shall be appointed from each of the Army, Navy, Air Force, and Marine Corps and shall include an equal number of Department of Defense personnel (military or civilian) and persons from outside the Department of Defense. Members appointed from outside the Department of Defense may be appointed from other

Federal departments and agencies, from State and local agencies, or from the private sector.

(2) The Secretary shall ensure that the membership of the task force includes a judge advocate representative from each of the Army, Navy, Air Force, and Marine Corps.

(3)(A) In consultation with the Attorney General, the Secretary shall appoint to the task force a representative or representatives from the Office of Justice Programs of the Department of Justice.

(B) In consultation with the Secretary of Health and Human Services, the Secretary shall appoint to the task force a representative from the Family Violence Prevention and Services office of the Department of Health and Human Services.

(4) Each member of the task force appointed from outside the Department of Defense shall be an individual who has demonstrated expertise in the area of domestic violence or shall be appointed from one of the following:

(A) A national domestic violence resource center established under section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10407).

(B) A national sexual assault and domestic violence policy and advocacy organization.

(C) A State domestic violence and sexual assault coalition.

(D) A civilian law enforcement agency.

(E) A national judicial policy organization.

(F) A State judicial authority.

(G) A national crime victim policy organization.

(5) The members of the task force shall be appointed not later than 90 days after the date of the enactment of this Act. Deadline.

(g) CO-CHAIRS OF THE TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of Defense at the time of appointment from among the Department of Defense personnel on the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by those members.

(h) ADMINISTRATIVE SUPPORT.—(1) Each member of the task force shall serve without compensation (other than the compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be), but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular places of business in the performance of services for the task force.

(2) The Assistant Secretary of Defense for Force Management Policy, under the direction of the Under Secretary of Defense for Personnel and Readiness, shall provide oversight of the task force. The Washington Headquarters Service shall provide the task force with the personnel, facilities, and other administrative support that is necessary for the performance of the task force's duties.

(3) The Assistant Secretary shall coordinate with the Secretaries of the military departments to provide visits of the task force to military installations.

(i) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the task force.

(j) TERMINATION.—The task force shall terminate three years after the date of the enactment of this Act.

10 USC 1562  
note.

**SEC. 592. INCENTIVE PROGRAM FOR IMPROVING RESPONSES TO DOMESTIC VIOLENCE INVOLVING MEMBERS OF THE ARMED FORCES AND MILITARY FAMILY MEMBERS.**

(a) **PURPOSE.**—The purpose of this section is to provide a program for the establishment on military installations of collaborative projects involving appropriate elements of the Armed Forces and the civilian community to improve, strengthen, or coordinate prevention and response efforts to domestic violence involving members of the Armed Forces, military family members, and others.

(b) **PROGRAM.**—The Secretary of Defense shall establish a program to provide funds and other incentives to commanders of military installations for the following purposes:

(1) To improve coordination between military and civilian law enforcement authorities in policies, training, and responses to, and tracking of, cases involving military domestic violence.

(2) To develop, implement, and coordinate with appropriate civilian authorities tracking systems (A) for protective orders issued to or on behalf of members of the Armed Forces by civilian courts, and (B) for orders issued by military commanders to members of the Armed Forces ordering them not to have contact with a dependent.

(3) To strengthen the capacity of attorneys and other legal advocates to respond appropriately to victims of military domestic violence.

(4) To assist in educating judges, prosecutors, and legal offices in improved handling of military domestic violence cases.

(5) To develop and implement more effective policies, protocols, orders, and services specifically devoted to preventing, identifying, and responding to domestic violence.

(6) To develop, enlarge, or strengthen victims' services programs, including sexual assault and domestic violence programs, developing or improving delivery of victims' services, and providing confidential access to specialized victims' advocates.

(7) To develop and implement primary prevention programs.

(8) To improve the response of health care providers to incidents of domestic violence, including the development and implementation of screening protocols.

(c) **PRIORITY.**—The Secretary shall give priority in providing funds and other incentives under the program to installations at which the local program will emphasize building or strengthening partnerships and collaboration among military organizations such as family advocacy program, military police or provost marshal organizations, judge advocate organizations, legal offices, health affairs offices, and other installation-level military commands between those organizations and appropriate civilian organizations, including civilian law enforcement, domestic violence advocacy organizations, and domestic violence shelters.

Guidelines.

(d) **APPLICATIONS.**—The Secretary shall establish guidelines for applications for an award of funds under the program to carry out the program at an installation.

(e) **AWARDS.**—The Secretary shall determine the award of funds and incentives under this section. In making a determination of the installations to which funds or other incentives are to be provided under the program, the Secretary shall consult with an award review committee consisting of representatives from the Armed



Forces, the Department of Justice, the Department of Health and Human Services, and organizations with a demonstrated expertise in the areas of domestic violence and victims' safety.

**SEC. 593. UNIFORM DEPARTMENT OF DEFENSE POLICIES FOR RESPONSES TO DOMESTIC VIOLENCE.**

10 USC 1562  
note.

(a) **REQUIREMENT.**—The Secretary of Defense shall prescribe the following:

(1) Standard guidelines to be used by the Secretaries of the military departments for negotiating agreements with civilian law enforcement authorities relating to acts of domestic violence involving members of the Armed Forces.

(2) A requirement (A) that when a commanding officer issues to a member of the Armed Forces under that officer's command an order that the member not have contact with a specified person that a written copy of that order be provided within 24 hours after the issuance of the order to the person with whom the member is ordered not to have contact, and (B) that there be a system of recording and tracking such orders.

(3) Standard guidelines on the factors for commanders to consider when seeking to substantiate allegations of domestic violence by a person subject to the Uniform Code of Military Justice and when determining appropriate action for such allegations that are so substantiated.

(4) A standard training program for all commanding officers in the Armed Forces, including a standard curriculum, on the handling of domestic violence cases.

(b) **DEADLINE.**—The Secretary of Defense shall carry out subsection (a) not later than six months after the date on which the Secretary receives the first report of the Defense Task Force on Domestic Violence under section 591(e).

**SEC. 594. CENTRAL DEPARTMENT OF DEFENSE DATABASE ON DOMESTIC VIOLENCE INCIDENTS.**

(a) **IN GENERAL.**—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1562. Database on domestic violence incidents**

“(a) **DATABASE ON DOMESTIC VIOLENCE INCIDENT.**—The Secretary of Defense shall establish a central database of information on the incidents of domestic violence involving members of the armed forces.

Establishment.

“(b) **REPORTING OF INFORMATION FOR THE DATABASE.**—The Secretary shall require that the Secretaries of the military departments maintain and report annually to the administrator of the database established under subsection (a) any information received on the following matters:

“(1) Each domestic violence incident reported to a commander, a law enforcement authority of the armed forces, or a family advocacy program of the Department of Defense.

“(2) The number of those incidents that involve evidence determined sufficient for supporting disciplinary action and, for each such incident, a description of the substantiated allegation and the action taken by command authorities in the incident.

“(3) The number of those incidents that involve evidence determined insufficient for supporting disciplinary action and for each such case, a description of the allegation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1562. Database on domestic violence incidents.”.

## **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

### **Subtitle A—Pay and Allowances**

Sec. 602. Pay increases for fiscal years 2001 through 2006.

Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

### **Subtitle B—Bonuses and Special and Incentive Pays**

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.

Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.

Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.

Sec. 614. Amount of aviation career incentive pay for air battle managers.

Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.

Sec. 616. Additional special pay for board certified veterinarians in the Armed Forces and Public Health Service.

Sec. 617. Diving duty special pay.

Sec. 618. Reenlistment bonus.

Sec. 619. Enlistment bonus.

Sec. 620. Selected Reserve enlistment bonus.

Sec. 621. Special pay for members of the Coast Guard Reserve assigned to high priority units of the Selected Reserve.

Sec. 622. Reduced minimum period of enlistment in Army in critical skill for eligibility for enlistment bonus.

Sec. 623. Eligibility for reserve component prior service enlistment bonus upon attaining a critical skill.

Sec. 624. Increase in special pay and bonuses for nuclear-qualified officers.

Sec. 625. Increase in maximum monthly rate authorized for foreign language proficiency pay.

Sec. 626. Authorization of retention bonus for special warfare officers extending periods of active duty.

Sec. 627. Authorization of surface warfare officer continuation pay.

Sec. 628. Authorization of career enlisted flyer incentive pay.

Sec. 629. Authorization of judge advocate continuation pay.

### **Subtitle C—Travel and Transportation Allowances**

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.

Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.

Sec. 633. Destination airport for emergency leave travel to continental United States.

### **Subtitle D—Retired Pay Reform**

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.

Sec. 642. Authorization of 15-year career status bonus.

Sec. 643. Conforming amendments.

Sec. 644. Effective date.

### **Subtitle E—Other Matters Relating to Military Retirees and Survivors**

Sec. 651. Repeal of reduction in retired pay for military retirees employed in civilian positions.

- Sec. 652. Presentation of United States flag to retiring members of the uniformed services not previously covered.
- Sec. 653. Disability retirement or separation for certain members with pre-existing conditions.
- Sec. 654. Credit toward paid-up SBP coverage for months covered by make-up premium paid by persons electing SBP coverage during special open enrollment period.
- Sec. 655. Paid-up coverage under Retired Serviceman's Family Protection Plan.
- Sec. 656. Extension of authority for payment of annuities to certain military surviving spouses.
- Sec. 657. Effectuation of intended SBP annuity for former spouse when not elected by reason of untimely death of retiree.
- Sec. 658. Special compensation for severely disabled uniformed services retirees.

#### **Subtitle F—Eligibility To Participate in the Thrift Savings Plan**

- Sec. 661. Participation in Thrift Savings Plan.
- Sec. 662. Special retention initiative.
- Sec. 663. Effective date.

#### **Subtitle G—Other Matters**

- Sec. 671. Payment for unused leave in conjunction with a reenlistment.
- Sec. 672. Clarification of per diem eligibility for military technicians (dual status) serving on active duty without pay outside the United States.
- Sec. 673. Annual report on effects of initiatives on recruitment and retention.
- Sec. 674. Overseas special supplemental food program.
- Sec. 675. Tuition assistance for members deployed in a contingency operation.
- Sec. 676. Administration of Selected Reserve education loan repayment program for Coast Guard Reserve.
- Sec. 677. Sense of Congress regarding treatment under Internal Revenue Code of members receiving hostile fire or imminent danger special pay during contingency operations.

### **Subtitle A—Pay and Allowances**

#### **SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.**

Effective dates.  
37 USC 1009  
note.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The adjustment to become effective during fiscal year 2000 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) **JANUARY 1, 2000, INCREASE IN BASIC PAY.**—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

(c) **REFORM OF BASIC PAY RATES.**—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS<sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ....	0.00	0.00	0.00	0.00	0.00
O-8 ....	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O-7 ....	5,479.50	5,851.80	5,851.80	5,894.40	6,114.60
O-6 ....	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O-5 ....	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O-4 ....	2,737.80	3,333.90	3,556.20	3,606.00	3,812.40
O-3 <sup>3</sup>	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O-2 <sup>3</sup>	2,218.80	2,527.20	2,910.90	3,009.00	3,071.10
O-1 <sup>3</sup>	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ....	0.00	0.00	0.00	0.00	0.00
O-8 ....	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O-7 ....	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O-6 ....	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O-5 ....	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O-4 ....	3,980.40	4,252.50	4,464.00	4,611.00	4,758.90
O-3 <sup>3</sup>	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	\$10,655.10	\$10,707.60	\$10,930.20	\$11,318.40
O-9 ....	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O-8 ....	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O-7 ....	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O-6 ....	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O-5 ....	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O-4 ....	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O-3 <sup>3</sup>	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O-2 <sup>3</sup>	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O-1 <sup>3</sup>	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be \$12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in the grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY  
SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	\$3,364.80	\$3,525.90
O-2E	0.00	0.00	0.00	3,009.00	3,071.10
O-1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	\$3,702.60	\$3,850.20	\$4,040.40	\$4,200.30	\$4,291.80
O-2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O-1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90	\$4,416.90
O-2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O-1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

**WARRANT OFFICERS**

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ...	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W-3 ...	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W-2 ...	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W-1 ...	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ...	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ...	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W-3 ...	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W-2 ...	2,555.40	2,652.60	2,749.80	2,844.30	2,949.00
W-1 ...	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ...	\$0.00	\$4,475.10	\$4,628.70	\$4,782.90	\$4,937.40
W-4 ...	3,888.00	4,019.40	4,155.60	4,289.70	4,427.10
W-3 ...	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W-2 ...	3,056.40	3,163.80	3,270.90	3,378.30	3,378.30
W-1 ...	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup> ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ....	0.00	0.00	0.00	0.00	0.00
E-7 ....	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E-6 ....	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E-5 ....	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E-4 ....	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E-3 ....	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E-2 ....	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ....	<sup>3</sup> 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup> ..	\$0.00	\$3,015.30	\$3,083.40	\$3,169.80	\$3,271.50
E-8 ....	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E-7 ....	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E-6 ....	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E-5 ....	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E-4 ....	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ....	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ....	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E-1 ....	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup> ..	\$3,373.20	\$3,473.40	\$3,609.30	\$3,744.00	\$3,915.90
E-8 ....	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E-7 ....	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E-6 ....	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E-5 ....	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E-4 ....	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E-3 ....	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E-2 ....	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E-1 ....	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

<sup>1</sup>Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in the grade E-1 who have served less than 4 months on active duty, basic pay is \$930.30.

(d) LIMITATION ON PAY ADJUSTMENTS.—Effective January 1, 2000, section 203(a) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(a)”; and

(2) by adding at the end the following new paragraph:

“(2) Notwithstanding the rates of basic pay in effect at any time as provided by law, the rates of basic pay payable for commissioned officers in pay grades O-7 through O-10 may not exceed the monthly equivalent of the rate of pay for level III of the Executive Schedule, and the rates of basic pay payable for all other officers and for enlisted members may not exceed the monthly equivalent of the rate of pay for level V of the Executive Schedule.”.

(e) RECOMPUTATION OF RETIRED PAY FOR CERTAIN RECENTLY RETIRED OFFICERS.—In the case of a commissioned officer of the uniformed services who retired during the period beginning on April 30, 1999, through December 31, 1999, and who, at the time

of retirement, was in pay grade O-7, O-8, O-9, or O-10, the retired pay of that officer shall be recomputed, effective as of January 1, 2000, using the rate of basic pay that would have been applicable to the computation of that officer's retired pay if the provisions of paragraph (2) of section 203(a) of title 37, United States Code, as added by subsection (d), had taken effect on April 30, 1999.

**SEC. 602. PAY INCREASES FOR FISCAL YEARS 2001 THROUGH 2006.**

(a) **ECI+0.5 PERCENT INCREASE FOR ALL MEMBERS.**—Section 1009(c) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—”; and

(2) by adding at the end the following new paragraph:  
“(2) Notwithstanding paragraph (1), but subject to subsection (d), an adjustment taking effect under this section during each of fiscal years 2001 through 2006 shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

“(A) one percent; plus

“(B) the percentage calculated as provided under section 5303(a) of title 5 for that fiscal year, without regard to whether rates of pay under the statutory pay systems are actually increased during that fiscal year under that section by the percentage so calculated.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 2000.

37 USC 1009  
note.

**SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.**

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, \$225,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

## **Subtitle B—Bonuses and Special and Incentive Pays**

**SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) **SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.**—Section 302g(f) of title 37, United States Code, is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(b) **SELECTED RESERVE REENLISTMENT BONUS.**—Section 308b(f) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(c) **SELECTED RESERVE ENLISTMENT BONUS.**—Section 308c(e) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking “January 1, 2000” and inserting “January 1, 2001”.

**SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.**

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

**SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.**

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking “December 31, 1999,” and inserting “December 31, 2000,”.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 619(b), is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking “October 1, 1998,” and all that follows through the period at the end and inserting “December 31, 2000.”.



**SEC. 614. AMOUNT OF AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.**

(a) **APPLICABLE INCENTIVE PAY RATE.**—Section 301a(b) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, shall be paid the monthly incentive pay at the higher of the following rates:

“(A) The rate otherwise applicable to the member under this subsection.

“(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member’s entitlement to aviation career incentive pay under this section.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

Applicability.  
37 USC 301a  
note.

**SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.**

(a) **ELIGIBILITY CRITERIA.**—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking “grade O–6” and inserting “grade O–7”;

(3) by inserting “and” at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) **AMOUNT OF BONUS.**—Subsection (c) of such section is amended by striking “than—” and all that follows through the period at the end and inserting “than \$25,000 for each year covered by the written agreement to remain on active duty.”.

(c) **PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.**—Subsection (d) of such section is amended by striking “14 years of commissioned service” and inserting “25 years of aviation service”.

(d) **REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.**—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) **DEFINITIONS REGARDING AVIATION SPECIALTY.**—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) **TECHNICAL AMENDMENT.**—Subsection (g)(3) of such section is amended by striking the second sentence.

(g) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to months beginning on or after that date.

Applicability.  
37 USC 301b  
note.

**SEC. 616. ADDITIONAL SPECIAL PAY FOR BOARD CERTIFIED VETERINARIANS IN THE ARMED FORCES AND PUBLIC HEALTH SERVICE.**

(a) **AUTHORITY.**—Section 303 of title 37, United States Code, is amended—

(1) by inserting “(a) MONTHLY SPECIAL PAY.—” before “Each”; and

(2) by adding at the end the following:

“(b) **ADDITIONAL SPECIAL PAY FOR BOARD CERTIFICATION.**—A commissioned officer entitled to special pay under subsection (a) who has been certified as a Diplomate in a specialty recognized by the American Veterinarian Medical Association is entitled to special pay (in addition to the special pay under subsection (a)) at the same rate as is provided under section 302c(b) of this title for an officer referred to in that section who has the same number of years of creditable service as the commissioned officer.”.

Applicability.  
37 USC 303 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to months beginning on and after that date.

**SEC. 617. DIVING DUTY SPECIAL PAY.**

(a) **INCREASE IN RATE.**—Subsection (b) of section 304 of title 37, United States Code, is amended—

(1) by striking “\$200” and inserting “\$240”; and

(2) by striking “\$300” and inserting “\$340”.

(b) **RELATION TO HAZARDOUS DUTY INCENTIVE PAY.**—Subsection (c) of such section is amended to read as follows:

“(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.”.

Applicability.  
37 USC 304 note.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under such section for months beginning on or after that date.

**SEC. 618. REENLISTMENT BONUS.**

(a) **MINIMUM MONTHS OF ACTIVE DUTY.**—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking “twenty-one months” and inserting “17 months”.

(b) **INCREASE IN MAXIMUM AMOUNT OF BONUS.**—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking “ten” and inserting “15”; and

(2) in subparagraph (B), by striking “\$45,000” and inserting “\$60,000”.

Applicability.  
37 USC 308 note.

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to reenlistments and extensions of enlistments taking effect on or after that date.

**SEC. 619. ENLISTMENT BONUS.**

(a) **INCREASE IN MAXIMUM BONUS AMOUNT.**—Subsection (a) of section 308a of title 37, United States Code, is amended by striking “\$12,000” and inserting “\$20,000”.

(b) **PAYMENT METHODS.**—Such section is further amended—

- (1) in subsection (a), by striking the second sentence;
- (2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

“(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.”.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “BONUS AUTHORIZED; BONUS AMOUNT.—” after “(a)”;

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting “REPAYMENT OF BONUS.—” after “(c)”;

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting “TERMINATION OF AUTHORITY.—” after “(d)”.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments and extensions of enlistments taking effect on or after that date.

Applicability.  
37 USC 308a  
note.

#### **SEC. 620. SELECTED RESERVE ENLISTMENT BONUS.**

(a) ELIMINATION OF REQUIREMENT FOR MINIMUM PERIOD OF ENLISTMENT.—Subsection (a) of section 308c of title 37, United States Code, is amended by striking “for a term of enlistment of not less than six years”.

(b) INCREASED MAXIMUM AMOUNT.—Subsection (b) of such section is amended by striking “\$5,000” and inserting “\$8,000”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

Applicability.  
37 USC 308c  
note.

#### **SEC. 621. SPECIAL PAY FOR MEMBERS OF THE COAST GUARD RESERVE ASSIGNED TO HIGH PRIORITY UNITS OF THE SELECTED RESERVE.**

Section 308d(a) of title 37, United States Code, is amended by inserting “or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy,” after “Secretary of Defense,”.

#### **SEC. 622. REDUCED MINIMUM PERIOD OF ENLISTMENT IN ARMY IN CRITICAL SKILL FOR ELIGIBILITY FOR ENLISTMENT BONUS.**

(a) REDUCED REQUIREMENT.—Paragraph (3) of section 308f(a) of title 37, United States Code, is amended by striking “3 years” and inserting “2 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistments entered into on or after that date.

Applicability.  
37 USC 308f  
note.

#### **SEC. 623. ELIGIBILITY FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS UPON ATTAINING A CRITICAL SKILL.**

(a) REVISED ELIGIBILITY REQUIREMENTS FOR BONUS.—Section 308i(a) of title 37, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

“(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

“(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

“(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

“(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

“(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

“(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.”.

Applicability.  
37 USC 308i  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply to enlistments beginning on or after that date.

#### **SEC. 624. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.**

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking “\$15,000” and inserting “\$25,000”.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking “\$10,000” and inserting “\$20,000”.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking “\$12,000” and inserting “\$22,000”; and

(2) in subsection (b)(1), by striking “\$5,500” and inserting “\$10,000”.

Applicability.  
37 USC 312 note.

(d) EFFECTIVE DATE.—(1) The amendments made by subsections (a) and (b) shall take effect on October 1, 1999, and shall apply to agreements under section 312 or 312b of such title entered into on or after that date.

37 USC 312c  
note.

(2) The amendments made by subsection (c) shall take effect on October 1, 1999, and shall apply with respect to nuclear service years beginning on or after that date.

#### **SEC. 625. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.**

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking “\$100” and inserting “\$300”.

Applicability.  
37 USC 316 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect

to foreign language proficiency pay paid under section 316 of such title for months beginning on or after that date.

**SEC. 626. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.**

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**“§ 318. Special pay: special warfare officers extending period of active duty**

“(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term ‘special warfare officer’ means an officer of a uniformed service who—

“(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

“(2) is serving in a position for which that specialty or designator is authorized.

“(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

“(c) ELIGIBILITY REQUIREMENTS.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

“(1) is in pay grade O-3, or is in pay grade O-4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

“(2) has completed at least 6, but not more than 14, years of active commissioned service; and

“(3) has completed any service commitment incurred to be commissioned as an officer.

“(d) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than \$15,000 for each year covered by the agreement.

“(e) PRORATION.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

“(f) PAYMENT METHODS.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

“(2) The amount of the retention bonus may be paid as follows:

“(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

“(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

“(g) **ADDITIONAL PAY.**—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(h) **REPAYMENT.**—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(i) **REGULATIONS.**—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term ‘special warfare service’ for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.”

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by adding at the end the following new item:

“318. Special pay: special warfare officers extending period of active duty.”

37 USC 318 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1999.

**SEC. 627. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.**

(a) **INCENTIVE PAY AUTHORIZED.**—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 626, the following new section:

**“§ 319. Special pay: surface warfare officer continuation pay**

“(a) **ELIGIBLE SURFACE WARFARE OFFICER DEFINED.**—In this section, the term ‘eligible surface warfare officer’ means an officer of the Regular Navy or Naval Reserve on active duty who—

“(1) is qualified and serving as a surface warfare officer;

“(2) has been selected for assignment as a department head on a surface vessel; and

“(3) has completed any service commitment incurred through the officer’s original commissioning program.

“(b) **SPECIAL PAY AUTHORIZED.**—An eligible surface warfare officer who executes a written agreement to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface vessel may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed \$50,000.

“(c) **PRORATION.**—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

“(d) **PAYMENT METHODS.**—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total

amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

“(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface vessel specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

“319. Special pay: surface warfare officer continuation pay.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 37 USC 319 note.

#### **SEC. 628. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.**

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 627, the following new section:

##### **“§ 320. Incentive pay: career enlisted flyers**

“(a) ELIGIBLE CAREER ENLISTED FLYER DEFINED.—In this section, the term ‘eligible career enlisted flyer’ means an enlisted member of the armed forces who—

“(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

“(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

“(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

“(4) satisfies the operational flying duty requirements applicable under subsection (c).

“(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer

in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

“(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

“(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

“(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay may be resumed if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

“(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member’s failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

“(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

“(d) MONTHLY MAXIMUM RATES.—The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

“Years of aviation service	Monthly rate
4 or less .....	\$150
Over 4 .....	\$225
Over 8 .....	\$350
Over 14 .....	\$400.

Regulations.

“(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard, who is entitled to compensation under



section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to  $\frac{1}{30}$  of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

“(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

“(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

“(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

“(i) DEFINITIONS.—In this section:

“(1) The term ‘aviation service’ means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

“(2) The term ‘operational flying duty’ means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.”.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

“320. Incentive pay: career enlisted flyers.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 37 USC 320 note.

#### **SEC. 629. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.**

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 628, the following new section:

#### **“§ 321. Special pay: judge advocate continuation pay**

“(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term ‘eligible judge advocate’ means an officer of the armed forces on full-time active duty who—

“(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

“(2) has completed—

“(A) the active duty service obligation incurred through the officer’s original commissioning program; or

“(B) in the case of an officer detailed under section 2004 of title 10 or section 470 of title 14, the active duty service obligation incurred as part of that detail.

“(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid continuation pay under this section. The total amount paid to an officer under one or more agreements under this section may not exceed \$60,000.

“(c) PRORATION.—The term of an agreement under subsection (b) and the amount payable under the agreement may be prorated.

“(d) PAYMENT METHODS.—Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

“(e) ADDITIONAL PAY.—Any amount paid to an officer under this section is in addition to any other pay and allowances to which the officer is entitled.

“(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

“(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.”

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

“321. Special pay: judge advocate continuation pay.”

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

Deadline.

(c) EFFECTIVE DATE.—The amendments made by subsection 37 USC 321 note. (a) shall take effect on October 1, 1999.

## **Subtitle C—Travel and Transportation Allowances**

### **SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.**

(a) PROVISION.—Paragraph (1) of subsection (i) of section 404 of title 37, United States Code, is amended by adding at the end the following new sentence: “If transient government housing is unavailable or inadequate, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).”.

(b) PAYMENT METHODS.—Paragraph (3) of such subsection is amended—

(1) by inserting after “paragraph (1)” the following: “and expenses of providing lodging in kind under such paragraph”; and

(2) by adding at the end the following new sentence: “Use of Government charge cards is authorized for payment of these expenses.”.

(c) DECISIONMAKING.—Such subsection is further amended by adding at the end the following new paragraph:

“(4) Decisions regarding the availability or adequacy of government housing at a military installation under paragraph (1) shall be made by the installation commander.”.

### **SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.**

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by inserting “or” after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) in the case of an enlisted member who is reporting to the member’s first permanent duty station, from the member’s home of record or initial technical school to that first permanent duty station;”.

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking “clause (1)” and inserting “paragraph (1) or (3)”; and

(2) in the third sentence, by striking “clause (2)” and inserting “paragraph (2)”.

### **SEC. 633. DESTINATION AIRPORT FOR EMERGENCY LEAVE TRAVEL TO CONTINENTAL UNITED STATES.**

Section 411d(b)(1) of title 37, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

“(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or”.

## Subtitle D—Retired Pay Reform

### SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting after “July 31, 1986,” the following: “has elected to receive a bonus under section 322 of title 37,”.

(b) COST-OF-LIVING ADJUSTMENTS.—(1) Paragraph (2) of section 1401a(b) of such title is amended by striking “The Secretary shall increase the retired pay of each member and former member who first became a member of a uniformed service before August 1, 1986,” and inserting “Except as otherwise provided in this subsection, the Secretary shall increase the retired pay of each member and former member”.

(2) Paragraph (3) of such section is amended by inserting after “August 1, 1986,” the following: “and has elected to receive a bonus under section 322 of title 37,”.

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended by inserting after “August 1, 1986,” the following: “who has elected to receive a bonus under section 322 of title 37,”.

### SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 629, the following new section:

#### “§ 322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

“(a) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

“(1) elects to receive the bonus under this section; and

“(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10.

“(b) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term ‘eligible career bonus member’ means a member of a uniformed service serving on active duty who—

“(1) first became a member on or after August 1, 1986; and

“(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

“(c) ELECTION METHOD.—An election under subsection (a)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under that subsection is irrevocable.

“(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in a single lump sum of \$30,000.

“(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (a)(1) and the written agreement required under subsection (a)(2), if applicable. Deadline.

“(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who meets the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty. Notification.  
Deadline.

“(2) The notification shall include the following:

“(A) The procedures for electing to receive the bonus.

“(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

“(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete a period of active duty beginning on the date on which the election of the person under subsection (a)(1) is received and ending on the date on which the person completes 20 years of active-duty service as described in subsection (a)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the uncompleted part of that period of active-duty service bears to the total period of such service.

“(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

“322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.”.

#### SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—(1) Section 1451(h)(3) of title 10, United States Code, is amended by inserting “OF CERTAIN MEMBERS” after “RETIREMENT”.

(2) Section 1452(i) of such title is amended by striking “When the retired pay” and inserting “Whenever the retired pay”.

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended—

(A) by striking the heading for paragraph (1) and inserting “INCREASE REQUIRED.—”;

(B) by striking the heading for paragraph (2) and inserting “PERCENTAGE INCREASE.—”; and

(C) by striking the heading for paragraph (3) and inserting “REDUCED PERCENTAGE FOR CERTAIN POST-AUGUST 1, 1986 MEMBERS.—”.

(2) Section 1409(b)(2) is amended by inserting “CERTAIN” in the paragraph heading after “REDUCTION APPLICABLE TO”.

(3)(A) The heading of section 1410 is amended by inserting “**certain**” before “**members**”.

(B) The item relating to such section in the table of sections at the beginning of such chapter is amended by inserting “**certain**” before “**members**”.

10 USC 1401a  
note.

**SEC. 644. EFFECTIVE DATE.**

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

## **Subtitle E—Other Matters Relating to Military Retirees and Survivors**

**SEC. 651. REPEAL OF REDUCTION IN RETIRED PAY FOR MILITARY RETIREES EMPLOYED IN CIVILIAN POSITIONS.**

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 5532.

(b) CONTRIBUTIONS TO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND.—Section 1466 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary of Defense shall pay into the Fund at the beginning of each fiscal year such amount as may be necessary to pay the cost to the Fund for that fiscal year resulting from the repeal, as of October 1, 1999, of section 5532 of title 5, including any actuarial loss to the Fund resulting from increased benefits paid from the Fund that are not fully covered by the payments made to the Fund for that fiscal year under subsections (a) and (b).

“(2) Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

“(3) The Department of Defense Retirement Board of Actuaries shall determine, for each armed force, the amount required under paragraph (1) to be deposited in the Fund each fiscal year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

10 USC 1466  
note.

**SEC. 652. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.**

(a) NONREGULAR SERVICE MILITARY RETIREES.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay**

“(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

“(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

“(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.”.

(b) PUBLIC HEALTH SERVICE.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

“PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

“SEC. 213. (a) PRESENTATION OF FLAG.—Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer. 42 USC 214.

“(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

“(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.”.

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Coast and Geodetic Survey Commissioned Officers’ Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

“SEC. 25. (a) PRESENTATION OF FLAG UPON RETIREMENT.—Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer. 33 USC 853v.

“(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

“(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.”.

(d) EFFECTIVE DATE.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 213 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers’ Act of 1948

Applicability.  
10 USC 12605  
note.

(as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking “under this section” and all that follows through the period and inserting “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.”.

**SEC. 653. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.**

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

**“§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions**

“(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member’s disability is determined to have been incurred before the member became entitled to basic pay in the member’s current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether the disability was incurred in the line of duty.

“(b) A member described in subsection (a) is a member with at least eight years of active service.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

“1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.”.

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

**“§ 12731b. Special rule for members with physical disabilities not incurred in line of duty**

“(a) In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

“(b) Notification under subsection (a) may not be made if—

“(1) the disability was the result of the member’s intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or



“(2) the disability was incurred during a period of unauthorized absence.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

“12731b. Special rule for members with physical disabilities not incurred in line of duty.”.

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting “, in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,” after “determination, and”.

**SEC. 654. CREDIT TOWARD PAID-UP SBP COVERAGE FOR MONTHS COVERED BY MAKE-UP PREMIUM PAID BY PERSONS ELECTING SBP COVERAGE DURING SPECIAL OPEN ENROLLMENT PERIOD.**

Section 642 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2045; 10 U.S.C. 1448 note) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) CREDIT TOWARD PAID-UP COVERAGE.—Upon payment of the total amount of the premiums charged a person under subsection (g), the retired pay of a person participating in the Survivor Benefit Plan pursuant to an election under this section shall be treated, for the purposes of subsection (j) of section 1452 of title 10, United States Code, as having been reduced under such section 1452 for the months in the period for which the person’s retired pay would have been reduced if the person had elected to participate in the Survivor Benefit Plan at the first opportunity that was afforded the person to participate.”.

**SEC. 655. PAID-UP COVERAGE UNDER RETIRED SERVICEMAN’S FAMILY PROTECTION PLAN.**

(a) CONDITIONS.—Subchapter I of chapter 73 of title 10, United States Code, is amended by inserting after section 1436 the following new section:

**“§ 1436a. Coverage paid up at 30 years and age 70**

“Effective October 1, 2008, a reduction under this subchapter in the retired or retainer pay of a person electing an annuity under this subchapter may not be made for any month after the later of—

Effective date.

“(1) the month that is the 360th month for which that person’s retired or retainer pay is reduced pursuant to such an election; and

“(2) the month during which that person attains 70 years of age.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 1436 the following new item:

“1436a. Coverage paid up at 30 years and age 70.”.

**SEC. 656. EXTENSION OF AUTHORITY FOR PAYMENT OF ANNUITIES TO CERTAIN MILITARY SURVIVING SPOUSES.**

(a) COVERAGE OF SURVIVING SPOUSES OF ALL “GRAY-AREA” RETIREES.—Subsection (a)(1)(B) of section 644 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1800; 10 U.S.C. 1448 note) is amended by striking “during the period beginning on September 21, 1972, and ending on” and inserting “before”.

(b) PERMANENT AUTHORITY FOR PAYMENT OF ANNUITIES.—Subsection (f) of such section is repealed.

10 USC 1448  
note.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

10 USC 1450  
note.

**SEC. 657. EFFECTUATION OF INTENDED SBP ANNUITY FOR FORMER SPOUSE WHEN NOT ELECTED BY REASON OF UNTIMELY DEATH OF RETIREE.**

(a) CASES NOT COVERED BY EXISTING AUTHORITY.—Paragraph (3) of section 1450(f) of title 10, United States Code, as in effect on the date of the enactment of this Act, shall apply in the case of a former spouse of any person referred to in that paragraph who—

(1) incident to a proceeding of divorce, dissolution, or annulment—

(A) entered into a written agreement on or after August 21, 1983, to make an election under section 1448(b) of such title to provide an annuity to the former spouse (the agreement thereafter having been incorporated in or ratified or approved by a court order or filed with the court of appropriate jurisdiction in accordance with applicable State law); or

(B) was required by a court order dated on or after such date to make such an election for the former spouse; and

(2) before making the election, died within 21 days after the date of the agreement referred to in paragraph (1)(A) or the court order referred to in paragraph (1)(B), as the case may be.

(b) ADJUSTED TIME LIMIT FOR REQUEST BY FORMER SPOUSE.—For the purposes of paragraph (3)(C) of section 1450(f) of title 10, United States Code, a court order or filing referred to in subsection (a)(1) of this section that is dated before October 19, 1984, shall be deemed to be dated on the date of the enactment of this Act.

**SEC. 658. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.**

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1413. Special compensation for certain severely disabled uniformed services retirees**

“(a) AUTHORITY.—The Secretary concerned shall pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

“(b) AMOUNT.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

“(1) For any month for which the retiree has a qualifying service-connected disability rated as total, \$300.

“(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, \$200.

“(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, \$100.

“(c) ELIGIBLE MEMBERS.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

“(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

“(2) has a qualifying service-connected disability.

“(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term ‘qualifying service-connected disability’ means a service-connected disability that—

“(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

“(2) is rated as not less than 70 percent disabling—

“(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

“(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

“(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

“(f) SOURCE OF FUNDS.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

“(g) OTHER DEFINITIONS.—In this section:

“(1) The term ‘service-connected’ has the meaning given that term in section 101 of title 38.

“(2) The term ‘disability rated as total’ means—

“(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) a disability for which the scheduled rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

“(3) The term ‘retired pay’ includes retainer pay, emergency officers’ retirement pay, and naval pension.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1413. Special compensation for certain severely disabled uniformed services retirees.”.

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that

Applicability.  
10 USC 1413  
note.

date. No benefit may be paid to any person by reason of that section for any period before that date.

## **Subtitle F—Eligibility to Participate in the Thrift Savings Plan**

### **SEC. 661. PARTICIPATION IN THRIFT SAVINGS PLAN.**

(a) PARTICIPATION AUTHORITY.—(1)(A) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

#### **“§ 211. Participation in Thrift Savings Plan**

“(a) DEFINITION.—In this section, the term ‘member’ means—

“(1) a member of the uniformed services serving on active duty; and

“(2) a member of the Ready Reserve in any pay status.

“(b) AUTHORITY.—Any member may participate in the Thrift Savings Plan in accordance with section 8440e of title 5.

“(c) RULE OF CONSTRUCTION REGARDING SEPARATION.—For purposes of subchapters III and VII of chapter 84 of title 5, each of the following actions shall, in the case of a member participating in the Thrift Savings Plan in accordance with section 8440e of such title, be considered a separation from Government employment:

“(1) Release of the member from active duty, not followed, before the end of the 31-day period beginning on the day following the effective date of the release, by—

“(A) a resumption of active duty; or

“(B) an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director (appointed by the Federal Retirement Thrift Investment Board) in regulations.

“(2) Transfer of the member to inactive status, or to a retired list pursuant to any provision of title 10.”.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“211. Participation in Thrift Savings Plan.”.

(2)(A) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

#### **“§ 8440e. Members of the uniformed services**

“(a) For purposes of this section—

“(1) the term ‘member’ has the meaning given such term by section 211 of title 37; and

“(2) the term ‘basic pay’ means basic pay payable under section 204 of title 37.

“(b)(1) Any member eligible to participate in the Thrift Savings Plan by virtue of section 211(b) of title 37 may contribute to the Thrift Savings Fund.

“(2)(A) Except as provided in subparagraph (B), an election to contribute to the Thrift Savings Fund under this section may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2) (A)–(D) thereof.

“(B)(i) Notwithstanding subparagraph (A), any individual who is a member as of the effective date described in paragraph (1) of section 663(a) of the National Defense Authorization Act for Fiscal Year 2000 (or, if applicable, paragraph (2) thereof) may make the first such election during the 60-day period beginning on such effective date.

“(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60-day period referred to in clause (i).

“(c) Except as otherwise provided in this section, the provisions of this subchapter and subchapter VII shall apply with respect to members making contributions to the Thrift Savings Fund, and such members shall, for purposes of this subchapter and subchapter VII, be considered employees within the meaning of section 8401(11).

“(d)(1)(A) The amount contributed by a member described in section 211(a)(1) of title 37 for any pay period out of basic pay may not exceed 5 percent of such member’s basic pay for such pay period.

“(B) The amount contributed by a member described in section 211(a)(2) of title 37 for any pay period out of any compensation received under section 206 of title 37 may not exceed 5 percent of such compensation, payable to such member for such pay period.

“(2) A member making contributions to the Thrift Savings Fund out of basic pay, or out of compensation under section 206 of title 37, may also contribute (by direct transfer to the Fund) any part of any special or incentive pay that such member receives under chapter 5 of title 37.

“(3) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

“(e) Except as provided in section 211(d) of title 37, no contribution under section 8432(c) of this title may be made for the benefit of a member making contributions to the Thrift Savings Fund under this section.”.

(B) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

“8440e. Members of the uniformed services.”.

(3)(A) Section 8432b(b)(2)(B) of title 5, United States Code, is amended by inserting “or 8440e” after “section 8432(a)”.

(B)(i) Section 8351(b) of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8).

(ii) Subparagraph (A) of section 8351(b)(8) of such title 5 (as so redesignated by clause (i)) is amended by striking the semicolon and inserting the following: “, except that the reference in section 8432b(b)(2)(B) to employee contributions under section 8432(a) shall be considered a reference to employee contributions under this subchapter and section 8440e;”.

(C) Subsection (c) of section 8432b of such title 5 is amended by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, by striking “(c)” and inserting “(c)(1)”, and by adding at the end the following:

“(2) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee’s behalf an amount equal to—

“(A) the total contributions to which that individual would have been entitled under section 8432(c)(2), based on the amounts contributed by such individual under section 8440e (other than under subsection (d)(2) thereof) with respect to the period referred to in subsection (b)(2)(B), if those amounts had been contributed by such individual under section 8432(a); reduced by

“(B) any contributions actually made on such employee’s behalf under section 8432(c)(2) (including pursuant to an agreement under section 211(d) of title 37) with respect to the period referred to in subsection (b)(2)(B).”.

(4) Subsections (g)(1) and (h)(3) of section 8433 of title 5, United States Code, are each amended by striking “under section 8432(a) of this title”.

(5) Section 8439(a) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “under section 8432(c)(1) of this title” and “under section 8351 of this title”;

(B) in paragraph (2)(A)(i), by striking all after “individual” and inserting a semicolon; and

(C) in paragraph (2)(A)(ii), by striking all after “individual” and inserting “; and”.

(6) Section 8473 of title 5, United States Code, is amended—

(A) in subsection (a), by striking “14 members” and inserting “15 members”; and

(B) in subsection (b)—

(i) by striking “14 members” and inserting “15 members”;

(ii) by striking “and” at the end of paragraph (8);

(iii) by striking the period at the end of paragraph

(9) and inserting “; and”; and

(iv) by adding at the end the following:

“(10) 1 shall be appointed to represent participants (under section 8440e) who are members of the uniformed services.”.

(b) REGULATIONS.—Not later than the date on which qualifying offsetting legislation (as defined in section 663(b)) is enacted or 180 days after the date of the enactment of this Act, whichever is later, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement the amendments made by this subtitle.

Deadline.  
5 USC 8440e  
note.

#### SEC. 662. SPECIAL RETENTION INITIATIVE.

Section 211 of title 37, United States Code, as added by section 661, is amended by adding at the end the following:

“(d) AGENCY CONTRIBUTIONS FOR RETENTION IN CRITICAL SPECIALTIES.—(1) The Secretary concerned may enter into an agreement with a member to make contributions to the Thrift Savings Fund for the benefit of the member if the member—

“(A) is in a specialty designated by the Secretary as critical to meet requirements (whether such specialty is designated as critical to meet wartime or peacetime requirements); and

“(B) commits in such agreement to continue to serve on active duty in that specialty for a period of 6 years.

“(2) Under any agreement entered into with a member under paragraph (1), the Secretary shall make contributions to the Fund

for the benefit of the member for each pay period of the 6-year period of the agreement for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). Paragraph (2) of section 8432(c) of title 5 applies to the Secretary's obligation to make contributions under this paragraph, except that the reference in such paragraph (2) to contributions under paragraph (1) of such section 8432(c) does not apply.”.

**SEC. 663. EFFECTIVE DATE.**

5 USC 8440 note.

(a) **APPLICABILITY.**—(1) Except as provided in paragraph (2), the authority of members to participate in the Thrift Savings Plan under section 211 of title 37, United States Code (as amended by this subtitle) shall take effect on the date on which qualifying offsetting legislation (as defined in subsection (b)) is enacted or 1 year after the date of the enactment of this Act, whichever is later. As used in the preceding sentence, the term “member” has the meaning given such term by section 211 of such title 37 (as so amended).

(2)(A) The Secretary of Defense may postpone the authority of members of the Ready Reserve to so participate in the Thrift Savings Plan until 180 days after the date that would otherwise apply under paragraph (1) if the Secretary, after consultation with the Executive Director (appointed by the Federal Retirement Thrift Investment Board), determines that permitting such members to participate in the Thrift Savings Plan beginning on the date that would otherwise apply under paragraph (1) would place an excessive burden on the administrative capacity of the Board to accommodate participants in the Thrift Savings Plan.

(B) The Secretary shall notify the congressional defense committees, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any determination made under subparagraph (A).

Notification.

(b) **EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.**—

(1) The amendments made by this subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which, if enacted, would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the One Hundred Sixth Congress qualifying offsetting legislation.

The preceding sentence shall not apply with respect to the amendment made by section 661(a)(3)(B)(i).

(2) For purposes of this subtitle:

(A) The term “qualifying offsetting legislation” means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the decreased revenues for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term “PayGo scorecard” means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section

252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## Subtitle G—Other Matters

### SEC. 671. PAYMENT FOR UNUSED LEAVE IN CONJUNCTION WITH A REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1), by inserting “, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated),” after “honorable conditions”; and

(2) in subsection (b)(2), by striking “, or entering into an enlistment,”.

### SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS (DUAL STATUS) SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) **AUTHORITY TO PROVIDE PER DIEM ALLOWANCE.**—Section 1002(b) of title 37, United States Code, is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph: “(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).”.

(b) **TYPES OF OVERSEAS OPERATIONS.**—Section 6323(d)(1) of title 5, United States Code, is amended by striking “noncombat”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 432).

37 USC 1002  
note.

### SEC. 673. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

(a) **REPORT REQUIRED.**—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end the following new section:

#### “§ 1015. Annual report on effects of recruitment and retention initiatives

Deadline.

“Not later than December 1 of each year, the Secretary of Defense shall submit to Congress a report that sets forth the Secretary’s assessment of the effects that the improvements to compensation and other personnel benefits made by title VI of the National Defense Authorization Act for Fiscal Year 2000 are having on the recruitment of persons to join the armed forces and the retention of members of the armed forces.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1015. Annual report on effects of recruitment and retention initiatives.”.

Deadline.  
37 USC 1015  
note.

(b) **FIRST REPORT.**—The first report under section 1015 of title 37, United States Code, as added by subsection (a), shall be submitted not later than December 1, 2000.



**SEC. 674. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.**

(a) **PROGRAM AND BENEFITS.**—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking “AUTHORITY.—The Secretary of Defense may carry out a program to provide special supplemental food benefits” and inserting “PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to provide supplemental foods and nutrition education”.

(b) **FUNDING SOURCE.**—Subsection (b) of such section is amended to read as follows:

“(b) **FUNDING MECHANISM.**—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).”.

(c) **PROGRAM ADMINISTRATION.**—Subsection (c) of such section is amended—

(1) in paragraph (1)(A), by adding at the end the following new sentence: “In determining eligibility for benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under such section 17 shall be considered eligible for the duration of the certification period under that special supplemental nutrition program.”;

(2) by striking paragraph (1)(B) and inserting the following: “(B) In determining eligibility for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A), including nutritional risk standards. The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.”;

(3) in paragraph (2), by adding before the period at the end the following: “, particularly with respect to nutrition education”; and

(4) by adding at the end the following new paragraph: “(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).”.

(d) **DEFINITIONS.**—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(4) The terms ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).”.

(e) **CONFORMING AMENDMENT.**—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

“(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.”.

**SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A CONTINGENCY OPERATION.**

Section 2007(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “and”;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.”.

**SEC. 676. ADMINISTRATION OF SELECTED RESERVE EDUCATION LOAN REPAYMENT PROGRAM FOR COAST GUARD RESERVE.**

Section 16301 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g) The Secretary of Transportation may repay loans described in subsection (a)(1) and otherwise administer this section in the case of members of the Selected Reserve of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy.”.

26 USC 112 note.

**SEC. 677. SENSE OF CONGRESS REGARDING TREATMENT UNDER INTERNAL REVENUE CODE OF MEMBERS RECEIVING HOSTILE FIRE OR IMMINENT DANGER SPECIAL PAY DURING CONTINGENCY OPERATIONS.**

It is the sense of Congress that a member of the Armed Forces who is receiving special pay under section 310 of title 37, United States Code, while assigned to duty in support of a contingency operation should be treated under the Internal Revenue Code of 1986 in the same manner as a member of the Armed Forces serving in a combat zone (as defined in section 112 of the Internal Revenue Code of 1986).

## **TITLE VII—HEALTH CARE PROVISIONS**

### **Subtitle A—Health Care Services**

- Sec. 701. Pharmacy benefits program.
- Sec. 702. Provision of chiropractic health care.
- Sec. 703. Provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
- Sec. 704. Enhancement of dental benefits for retirees.
- Sec. 705. Medical and dental care for certain members incurring injuries on inactive-duty training.
- Sec. 706. Health care at former uniformed services treatment facilities for active duty members stationed at certain remote locations.
- Sec. 707. Open enrollment demonstration program.

### **Subtitle B—TRICARE Program**

- Sec. 711. Expansion and revision of authority for dental programs for dependents and reserves.
- Sec. 712. Improvement of access to health care under the TRICARE program.
- Sec. 713. Improvements to claims processing under the TRICARE program.
- Sec. 714. Authority to waive certain TRICARE deductibles.
- Sec. 715. TRICARE beneficiary counseling and assistance coordinators.
- Sec. 716. Improvement of TRICARE management; improvements to third-party payer collection program.
- Sec. 717. Comparative report on health care coverage under the TRICARE program.

### **Subtitle C—Other Matters**

- Sec. 721. Forensic pathology investigations by Armed Forces Medical Examiner.
- Sec. 722. Best value contracting.
- Sec. 723. Health care quality information and technology enhancement.
- Sec. 724. Joint telemedicine and telepharmacy demonstration projects by the Department of Defense and Department of Veterans Affairs.
- Sec. 725. Program-year stability in health care benefits.
- Sec. 726. Study on joint operations for the Defense Health Program.
- Sec. 727. Trauma training center.
- Sec. 728. Sense of Congress regarding automatic enrollment of medicare-eligible beneficiaries in the TRICARE Senior Prime demonstration project.

## Subtitle A—Health Care Services

### SEC. 701. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

#### “§ 1074g. Pharmacy benefits program

“(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consulting with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the ‘pharmacy benefits program’).

“(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in the complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

“(B) In considering the relative clinical effectiveness of agents under subparagraph (A), the Secretary shall presume inclusion in a therapeutic class of a pharmaceutical agent, unless the Pharmacy and Therapeutics Committee established under subsection (b) finds that a pharmaceutical agent does not have a significant, clinically meaningful therapeutic advantage in terms of safety, effectiveness, or clinical outcome over the other drugs included on the uniform formulary.

“(C) In considering the relative cost effectiveness of agents under subparagraph (A), the Secretary shall rely on the evaluation by the Pharmacy and Therapeutics Committee of the costs of agents in a therapeutic class in relation to the safety, effectiveness, and clinical outcomes of such agents.

“(D) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary. Such procedures shall be established so as best to accomplish, in the judgment of the Secretary, the objectives set forth in paragraph (1). No pharmaceutical agent may be excluded from the uniform formulary except upon the recommendation of the Pharmacy and Therapeutics Committee. The Secretary shall begin to implement the uniform formulary not later than October 1, 2000.

Procedures.

“(E) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

Deadline.

“(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

“(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to covered beneficiaries; or

“(iii) the national mail-order pharmacy program.

“(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, where appropriate, agents not included on the uniform formulary described in paragraph (2).

“(4) The pharmacy benefits program may provide that prior authorization be required for certain pharmaceutical agents to assure that the use of such agents is clinically appropriate.

“(5) The pharmacy benefits program shall assure the availability to eligible covered beneficiaries of pharmaceutical agents not included on the uniform formulary. Such pharmaceutical agents shall be available through at least one of the means described in paragraph (2)(E) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

“(6) The Secretary, as part of the regulations established under subsection (g), may establish cost sharing requirements (which may be established as a percentage or fixed dollar amount) under the pharmacy benefits program for generic, formulary, and nonformulary agents. For nonformulary agents, cost sharing shall be consistent with common industry practice and not in excess of amounts generally comparable to 20 percent for beneficiaries covered by section 1079 of this title or 25 percent for beneficiaries covered by section 1086 of this title.

Procedures.

“(7) The Secretary shall establish procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary, but, considered to be clinically necessary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary. Such procedures shall also include an expeditious appeals process for an eligible covered beneficiary, or a network or uniformed provider on behalf of the beneficiary, to establish clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary.

“(8) In carrying out this subsection, the Secretary shall ensure that an eligible covered beneficiary may continue to receive coverage for any maintenance pharmaceutical that is not on the uniform formulary and that was prescribed for the beneficiary before the date of the enactment of this section and stabilized the medical condition of the beneficiary.

“(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a Pharmacy and Therapeutics Committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail-order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations. The committee shall function under procedures established by the Secretary under the regulations required by subsection (g).

Procedures.

“(2) Not later than 90 days after the establishment of the Pharmacy and Therapeutics Committee by the Secretary, the committee shall convene to design a proposed uniform formulary for submission to the Secretary. After such 90-day period, the committee shall meet at least quarterly and shall, during meetings, consider for inclusion on the uniform formulary under the standards established in subsection (a) any drugs newly approved by the Food and Drug Administration.

Deadline.

“(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the Pharmacy and Therapeutics Committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary.

Establishment.

“(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

“(d) PROCEDURES.—(1) In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

“(2) Not later than 6 months after the date of the enactment of this section, the Secretary shall utilize a modification to the bid price adjustment methodology in the current managed care support contracts to ensure equitable and timely reimbursement to the TRICARE managed care support contractors for pharmaceutical products delivered in the nonmilitary environments. The methodology shall take into account the “at-risk” nature of the contracts as well as managed care support contractor pharmacy costs attributable to changes to pharmacy service or formulary management at military medical treatment facilities, and other military activities and policies that affect costs of pharmacy benefits provided through the Civilian Health and Medical Program of the Uniformed Services. The methodology shall also account for military treatment facility costs attributable to the delivery of pharmaceutical products in the military facility environment which were prescribed by a network provider.

Deadline.

“(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE retail pharmacy program, and the national mail-order pharmacy program.

Deadline.

“(f) DEFINITIONS.—As used in this section—

“(1) the term ‘eligible covered beneficiary’ means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(E) is established under this chapter or another provision of law; and

“(2) the term ‘pharmaceutical agent’ means drugs, biological products, and medical devices under the regulatory authority of the Food and Drug Administration.

“(g) REGULATIONS.—The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this section.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

“1074g. Pharmacy benefits program.”.

10 USC 1074g  
note.

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall establish the Pharmacy and Therapeutics Committee required by section 1074g(b) of title 10, United States Code.

Deadline.  
10 USC 1074g  
note.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe non-formulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

10 USC 1074g  
note.  
Deadline.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

#### SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) IN GENERAL.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking “**DEMONSTRATION PROGRAM**”;

(2) in subsection (a), by adding at the end the following new paragraph:

“(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.”;

(3) in subsection (c)—

(A) in paragraph (3), by striking “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” and inserting “Committees on Armed Services of the Senate and the House of Representatives”; and

(B) in paragraph (5), by striking “May 1, 2000” and inserting “January 31, 2000”;

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking “; and” at the end of subparagraph

(C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(iii) by adding at the end the following new subparagraph:

“(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan.”; and

(B) by adding at the end the following new paragraph:

“(5) The Secretary shall—

“(A) make full use of the oversight advisory committee in preparing—

“(i) the final report on the demonstration program conducted under this section; and

“(ii) the implementation plan described in subsection (e); and

“(B) provide opportunities for members of the committee to provide views as part of such final report and plan.”;

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

“(e) **IMPLEMENTATION PLAN.**—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include—

“(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

“(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

Deadline.

“(3) the proposed military medical treatment facilities at which such services would be provided;

“(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

“(5) any other relevant factors that the Secretary considers appropriate.”.

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

“731. Chiropractic health care.”.

10 USC 1077  
note.

**SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.**

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(3) As used in this section, the term “eligible beneficiary” means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

(b) PROHIBITION ON ESTABLISHMENT OF LIMITED TRANSITION PERIOD.—The Secretary of Defense shall not place a time limit on the period during which the custodial care exclusions of the Department of Defense may be waived as part of the case management program of the Department.

(c) SURVEY OF CASE MANAGEMENT AND CUSTODIAL CARE POLICIES.—The Secretary of Defense shall conduct a survey of federally funded and State funded programs for the medical care and management of persons whose care is considered to be custodial in nature. The survey shall examine, but shall not be limited to—

(1) a comparison of the case management program of the Department of Defense with similar Federal and State programs; and

(2) a comparison between the case management program of the Department of Defense and the case management and custodial care coverage offered by at least 10 of the most subscribed private health insurance plans in the Federal Employees Health Benefits Program (at least 5 of which shall be managed care organizations), as determined in consultation with the Office of Personnel Management.



(d) **REPORT ON SURVEY OF CASE MANAGEMENT AND CUSTODIAL CARE POLICIES.**—Not later than March 31, 2000, the Secretary shall submit a report on the survey required by subsection (c) to Congress. The Secretary shall include in the report any recommendations for legislative changes that the Secretary determines necessary to facilitate the case management of the Department of Defense, and a plan for any regulatory changes determined necessary by the Secretary. Such plan shall include any regulatory provisions that the Secretary determines necessary to address equitably the unique needs of the family members of active duty military personnel and to ensure the full integration of the case management program of the Department of Defense with other available family support services activities. Deadline.

**SEC. 704. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES.**

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

“(d) **BENEFITS AVAILABLE UNDER THE PLAN.**—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.”.

**SEC. 705. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.**

(a) **ORDER TO ACTIVE DUTY AUTHORIZED.**—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following:

**“§ 12322. Active duty for health care**

“A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in any of such paragraphs.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“12322. Active duty for health care.”.

(b) **MEDICAL AND DENTAL CARE FOR MEMBERS.**—Subsection (e) of section 1074a of such title is amended to read as follows:

“(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

“(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.”.

Applicability.

(c) **MEDICAL AND DENTAL CARE FOR DEPENDENTS.**—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:

“(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.”.

**SEC. 706. HEALTH CARE AT FORMER UNIFORMED SERVICES TREATMENT FACILITIES FOR ACTIVE DUTY MEMBERS STATIONED AT CERTAIN REMOTE LOCATIONS.**

(a) **AUTHORITY.**—Health care may be furnished by a designated provider pursuant to any contract entered into by the designated provider under section 722(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) to eligible members who reside within the service area of the designated provider.

(b) **ELIGIBILITY.**—A member of the Armed Forces is eligible for health care under subsection (a) if the member is a member described in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1811; 10 U.S.C. 1074 note).

(c) **APPLICABLE POLICIES.**—In furnishing health care to an eligible member under subsection (a), a designated provider shall adhere to the Department of Defense policies applicable to the furnishing of care under the TRICARE Prime Remote program, including coordinating with uniformed services medical authorities for hospitalizations and all referrals for specialty care.

(d) **REIMBURSEMENT RATES.**—The Secretary of Defense, in consultation with the designated providers, shall prescribe reimbursement rates for care furnished to eligible members under subsection (a). The rates prescribed for health care may not exceed the amounts allowable under the TRICARE Standard plan for the same care.

**SEC. 707. OPEN ENROLLMENT DEMONSTRATION PROGRAM.**

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

“(g) **OPEN ENROLLMENT DEMONSTRATION PROGRAM.**—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program, but without regard to the limitation in subsection (b). The demonstration program under this subsection shall cover designated providers, selected by the Secretary of Defense, and the service areas of the designated providers.

“(2) The demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

“(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation on whether to authorize open enrollments in the managed care plans of designated providers permanently.”.

Effective date.  
Termination  
date.

Deadline.  
Reports.

## Subtitle B—TRICARE Program

### SEC. 711. EXPANSION AND REVISION OF AUTHORITY FOR DENTAL PROGRAMS FOR DEPENDENTS AND RESERVES.

(a) **AUTHORITY.**—Chapter 55 of title 10, United States Code, is amended by striking sections 1076a and 1076b and inserting the following:

#### “§ 1076a. TRICARE dental program

“(a) **ESTABLISHMENT OF DENTAL PLANS.**—The Secretary of Defense may establish, and in the case of the dental plan described in paragraph (1) shall establish, the following voluntary enrollment dental plans:

“(1) **PLAN FOR SELECTED RESERVE AND INDIVIDUAL READY RESERVE.**—A dental insurance plan for members of the Selected Reserve of the Ready Reserve and for members of the Individual Ready Reserve described in subsection 10144(b) of this title.

“(2) **PLAN FOR OTHER RESERVES.**—A dental insurance plan for members of the Individual Ready Reserve not eligible to enroll in the plan established under paragraph (1).

“(3) **PLAN FOR ACTIVE DUTY DEPENDENTS.**—Dental benefits plans for eligible dependents of members of the uniformed services who are on active duty for a period of more than 30 days.

“(4) **PLAN FOR READY RESERVE DEPENDENTS.**—A dental benefits plan for eligible dependents of members of the Ready Reserve of the reserve components who are not on active duty for more than 30 days.

“(b) **ADMINISTRATION OF PLANS.**—The plans established under this section shall be administered under regulations prescribed by the Secretary of Defense in consultation with the other administering Secretaries.

“(c) **CARE AVAILABLE UNDER PLANS.**—Dental plans established under subsection (a) may provide for the following dental care:

“(1) Diagnostic, oral examination, and preventive services and palliative emergency care.

“(2) Basic restorative services of amalgam and composite restorations, stainless steel crowns for primary teeth, and dental appliance repairs.

“(3) Orthodontic services, crowns, gold fillings, bridges, complete or partial dentures, and such other services as the Secretary of Defense considers to be appropriate.

“(d) **PREMIUMS.**—

“(1) **PREMIUM SHARING PLANS.**—(A) The dental insurance plan established under subsection (a)(1) and the dental benefits plans established under subsection (a)(3) are premium sharing plans.

“(B) Members enrolled in a premium sharing plan for themselves or for their dependents shall be required to pay a share of the premium charged for the benefits provided under the plan. The member’s share of the premium charge may not exceed \$20 per month for the enrollment.

“(C) Effective as of January 1 of each year, the amount of the premium required under subparagraph (A) shall be increased by the percent equal to the lesser of—

Effective date.

“(i) the percent by which the rates of basic pay of members of the uniformed services are increased on such date; or

“(ii) the sum of one-half percent and the percent computed under section 5303(a) of title 5 for the increase in rates of basic pay for statutory pay systems for pay periods beginning on or after such date.

“(D) The Secretary of Defense may reduce the monthly premium required to be paid under paragraph (1) in the case of enlisted members in pay grade E-1, E-2, E-3, or E-4 if the Secretary determines that such a reduction is appropriate to assist such members to participate in a dental plan referred to in subparagraph (A).

“(2) FULL PREMIUM PLANS.—(A) The dental insurance plan established under subsection (a)(2) and the dental benefits plan established under subsection (a)(4) are full premium plans.

“(B) Members enrolled in a full premium plan for themselves or for their dependents shall be required to pay the entire premium charged for the benefits provided under the plan.

“(3) PAYMENT PROCEDURES.—A member’s share of the premium for a plan established under subsection (a) may be paid by deductions from the basic pay of the member and from compensation paid under section 206 of title 37, as the case may be. The regulations prescribed under subsection (b) shall specify the procedures for payment of the premiums by enrollees who do not receive such pay.

“(e) COPAYMENTS UNDER PREMIUM SHARING PLANS.—A member or dependent who receives dental care under a premium sharing plan referred to in subsection (d)(1) shall—

“(1) in the case of care described in subsection (c)(1), pay no charge for the care;

“(2) in the case of care described in subsection (c)(2), pay 20 percent of the charges for the care; and

“(3) in the case of care described in subsection (c)(3), pay a percentage of the charges for the care that is determined appropriate by the Secretary of Defense, after consultation with the other administering Secretaries.

“(f) TRANSFER OF MEMBERS.—If a member whose dependents are enrolled in the plan established under subsection (a)(3) is transferred to a duty station where dental care is provided to the member’s eligible dependents under a program other than that plan, the member may discontinue participation under the plan. If the member is later transferred to a duty station where dental care is not provided to such member’s eligible dependents except under the plan established under subsection (a)(3), the member may reenroll the dependents in that plan.

“(g) CARE OUTSIDE THE UNITED STATES.—The Secretary of Defense may exercise the authority provided under subsection (a) to establish dental insurance plans and dental benefits plans for dental benefits provided outside the United States for the eligible members and dependents of members of the uniformed services. In the case of such an overseas dental plan, the Secretary may waive or reduce any copayments required by subsection (e) to the extent the Secretary determines appropriate for the effective and efficient operation of the plan.

“(h) **WAIVER OF REQUIREMENTS FOR SURVIVING DEPENDENTS.**—The Secretary of Defense may waive (in whole or in part) any requirements of a dental plan established under this section as the Secretary determines necessary for the effective administration of the plan for a dependent who is an eligible dependent described in subsection (k)(2).

“(i) **AUTHORITY SUBJECT TO APPROPRIATIONS.**—The authority of the Secretary of Defense to enter into a contract under this section for any fiscal year is subject to the availability of appropriations for that purpose.

“(j) **LIMITATION ON REDUCTION OF BENEFITS.**—The Secretary of Defense may not reduce benefits provided under a plan established under this section until—

“(1) the Secretary provides notice of the Secretary’s intent to reduce such benefits to the Committees on Armed Services of the Senate and the House of Representatives; and

“(2) one year has elapsed following the date of such notice.

“(k) **ELIGIBLE DEPENDENT DEFINED.**—In this section, the term ‘eligible dependent’—

“(1) means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

“(2) includes any such dependent of a member who dies while on active duty for a period of more than 30 days or a member of the Ready Reserve if the dependent is enrolled on the date of the death of the member in a dental benefits plan established under subsection (a), except that the term does not include the dependent after the end of the one-year period beginning on the date of the member’s death.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by striking out the items relating to sections 1076a and 1076b and inserting the following:

“1076a. TRICARE dental program.”.

**SEC. 712. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.**

(a) **ACCESS.**—The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization and certification requirements imposed on covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

(b) **REPORT ON INITIATIVES TO IMPROVE ACCESS.**—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on specific actions taken to—

(1) reduce the requirements for preauthorization for care under the TRICARE program;

(2) reduce the requirements for beneficiaries to obtain preventive services, such as obstetric or gynecologic examinations, mammograms for females over 35 years of age, and urological examinations for males over the age of 60 without preauthorization; and

(3) reduce the requirements for statements of nonavailability of services.

(c) **REQUIREMENT TO PROVIDE STATEMENT.**—Section 1080(b) of title 10, United States Code, is amended by adding at the end the following new sentence: “Notwithstanding any other provision

Notice.

10 USC 1073  
note.

Deadline.  
10 USC 1073  
note.

of law, with respect to obstetrics and gynecological care for beneficiaries not enrolled in a managed care plan offered pursuant to any contract or agreement under this chapter, a nonavailability-of-health-care statement shall be required for receipt of health care services related to outpatient prenatal, outpatient or inpatient delivery, and outpatient post-partum care subsequent to the visit which confirms the pregnancy.”.

**SEC. 713. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

**“§ 1095c. TRICARE program: facilitation of processing of claims**

“(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

“(A) 95 percent of all clean claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

“(B) 100 percent of all clean claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

“(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31 (commonly referred to as the ‘Prompt Payment Act’), require that interest be paid on clean claims that are not processed within 30 days.

“(3) For purposes of this subsection, the term ‘clean claim’ means a claim that has no defect, impropriety (including a lack of any required substantiating documentation), or particular circumstance requiring special treatment that prevents timely payment on the claim under this section.

“(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

“(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

“(A) who has not previously been awarded such a contract by the Department of Defense; or

“(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.

“(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be

permitted to provide financial incentives to health care providers who file claims for payment electronically.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

“1095c. TRICARE program: facilitation of processing of claims.”.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

Deadline.

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) DEADLINE FOR IMPLEMENTATION.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act.

10 USC 1095c note.

(d) APPLICABILITY.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act.

10 USC 1095c note.

#### SEC. 714. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 713) the following new section:

##### “§ 1095d. TRICARE program: waiver of certain deductibles

“(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

“(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

“(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

“(b) ELIGIBLE DEPENDENT.—As used in this section, the term ‘eligible dependent’ means a dependent described in subparagraphs (A), (D), or (I) of section 1072(2) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

“1095d. TRICARE program: waiver of certain deductibles.”.

**SEC. 715. TRICARE BENEFICIARY COUNSELING AND ASSISTANCE COORDINATORS.**

(a) ESTABLISHMENT OF POSITIONS.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095d (as added by section 714) the following new section:

**“§ 1095e. TRICARE program: beneficiary counseling and assistance coordinators**

Regulations.

“(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall require in regulations that—

“(1) each lead agent under the TRICARE program—

“(A) designate a person to serve full-time as a beneficiary counseling and assistance coordinator for beneficiaries under the TRICARE program; and

“(B) provide for toll-free telephone communication between such beneficiaries and the beneficiary counseling and assistance coordinator; and

“(2) the commander of each military medical treatment facility under this chapter designate a person to serve, as a primary or collateral duty, as beneficiary counseling and assistance coordinator for beneficiaries under the TRICARE program served at that facility.

“(b) DUTIES.—The Secretary shall prescribe the duties of the position of beneficiary counseling and assistance coordinator in the regulations required by subsection (a).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095d the following new item:

“1095e. TRICARE program: beneficiary counseling and assistance coordinators.”.

10 USC 1095e  
note.

(b) DEADLINE FOR INITIAL DESIGNATIONS.—Each beneficiary counseling and assistance coordinator required under the regulations described in section 1095e(a) of title 10, United States Code (as added by subsection (a)), shall be designated not later than January 15, 2000.

**SEC. 716. IMPROVEMENT OF TRICARE MANAGEMENT; IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.**

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

**“§ 1097b. TRICARE program: financial management**

“(a) REIMBURSEMENT OF PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may reimburse health care providers under the TRICARE program at rates higher than the reimbursement rates otherwise authorized for the providers under that program if the Secretary determines that application of the higher rates is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

“(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of the following:

“(A) The amount equal to the local fee for service charge for the service in the service area in which the service is provided as determined by the Secretary based on one or more of the following payment rates:

“(i) Usual, customary, and reasonable.



“(ii) The Health Care Finance Administration’s Resource Based Relative Value Scale.

“(iii) Negotiated fee schedules.

“(iv) Global fees.

“(v) Sliding scale individual fee allowances.

“(B) The amount equal to 115 percent of the CHAMPUS maximum allowable charge for the service.

“(b) THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program has the same right as the United States under section 1095 of this title to collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program.

“(2) The Secretary of Defense shall prescribe regulations for the administration of this subsection. The regulations shall set forth the method to be used for the computation of the reasonable charges for inpatient, outpatient, and other health care services. The method of computation may be—

Regulations.

“(A) a method that is based on—

“(i) per diem rates;

“(ii) all-inclusive rates for each visit;

“(iii) diagnosis-related groups; or

“(iv) rates prescribed under the regulations implementing sections 1079 and 1086 of this title; or

“(B) any other method considered appropriate.

“(c) CONSULTATION REQUIREMENT.—The Secretary of Defense shall carry out the responsibilities under this section after consultation with the other administering Secretaries.”.

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

“1097b. TRICARE program: financial management.”.

(b) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in sections 1097b of title 10, United States Code (as added by subsection (a)).

Deadline.  
10 USC 1097b  
note.

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment of whether the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

(c) IMPROVEMENT TO THIRD-PARTY COLLECTION PROGRAM.—(1) Section 1095 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking “the reasonable costs of” and inserting “reasonable charges for”;

(ii) by striking “such costs” and inserting “such charges”; and

(iii) by striking “the reasonable cost of” and inserting “a reasonable charge for”;

(B) in subsection (g), by striking “the costs of”; and

(C) in subsection (h)(1), by striking the first sentence and inserting “The term ‘third-party payer’ means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.”.

(2) Section 1095b(b) of title 10, United States Code, is amended by striking the first and second sentences after the heading and inserting the following: “The United States shall have the same right to collect charges related to claims described in subsection (a) as charges for claims under section 1095 of this title.”.

10 USC 1097b  
note.

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

#### **SEC. 717. COMPARATIVE REPORT ON HEALTH CARE COVERAGE UNDER THE TRICARE PROGRAM.**

Deadline.

Not later than March 31, 2000, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report including a comparison of health care coverage available through the TRICARE program with the coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5, United States Code. Such comparison shall include, but not be limited to, a comparison of cost sharing requirements, overall costs to beneficiaries, covered benefits, and exclusions from coverage.

### **Subtitle C—Other Matters**

#### **SEC. 721. FORENSIC PATHOLOGY INVESTIGATIONS BY ARMED FORCES MEDICAL EXAMINER.**

(a) INVESTIGATION AUTHORITY.—Chapter 75 of title 10, United States Code, is amended by striking the heading for the chapter and inserting the following:

#### **“CHAPTER 75—DECEASED PERSONNEL**

“Subchapter	Sec.
“I. Death Investigations .....	1471
“II. Death Benefits .....	1475

#### **“SUBCHAPTER I—DEATH INVESTIGATIONS**

“Sec.  
“1471. Forensic pathology investigations.

#### **“§ 1471. Forensic pathology investigations**

Regulations.

“(a) AUTHORITY.—Under regulations prescribed by the Secretary of Defense, the Armed Forces Medical Examiner may conduct a forensic pathology investigation to determine the cause or manner of death of a deceased person if such an investigation is determined

to be justified under circumstances described in subsection (b). The investigation may include an autopsy of the decedent's remains.

“(b) BASIS FOR INVESTIGATION.—(1) A forensic pathology investigation of a death under this section is justified if at least one of the circumstances in paragraph (2) and one of the circumstances in paragraph (3) exist.

“(2) A circumstance under this paragraph is a circumstance under which—

“(A) it appears that the decedent was killed or that, whatever the cause of the decedent's death, the cause was unnatural;

“(B) the cause or manner of death is unknown;

“(C) there is reasonable suspicion that the death was by unlawful means;

“(D) it appears that the death resulted from an infectious disease or from the effects of a hazardous material that may have an adverse effect on the military installation or community involved; or

“(E) the identity of the decedent is unknown.

“(3) A circumstance under this paragraph is a circumstance under which—

“(A) the decedent—

“(i) was found dead or died at an installation garrisoned by units of the armed forces that is under the exclusive jurisdiction of the United States;

“(ii) was a member of the armed forces on active duty or inactive duty for training;

“(iii) was recently retired under chapter 61 of this title as a result of an injury or illness incurred while a member on active duty or inactive duty for training; or

“(iv) was a civilian dependent of a member of the armed forces and was found dead or died outside the United States;

“(B) in any other authorized Department of Defense investigation of matters which involves the death, a factual determination of the cause or manner of the death is necessary; or

“(C) in any other authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or any other Federal agency, an authorized official of such agency with authority to direct a forensic pathology investigation requests that the Armed Forces Medical Examiner conduct such an investigation.

“(c) DETERMINATION OF JUSTIFICATION.—(1) Subject to paragraph (2), the determination that a circumstance exists under paragraph (2) of subsection (b) shall be made by the Armed Forces Medical Examiner.

“(2) A commander may make the determination that a circumstance exists under paragraph (2) of subsection (b) and require a forensic pathology investigation under this section without regard to a determination made by the Armed Forces Medical Examiner if—

“(A) in a case involving circumstances described in paragraph (3)(A)(i) of that subsection, the commander is the commander of the installation where the decedent was found dead or died; or

“(B) in a case involving circumstances described in paragraph (3)(A)(ii) of that subsection, the commander is the commander of the decedent’s unit at a level in the chain of command designated for such purpose in the regulations prescribed by the Secretary of Defense.

“(d) LIMITATION IN CONCURRENT JURISDICTION CASES.—(1) The exercise of authority under this section is subject to the exercise of primary jurisdiction for the investigation of a death—

“(A) in the case of a death in a State, by the State or a local government of the State; or

“(B) in the case of a death in a foreign country, by that foreign country under any applicable treaty, status of forces agreement, or other international agreement between the United States and that foreign country.

“(2) Paragraph (1) does not limit the authority of the Armed Forces Medical Examiner to conduct a forensic pathology investigation of a death that is subject to the exercise of primary jurisdiction by another sovereign if the investigation by the other sovereign is concluded without a forensic pathology investigation that the Armed Forces Medical Examiner considers complete. For the purposes of the preceding sentence a forensic pathology investigation is incomplete if the investigation does not include an autopsy of the decedent.

“(e) PROCEDURES.—For a forensic pathology investigation under this section, the Armed Forces Medical Examiner shall—

“(1) designate one or more qualified pathologists to conduct the investigation;

“(2) to the extent practicable and consistent with responsibilities under this section, give due regard to any applicable law protecting religious beliefs;

“(3) as soon as practicable, notify the decedent’s family, if known, that the forensic pathology investigation is being conducted;

“(4) as soon as practicable after the completion of the investigation, authorize release of the decedent’s remains to the family, if known; and

“(5) promptly report the results of the forensic pathology investigation to the official responsible for the overall investigation of the death.

“(f) DEFINITION OF STATE.—In this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and Guam.”.

(b) REPEAL OF AUTHORITY FOR EXISTING INQUEST PROCEDURES.—Sections 4711 and 9711 of title 10, United States Code, are repealed.

(c) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Chapter 75 of such title, as amended by subsection (a), is further amended by inserting before section 1475 the following:

#### “SUBCHAPTER II—DEATH BENEFITS”.

(2) The item relating to chapter 75 in the tables of chapters at the beginning of subtitle A of such title and at the beginning of part II of such subtitle is amended to read as follows:

“75. Deceased Personnel ..... 1471”.

(3) The table of sections at the beginning of chapter 445 of such title is amended by striking the item relating to section 4711.

(4) The table of sections at the beginning of chapter 945 of such title is amended by striking the item relating to section 9711.

(5) The heading for chapter 445 of such title is amended to read as follows:

**“CHAPTER 445—DISPOSITION OF EFFECTS OF  
DECEASED PERSONS; CAPTURED FLAGS”.**

(6) The heading for chapter 945 of such title is amended to read as follows:

**“CHAPTER 945—DISPOSITION OF EFFECTS OF  
DECEASED PERSONS”.**

(7) The item relating to chapter 445 in the tables of chapters at the beginning of subtitle B of such title and at the beginning of part IV of such subtitle is amended to read as follows:

**“445. Disposition of Effects of Deceased Persons; Captured Flags ..... 4712”.**

(8) The item relating to chapter 945 in the tables of chapters at the beginning of subtitle D of such title and at the beginning of part IV of such subtitle is amended to read as follows:

**“945. Disposition of Effects of Deceased Persons ..... 9712”.**

**SEC. 722. BEST VALUE CONTRACTING.**

(a) **AUTHORITY.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1073 the following:

**“§ 1073a. Contracts for health care: best value contracting**

“(a) **AUTHORITY.**—Under regulations prescribed by the administering Secretaries, health care contracts shall be awarded in the administration of this chapter to the offeror or offerors that will provide the best value to the United States to the maximum extent consistent with furnishing high-quality health care in a manner that protects the fiscal and other interests of the United States.

Regulations.

“(b) **FACTORS CONSIDERED.**—In the determination of best value under subsection (a)—

“(1) consideration shall be given to the factors specified in the regulations; and

“(2) greater weight shall be accorded to technical and performance-related factors than to cost and price-related factors.

“(c) **APPLICABILITY.**—The authority under the regulations prescribed under subsection (a) shall apply to any contract in excess of \$5,000,000.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1073 the following:

“1073a. Contracts for health care: best value contracting.”.

**SEC. 723. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY  
ENHANCEMENT.**

10 USC 1071  
note.

(a) **PURPOSE.**—The purpose of this section is to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE PROGRAM FOR MEDICAL INFORMATICS AND DATA.—The Secretary of Defense shall establish a Department of Defense program, the purposes of which shall be the following:

- (1) To develop parameters for assessing the quality of health care information.
- (2) To develop the defense digital patient record.
- (3) To develop a repository for data on quality of health care.
- (4) To develop capability for conducting research on quality of health care.
- (5) To conduct research on matters of quality of health care.
- (6) To develop decision support tools for health care providers.
- (7) To refine medical performance report cards.
- (8) To conduct educational programs on medical informatics to meet identified needs.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—(1) Through the program established under subsection (b), the Secretary of Defense shall accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(2) The program shall serve as a primary resource for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

Establishment.

(d) MEDICAL INFORMATICS ADVISORY COMMITTEE.—(1) The Secretary of Defense shall establish a Medical Informatics Advisory Committee (hereinafter referred to as the “Committee”), the members of which shall be the following:

- (A) The Assistant Secretary of Defense for Health Affairs.
- (B) The Director of the TRICARE Management Activity of the Department of Defense.
- (C) The Surgeon General of the Army.
- (D) The Surgeon General of the Navy.
- (E) The Surgeon General of the Air Force.
- (F) Representatives of the Department of Veterans Affairs, designated by the Secretary of Veterans Affairs.
- (G) Representatives of the Department of Health and Human Services, designated by the Secretary of Health and Human Services.

(H) Any additional members appointed by the Secretary of Defense to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Committee shall be to advise the Secretary on the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other Federal departments and agencies and with the private sector.

(3) Specific areas of responsibility of the Committee shall include advising the Secretary on the following:

(A) The ability of the medical informatics systems at the Department of Defense and Department of Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) The coordination of key components of medical informatics systems, including digital patient records, both within the Federal Government and between the Federal Government and the private sector.

(C) The development of operational capabilities for executive information systems and clinical decision support systems within the Department of Defense and Department of Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Department of Defense and Department of Veterans Affairs is evaluated.

(F) Protecting the confidentiality of personal health information.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Committee on the issues described in paragraph (3).

(5) The Secretary of Defense shall submit to Congress an annual report on the activities of the Committee and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government, and between the Federal Government and the private sector.

(6) Members of the Committee shall not be paid by reason of their service on the Committee.

(7) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress on an annual basis a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date the report is submitted and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, a discussion of the following:

(1) Health outcomes.

(2) The extent of use of health report cards.

(3) The extent of use of standard clinical pathways.

(4) The extent of use of innovative processes for surveillance.

**SEC. 724. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

10 USC 1092  
note.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs may carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of using telecommunications to provide health care services and pharmacy services.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects may include the following:

(1) Radiology and imaging services.

- (2) Diagnostic services.
- (3) Referral services.
- (4) Clinical pharmacy services.
- (5) Any other health care services or pharmacy services designated by the Secretaries.

(c) **SELECTION OF LOCATIONS.**—(1) The Secretaries may carry out the demonstration projects described in subsection (a) at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) **PERIOD OF DEMONSTRATION PROJECTS.**—The Secretaries may carry out the demonstration projects during the three-year period beginning on October 1, 1999.

Deadline.

(e) **REPORT.**—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

- (1) a description of each demonstration project; and
- (2) an evaluation, based on the demonstration projects, of the feasibility and practicability of using telecommunications to provide health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics.

#### **SEC. 725. PROGRAM-YEAR STABILITY IN HEALTH CARE BENEFITS.**

Section 1073 of title 10, United States Code, is amended—

- (1) by inserting “(a) **RESPONSIBLE OFFICIALS.**—” at the beginning of the text of the section; and
- (2) by adding at the end the following:

“(b) **STABILITY IN PROGRAM OF BENEFITS.**—The Secretary of Defense shall, to the maximum extent practicable, provide a stable program of benefits under this chapter throughout each fiscal year. To achieve the stability in the case of managed care support contracts entered into under this chapter, the contracts shall be administered so as to implement all changes in benefits and administration on a quarterly basis. However, the Secretary of Defense may implement any such change prior to the next fiscal quarter if the Secretary determines that the change would significantly improve the provision of care to eligible beneficiaries under this chapter.”.

#### **SEC. 726. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.**

Deadline.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—



(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

**SEC. 727. TRAUMA TRAINING CENTER.**

Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2074) is amended to read as follows:

**“SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.**

“The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.”.

**SEC. 728. SENSE OF CONGRESS REGARDING AUTOMATIC ENROLLMENT OF MEDICARE-ELIGIBLE BENEFICIARIES IN THE TRICARE SENIOR PRIME DEMONSTRATION PROJECT.**

It is the sense of Congress that—

(1) any person who is enrolled in a managed health care program of the Department of Defense at a location at which the medicare subvention demonstration project for military retirees conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is implemented, and who attains eligibility for medicare, should be automatically authorized to enroll in such demonstration project; and

(2) the Secretary of Defense, in coordination with the other administering Secretaries described in section 1072(3) of title 10, United States Code, should modify existing policies and procedures for such demonstration project as necessary to permit such automatic enrollment.

## **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

### **Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations**

Sec. 801. Authority to carry out certain prototype projects.

Sec. 802. Streamlined applicability of cost accounting standards.

Sec. 803. Sale, exchange, and waiver authority for coal and coke.

Sec. 804. Guidance on use of task order and delivery order contracts.

Sec. 805. Clarification of definition of commercial items with respect to associated services.

Sec. 806. Use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

Sec. 807. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.

Sec. 808. Contract goal for small disadvantaged businesses and certain institutions of higher education.

Sec. 809. Required reports for certain multiyear contracts.

### **Subtitle B—Other Matters**

Sec. 811. Mentor-Protege Program improvements.

Sec. 812. Program to increase business innovation in defense acquisition programs.

- Sec. 813. Incentives to produce innovative new technologies.
- Sec. 814. Pilot program for commercial services.
- Sec. 815. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
- Sec. 816. Compliance with existing law regarding purchases of equipment and products.
- Sec. 817. Extension of test program for negotiation of comprehensive small business subcontracting plans.
- Sec. 818. Extension of interim reporting rule for certain procurements less than \$100,000.
- Sec. 819. Inspector General review of compliance with Buy American Act in purchases of strength training equipment.
- Sec. 820. Report on options for accelerated acquisition of precision munitions.
- Sec. 821. Technical amendment to prohibition on release of contractor proposals under the Freedom of Information Act.

## **Subtitle A—Amendments to General Contracting Authorities, Procedures, and Limitations**

### **SEC. 801. AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1721; 10 U.S.C. 2371 note) is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following:

Contracts.

“(c) COMPTROLLER GENERAL REVIEW.—(1) Each agreement entered into by an official referred to in subsection (a) to carry out a project under that subsection that provides for payments in a total amount in excess of \$5,000,000 shall include a clause that provides for the Comptroller General, in the discretion of the Comptroller General, to examine the records of any party to the agreement or any entity that participates in the performance of the agreement.

“(2) The requirement in paragraph (1) shall not apply with respect to a party or entity, or a subordinate element of a party or entity, that has not entered into any other agreement that provides for audit access by a Government entity in the year prior to the date of the agreement.

“(3) The head of the contracting activity that is carrying out the agreement may waive the applicability of the requirement in paragraph (1) to the agreement if the head of the contracting activity determines that it would not be in the public interest to apply the requirement to the agreement. The waiver shall be effective with respect to the agreement only if the head of the contracting activity transmits a notification of the waiver to Congress and the Comptroller General before entering into the agreement. The notification shall include the rationale for the determination.

“(4) The Comptroller General may not examine records pursuant to a clause included in an agreement under paragraph (1) more than three years after the final payment is made by the United States under the agreement.”.

**SEC. 802. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.**

(a) **APPLICABILITY.**—Paragraph (2)(B) of section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)(B)) is amended by adding at the end the following new clauses:

“(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

“(iv) A contract or subcontract with a value of less than \$7,500,000 if, at the time the contract or subcontract is entered into, the segment of the contractor or subcontractor that will perform the work has not been awarded at least one contract or subcontract with a value of more than \$7,500,000 that is covered by the cost accounting standards.”.

(b) **WAIVER.**—Section 26(f) of that Act is further amended by adding at the end the following:

“(5)(A) The head of an executive agency may waive the applicability of the cost accounting standards for a contract or subcontract with a value less than \$15,000,000 if that official determines in writing that the segment of the contractor or subcontractor that will perform the work—

“(i) is primarily engaged in the sale of commercial items; and

“(ii) would not otherwise be subject to the cost accounting standards under this section, as in effect on or after the effective date of this paragraph.

“(B) The head of an executive agency may also waive the applicability of the cost accounting standards for a contract or subcontract under exceptional circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of the cost accounting standards under this subparagraph shall be set forth in writing and shall include a statement of the circumstances justifying the waiver.

“(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

“(D) The Federal Acquisition Regulation shall include the following:

“(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

“(ii) The specific circumstances under which such a waiver may be granted.

“(E) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.”.

(c) **REGULATION ON TYPES OF CAS COVERAGE.**—(1) The Administrator for Federal Procurement Policy shall revise the rules and procedures prescribed pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) to the extent necessary to increase the thresholds established in section 9903.201-2 of title 48 of the Code of Federal Regulations from \$25,000,000 to \$50,000,000.

41 USC 422 note.

(2) Paragraph (1) requires only a change of the statement of a threshold condition in the regulation referred to by section number in that paragraph, and shall not be construed as—

(A) a ratification or expression of approval of—

(i) any aspect of the regulation; or

(ii) the manner in which section 26 of the Office of Federal Procurement Policy Act is administered through the regulation; or

(B) a requirement to apply the regulation.

41 USC 422 note.

(d) IMPLEMENTATION.—The Administrator for Federal Procurement Policy shall ensure that this section and the amendments made by this section are implemented in a manner that ensures that the Federal Government can recover costs, as appropriate, in a case in which noncompliance with cost accounting standards, or a change in the cost accounting system of a contractor segment or subcontractor segment that is not determined to be desirable by the Federal Government, results in a shift of costs from contracts that are not covered by the cost accounting standards to contracts that are covered by the cost accounting standards.

41 USC 422 note.

(e) IMPLEMENTATION OF REQUIREMENTS FOR REVISION OF REGULATIONS.—(1) Final regulations required by subsection (c) shall be issued not later than 180 days after the date of the enactment of this Act.

(2) Subsection (c) shall cease to be effective one year after the date on which final regulations issued in accordance with that subsection take effect.

(f) STUDY OF TYPES OF CAS COVERAGE.—The Administrator for Federal Procurement Policy shall review the various categories of coverage of contracts for applying cost accounting standards and, not later than the date on which the President submits to Congress the budget for fiscal year 2001 under section 1105(a) of title 31, United States Code, submit to Congress a report on the results of the review. The report shall include an analysis of the matters reviewed and any recommendations that the Administrator considers appropriate regarding such matters.

41 USC 422 note.

(g) INAPPLICABILITY OF STANDARDS TO CERTAIN CONTRACTS.—The cost accounting standards issued pursuant to section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), as amended by this section, shall not apply during fiscal year 2000 with respect to a contract entered into under the authority provided in chapter 89 of title 5, United States Code (relating to health benefits for Federal employees).

41 USC 422 note.

(h) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The amendments made by subsections (a) and (b) shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards described in section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)) to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A-21, as in effect on January 1, 1999; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

41 USC 422 note.

(i) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect 180 days after the date of enactment of this Act, and shall apply with respect to—

(1) contracts that are entered into on or after such effective date; and

(2) determinations made on or after such effective date regarding whether a segment of a contractor or subcontractor is subject to the cost accounting standards under section 26(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)), regardless of whether the contracts on which such determinations are made were entered into before, on, or after such date.

**SEC. 803. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR COAL AND COKE.**

(a) **IN GENERAL.**—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “petroleum or natural gas” and inserting “a defined fuel source”;

(B) in paragraph (1)—

(i) by striking “petroleum market conditions or natural gas market conditions, as the case may be,” and inserting “market conditions for the defined fuel source”; and

(ii) by striking “acquisition of petroleum or acquisition of natural gas, respectively,” and inserting “acquisition of that defined fuel source”; and

(C) in paragraph (2), by striking “petroleum or natural gas, as the case may be,” and inserting “that defined fuel source”;

(2) in subsection (b), by striking “petroleum or natural gas” in the second sentence and inserting “a defined fuel source”;

(3) in subsection (c), by striking “petroleum” and all that follows through the period and inserting “a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.”;

(4) in subsection (d)—

(A) by striking “petroleum or natural gas” in the first sentence and inserting “a defined fuel source”; and

(B) by striking “petroleum” in the second sentence and all that follows through the period and inserting “a defined fuel source or services related to a defined fuel source.”; and

(5) by adding at the end the following new subsection:

“(f) **DEFINED FUEL SOURCES.**—In this section, the term ‘defined fuel source’ means any of the following:

“(1) Petroleum.

“(2) Natural gas.

“(3) Coal.

“(4) Coke.”.

(b) **CLERICAL AMENDMENTS.**—(1) The heading of such section is amended to read as follows:

**“§ 2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

“2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.”.

41 USC 253h  
note.

**SEC. 804. GUIDANCE ON USE OF TASK ORDER AND DELIVERY ORDER CONTRACTS.**

(a) **GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

Regulations.

(b) **CONTENT OF GUIDANCE.**—The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) Specific guidance on the appropriate use of government-wide and other multiagency contracts entered into in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering into and administering multiple award task order and delivery order contracts to ensure compliance with—

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivered under the order.

(c) **GSA FEDERAL SUPPLY SCHEDULES PROGRAM.**—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

Federal Register,  
publication.

- (1) executive agency compliance with the regulations; and
- (2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

**SEC. 805. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.**

Section 4(12)(E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(E)) is amended to read as follows:

“(E) Installation services, maintenance services, repair services, training services, and other services if—

“(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

“(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.”.

**SEC. 806. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking “three years after the date on which such amendments take effect pursuant to section 4401(b)” and inserting “January 1, 2002”.

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by the provisions in section 4202 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

Deadline.  
10 USC 2304  
note.

**SEC. 807. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.**

Section 2410d(c) of title 10, United States Code, is repealed.

**SEC. 808. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

Subsection (k) of section 2323 of title 10, United States Code, is amended by striking “2000” both places it appears and inserting “2003”.

**SEC. 809. REQUIRED REPORTS FOR CERTAIN MULTIYEAR CONTRACTS.**

Section 2306b(l) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) The head of an agency may not enter into a multiyear contract (or extend an existing multiyear contract) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract (or contract extension) that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

“(A) The amount of total obligational authority under the contract (or contract extension) and the percentage that such amount represents of—

“(i) the applicable procurement account; and

“(ii) the agency procurement total.

“(B) The amount of total obligational authority under all multiyear procurements of the agency concerned (determined without regard to the amount of the multiyear contract (or contract extension)) under multiyear contracts in effect immediately before the contract (or contract extension) is entered into and the percentage that such amount represents of—

“(i) the applicable procurement account; and

“(ii) the agency procurement total.

“(C) The amount equal to the sum of the amounts under subparagraphs (A) and (B), and the percentage that such amount represents of—

“(i) the applicable procurement account; and

“(ii) the agency procurement total.

“(D) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract (or contract extension)), including any multiyear contract (or contract extension) that has been authorized by the Congress but not yet entered into, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.”; and

(3) by adding at the end the following new paragraph:

“(9) In this subsection:

“(A) The term ‘applicable procurement account’ means, with respect to a multiyear procurement contract (or contract extension), the appropriation account from which payments to execute the contract will be made.

“(B) The term ‘agency procurement total’ means the procurement accounts of the agency entering into a multiyear procurement contract (or contract extension) treated in the aggregate.”.

## Subtitle B—Other Matters

### SEC. 811. MENTOR-PROTEGE PROGRAM IMPROVEMENTS.

(a) PROGRAM PARTICIPATION TERM.—Subsection (e)(2) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended to read as follows:



“(2) A program participation term for any period of not more than three years, except that the term may be a period of up to five years if the Secretary of Defense determines in writing that unusual circumstances justify a program participation term in excess of three years.”.

(b) INCENTIVES AUTHORIZED FOR MENTOR FIRMS.—Subsection (g) of such section is amended—

(1) in paragraph (1), by striking “shall” and inserting “may”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking “shall” and inserting “may”;

(ii) by striking “subsection (f)” and all that follows through “(i) as a line item” and inserting “subsection (f) as provided for in a line item”;

(iii) by striking the semicolon preceding clause (ii) and inserting “, except that this sentence does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.”; and

(iv) by striking clauses (ii), (iii), and (iv); and

(B) by striking subparagraph (B) and inserting the following:

“(B) The determinations made in annual performance reviews of a mentor firm’s mentor-protege agreement under subsection (1)(2) shall be a major factor in the determinations of amounts of reimbursement, if any, that the mentor firm is eligible to receive in the remaining years of the program participation term under the agreement.

“(C) The total amount reimbursed under this paragraph to a mentor firm for costs of assistance furnished in a fiscal year to a protege firm may not exceed \$1,000,000, except in a case in which the Secretary of Defense determines in writing that unusual circumstances justify a reimbursement of a higher amount.”; and

(3) in paragraph (3)(A), by striking “either subparagraph (A) or (C) of paragraph (2) or are reimbursed pursuant to subparagraph (B) of such paragraph” and inserting “paragraph (2)”.

(c) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (j) of such section is amended to read as follows:

“(j) EXPIRATION OF AUTHORITY.—(1) No mentor-protege agreement may be entered into under subsection (e) after September 30, 2002.

“(2) No reimbursement may be paid, and no credit toward the attainment of a subcontracting goal may be granted, under subsection (g) for any cost incurred after September 30, 2005.”.

(d) REPORTS AND REVIEWS.—(1) Subsection (l) of such section is amended to read as follows:

“(l) REPORTS AND REVIEWS.—(1) The mentor firm and protege firm under a mentor-protege agreement shall submit to the Secretary of Defense an annual report on the progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the fiscal year covered by the report. The requirement for submission of an annual report applies with respect to each fiscal year covered by the program participation term under the agreement and each of the two fiscal years following

the expiration of the program participation term. The Secretary shall prescribe the timing and form of the annual report.

“(2)(A) The Secretary shall conduct an annual performance review of each mentor-protege agreement that provides for reimbursement of costs. The Secretary shall determine on the basis of the review whether—

“(i) all costs reimbursed to the mentor firm under the agreement were reasonably incurred to furnish assistance to the protege firm in accordance with the requirements of this section and applicable regulations; and

“(ii) the mentor firm and protege firm accurately reported progress made by the protege firm in employment, revenues, and participation in Department of Defense contracts during the program participation term covered by the mentor-protege agreement and the two fiscal years following the expiration of the program participation term.

“(B) The Secretary shall act through the Commander of the Defense Contract Management Command in carrying out the reviews and making the determinations under subparagraph (A).

“(3) Not later than 6 months after the end of each of fiscal years 2000 through 2004, the Secretary of Defense shall submit to Congress an annual report on the Mentor-Protege Program for that fiscal year.

“(4) The annual report for a fiscal year shall include, at a minimum, the following:

“(A) The number of mentor-protege agreements that were entered into during the fiscal year.

“(B) The number of mentor-protege agreements that were in effect during the fiscal year.

“(C) The total amount reimbursed to mentor firms pursuant to subsection (g) during the fiscal year.

“(D) Each mentor-protege agreement, if any, that was approved during the fiscal year in accordance with subsection (e)(2) to provide a program participation term in excess of 3 years, together with the justification for the approval.

“(E) Each reimbursement of a mentor firm in excess of the limitation in subsection (g)(2)(C) that was made during the fiscal year pursuant to an approval granted in accordance with that subsection, together with the justification for the approval.

“(F) Trends in the progress made in employment, revenues, and participation in Department of Defense contracts by the protege firms participating in the program during the fiscal year and the protege firms that completed or otherwise terminated participation in the program during the preceding two fiscal years.”.

10 USC 2302  
note.

(2)(A) The Secretary of Defense shall conduct a review of the Mentor-Protege Program established in section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) to assess the feasibility of transitioning such program to operation without a specific appropriation or authority to provide reimbursement to a mentor firm as provided in subsection (g) of such section (as amended by subsection (b)).

(B) In conducting the review under subparagraph (A), the Secretary shall assess possible additional incentives that may be extended to mentor firms to ensure adequate support and participation in the Mentor-Protege Program, including increasing the level

of credit in lieu of subcontract awards presently extended to mentor firms for purposes of determining whether mentor firms attain subcontracting participation goals applicable under Department of Defense contracts.

(C) Not later than September 30, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(i) a report on the results of the review conducted under this paragraph; and

(ii) any recommendations of the Secretary for legislative action.

(3)(A) The Comptroller General shall conduct a study on the implementation of the Mentor-Protege Program established in section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) and the extent to which the program is achieving the purposes established in that section in a cost-effective manner.

(B) The study shall include the following:

(i) A review of the manner in which funds for the Mentor-Protege Program have been obligated.

(ii) An identification and assessment of the average amount spent by the Department of Defense on individual mentor-protege agreements, and the correlation between levels of funding and business development of protege firms.

(iii) An evaluation of the effectiveness of the incentives provided to mentor firms to participate in the Mentor-Protege Program and whether reimbursements remain a cost-effective and viable incentive.

(iv) An assessment of the success of the Mentor-Protege Program in enhancing the business competitiveness and financial independence of protege firms.

(v) A review of the relationship between the results of the Mentor-Protege Program and the objectives established in section 2323 of title 10, United States Code.

(C) Not later than January 1, 2002, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of the study.

(e) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDING.—Subsection (n) of section 831 of such Act is repealed.

(f) EFFECTIVE DATE AND SAVINGS PROVISION.—(1) The amendments made by this section shall take effect on October 1, 1999, and shall apply with respect to mentor-protege agreements that are entered into under section 831(e) of the National Defense Authorization Act for Fiscal Year 1991 on or after that date.

(2) Section 831 of the National Defense Authorization Act for Fiscal Year 1991, as in effect on September 30, 1999, shall continue to apply with respect to mentor-protege agreements entered into before October 1, 1999.

**SEC. 812. PROGRAM TO INCREASE BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS.**

(a) REQUIREMENT TO DEVELOP PLAN.—Not later than March 1, 2000, the Secretary of Defense shall publish in the Federal Register for public comment a plan to provide for increased innovative technology for acquisition programs of the Department of Defense from commercial private sector entities, including small-business concerns.

10 USC 2302  
note.

(b) IMPLEMENTATION OF PLAN.—Not later than March 1, 2001, the Secretary of Defense shall implement the plan required by subsection (a), subject to any modifications the Secretary may choose to make in response to comments received.

10 USC 2302  
note.

(c) ELEMENTS OF PLAN.—The plan required by subsection (a) shall include, at a minimum, the following elements:

(1) Procedures through which commercial private sector entities, including small-business concerns, may submit proposals recommending cost-saving and innovative ideas to acquisition program managers.

(2) A review process designed to make recommendations on the merit and viability of the proposals submitted under paragraph (1) at appropriate times during the acquisition cycle.

(3) Measures to limit potential disruptions to existing contracts and programs from proposals accepted and incorporated into acquisition programs of the Department of Defense.

(4) Measures to ensure that research and development efforts of small-business concerns are considered as early as possible in a program's acquisition planning process to accommodate potential technology insertion without disruption to existing contracts and programs.

(d) REQUIREMENT FOR REPORT.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the Small Business Innovation Research program rapid transition plan required by section 818 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2089). The report shall include the following:

(1) The status of the implementation of each of the provisions of the plan.

(2) For any provision of the plan that has not been fully implemented as of the date of the report—

(A) the reasons that the provision has not been fully implemented; and

(B) a schedule, including specific milestones, for the implementation of the provision.

10 USC 2302  
note.

(e) SMALL-BUSINESS CONCERN DEFINED.—In this section, the term “small-business concern” has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

#### SEC. 813. INCENTIVES TO PRODUCE INNOVATIVE NEW TECHNOLOGIES.

(a) REVIEW OF GUIDELINES.—The Secretary of Defense shall review the profit guidelines established in the Department of Defense Supplement to the Federal Acquisition Regulation to consider whether appropriate modifications, such as placing increased emphasis on technical risk as a factor for determining appropriate profit margins, would provide an increased profit incentive for contractors to develop and produce complex and innovative new technologies.

Deadline.

(b) CHANGES TO GUIDELINES; REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—

(1) make any changes to the profit guidelines that the Secretary determines to be necessary; and

(2) report to Congress on the results of the review conducted under subsection (a) and on any changes to the profit guidelines

that the Secretary determines to be necessary pursuant to paragraph (1).

**SEC. 814. PILOT PROGRAM FOR COMMERCIAL SERVICES.**

10 USC 2461  
note.

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a pilot program to treat procurements of commercial services as procurements of commercial items.

(b) **DESIGNATION OF PILOT PROGRAM CATEGORIES.**—The Secretary of Defense may designate the following categories of services as commercial services covered by the pilot program:

- (1) Utilities and housekeeping services.
- (2) Education and training services.
- (3) Medical services.

(c) **TREATMENT AS COMMERCIAL ITEMS.**—A Department of Defense contract for the procurement of commercial services designated by the Secretary for the pilot program shall be treated as a contract for the procurement of commercial items, as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)), if the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.

(d) **GUIDANCE.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue guidance to procurement officials on contracting for commercial services under the pilot program. The guidance shall place particular emphasis on ensuring that negotiated prices for designated services, including prices negotiated without competition, are fair and reasonable.

Deadline.

(e) **UNIFIED MANAGEMENT OF PROCUREMENTS.**—The Secretary of Defense shall develop and implement procedures to ensure that, whenever appropriate, a single item manager or contracting officer is responsible for entering into all contracts from a single contractor for commercial services under the pilot program.

(f) **DURATION OF PILOT PROGRAM.**—(1) The pilot program shall begin on the date that the Secretary issues the guidance required by subsection (d) and may continue for a period, not in excess of five years, that the Secretary shall establish.

(2) The pilot program shall cover Department of Defense contracts for the procurement of commercial services designated by the Secretary under subsection (b) that are awarded or modified during the period of the pilot program, regardless of whether the contracts are performed during the period.

(g) **REPORT TO CONGRESS.**—(1) The Secretary shall submit to Congress a report on the impact of the pilot program on—

- (A) prices paid by the Federal Government under contracts for commercial services covered by the pilot program;
- (B) the quality and timeliness of the services provided under such contracts; and
- (C) the extent of competition for such contracts.

(2) The Secretary shall submit the report—

- (A) not later than 90 days after the end of the third full fiscal year for which the pilot program is in effect; or
- (B) if the period established for the pilot program under subsection (f)(1) does not cover three full fiscal years, not later than 90 days after the end of the designated period.

Deadline.

(h) **PRICE TREND ANALYSIS.**—The Secretary of Defense shall apply the procedures developed pursuant to section 803(c) of the Strom Thurmond National Defense Authorization Act for Fiscal

Year 1999 (Public Law 105-261; 112 Stat. 2081; 10 U.S.C. 2306a note) to collect and analyze information on price trends for all services covered by the pilot program and for the services in such categories of services not covered by the pilot program to which the Secretary considers it appropriate to apply those procedures.

**SEC. 815. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.**

10 USC 2473  
note.

(a) M-2 AND M-60 MACHINE GUNS.—In fulfilling the requirement under subsection (e) of section 809 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2086; 10 U.S.C. 2473 note), if the Secretary of the Army determines that it is necessary to protect the small arms production industrial base, the Secretary shall exercise the authority under subsection (f) of such section with regard to M-2 and M-60 machine guns.

(b) COVERED PROPERTY AND SERVICES.—Section 2473(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “Repair” and inserting “Critical repair”;

(B) by striking “including repair parts”; and

(C) by inserting “only” after “consisting”; and

(2) in paragraph (2), by adding “such” after “Modifications of”.

**SEC. 816. COMPLIANCE WITH EXISTING LAW REGARDING PURCHASES OF EQUIPMENT AND PRODUCTS.**

(a) SENSE OF CONGRESS REGARDING PURCHASE BY THE DEPARTMENT OF DEFENSE OF EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should fully comply with the Buy American Act (41 U.S.C. 10a et seq.) and section 2533 of title 10, United States Code.

10 USC 2410f  
note.

(b) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

**SEC. 817. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.**

Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 15 U.S.C. 637 note) is amended by striking “September 30, 2000” and inserting “September 30, 2005”.

**SEC. 818. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN \$100,000.**

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking “October 1, 1999” and inserting “October 1, 2004”.

**SEC. 819. INSPECTOR GENERAL REVIEW OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF STRENGTH TRAINING EQUIPMENT.**

(a) **REVIEW REQUIRED.**—The Inspector General of the Department of Defense shall conduct a review to determine the extent to which the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **PURCHASES COVERED.**—The review shall cover purchases, made during the review period, of free weights and other exercise equipment for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions). For purposes of the preceding sentence, the review period is the period beginning on April 1, 1998, and ending on March 31, 2000. Purchases not in excess of the micro-purchase threshold shall be excluded from the review.

(c) **REPORT.**—Not later than December 31, 2000, the Secretary of Defense shall submit to Congress a report on the results of the review. Deadline.

(d) **DEFINITIONS.**—In this section:

(1) The term “free weights” means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

(2) The term “micro-purchase threshold” means the amount specified in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f)).

**SEC. 820. REPORT ON OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.**

(a) **FINDINGS.**—Congress finds the following:

(1) Current Department of Defense inventories of many types of precision munitions do not meet the requirements for such munitions under the National Military Strategy that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars, and with respect to some types of precision munitions, those requirements will not be met even after planned acquisitions are complete.

(2) Production lines for certain types of critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles during Operation Allied Force (conducted against the Federal Republic of Yugoslavia in the spring of 1999) and the necessity to replenish inventories of land-attack Tomahawk cruise missiles following that operation indicate the critical need to maintain sufficient inventories of precision munitions.

(b) **REPORT.**—Not later than February 15, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for precision munitions under the National Military Strategy that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars. The report shall include the following: Deadline.

(1) The effect of recent conflicts on the shift to precision munitions of targets previously allocated to nonprecision munitions in the inventory requirements process.

(2) The required inventories of precision munitions, by type, including existing or planned munitions or such munitions with appropriate upgrades, to meet the requirement that the Department of Defense have the capability to conduct two nearly simultaneous Major Theater Wars.

(3) Current inventories of those precision munitions.

(4) The year when required inventories for each of those types of precision munitions will be achieved within the acquisition plans set forth in the budget of the President for fiscal year 2001.

(5) The year those inventories would be achieved within existing or planned production capacity if produced at—

(A) the minimum sustained production rate;

(B) the most economic production rate; and

(C) the maximum production rate.

(6) The required level of funding to support production for each of those types of munitions at each of the production rates specified in paragraph (5), compared to the funding programmed for each type of munition in the future-years defense program using the acquisition plans specified in paragraph (4).

(7) With respect to each existing or planned munitions for which the inventory is not expected to meet the two Major Theater War requirement by October 1, 2005, the Secretary's assessment of the risk associated with not having met such requirement by that date.

**SEC. 821. TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.**

Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking “the Department of Defense” and inserting “an agency named in section 2303 of this title”.

## **TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

### **Subtitle A—Department of Defense Strategic Planning**

Sec. 901. Permanent requirement for Quadrennial Defense Review.

Sec. 902. Minimum interval for updating and revising Department of Defense strategic plan.

### **Subtitle B—Department of Defense Organization**

Sec. 911. Responsibility for logistics and sustainment functions of the Department of Defense.

Sec. 912. Enhancement of technology security program of Department of Defense.

Sec. 913. Efficient utilization of defense laboratories.

Sec. 914. Center for the Study of Chinese Military Affairs.

Sec. 915. Authority for acceptance by Asia-Pacific Center for Security Studies of foreign gifts and donations.

### **Subtitle C—Personnel Management**

Sec. 921. Revisions to limitations on number of personnel assigned to major Department of Defense headquarters activities.

Sec. 922. Defense acquisition workforce reductions.

Sec. 923. Monitoring and reporting requirements regarding operations tempo and personnel tempo.

Sec. 924. Administration of defense reform initiative enterprise program for military manpower and personnel information.

Sec. 925. Payment of tuition for education and training of members in defense acquisition workforce.



**Subtitle D—Other Matters**

- Sec. 931. Additional matters for annual reports on joint warfighting experimentation.
- Sec. 932. Oversight of Department of Defense activities to combat terrorism.
- Sec. 933. Responsibilities and accountability for certain financial management functions.
- Sec. 934. Management of Civil Air Patrol.

**Subtitle A—Department of Defense  
Strategic Planning****SEC. 901. PERMANENT REQUIREMENT FOR QUADRENNIAL DEFENSE REVIEW.**

(a) REVIEW REQUIRED.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 117 the following new section:

**“§ 118. Quadrennial defense review**

“(a) REVIEW REQUIRED.—The Secretary of Defense shall every four years, during a year following a year evenly divisible by four, conduct a comprehensive examination (to be known as a ‘quadrennial defense review’) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United States and establishing a defense program for the next 20 years. Each such quadrennial defense review shall be conducted in consultation with the Chairman of the Joint Chiefs of Staff.

“(b) CONDUCT OF REVIEW.—Each quadrennial defense review shall be conducted so as—

“(1) to delineate a national defense strategy consistent with the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

“(2) to define sufficient force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with that national defense strategy that would be required to execute successfully the full range of missions called for in that national defense strategy; and

“(3) to identify (A) the budget plan that would be required to provide sufficient resources to execute successfully the full range of missions called for in that national defense strategy at a low-to-moderate level of risk, and (B) any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

“(c) ASSESSMENT OF RISK.—The assessment of risk for the purposes of subsection (b) shall be undertaken by the Secretary of Defense in consultation with the Chairman of the Joint Chiefs of Staff. That assessment shall define the nature and magnitude of the political, strategic, and military risks associated with executing the missions called for under the national defense strategy.

“(d) SUBMISSION OF QDR TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit a report on each quadrennial defense review to the Committees on Armed Services of the Senate and

Deadline.

the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted. The report shall include the following:

“(1) The results of the review, including a comprehensive discussion of the national defense strategy of the United States and the force structure best suited to implement that strategy at a low-to-moderate level of risk.

“(2) The assumed or defined national security interests of the United States that inform the national defense strategy defined in the review.

“(3) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

“(4) The assumptions used in the review, including assumptions relating to—

“(A) the status of readiness of United States forces;

“(B) the cooperation of allies, mission-sharing and additional benefits to and burdens on United States forces resulting from coalition operations;

“(C) warning times;

“(D) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies; and

“(E) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies.

“(5) The effect on the force structure and on readiness for high-intensity combat of preparations for and participation in operations other than war and smaller-scale contingencies.

“(6) The manpower and sustainment policies required under the national defense strategy to support engagement in conflicts lasting longer than 120 days.

“(7) The anticipated roles and missions of the reserve components in the national defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge those roles and missions.

“(8) The appropriate ratio of combat forces to support forces (commonly referred to as the ‘tooth-to-tail’ ratio) under the national defense strategy, including, in particular, the appropriate number and size of headquarters units and Defense Agencies for that purpose.

“(9) The strategic and tactical air-lift, sea-lift, and ground transportation capabilities required to support the national defense strategy.

“(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the national defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

“(11) The extent to which resources must be shifted among two or more theaters under the national defense strategy in the event of conflict in such theaters.

“(12) The advisability of revisions to the Unified Command Plan as a result of the national defense strategy.

“(13) The effect on force structure of the use by the armed forces of technologies anticipated to be available for the ensuing 20 years.

“(14) Any other matter the Secretary considers appropriate.

“(e) CJCS REVIEW.—Upon the completion of each review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman’s assessment of the review, including the Chairman’s assessment of risk. The Chairman’s assessment shall be submitted to the Secretary in time for the inclusion of the assessment in the report. The Secretary shall include the Chairman’s assessment, together with the Secretary’s comments, in the report in its entirety.”

(2) The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 117 the following new item:

“118. Quadrennial defense review.”

(b) DATE FOR SUBMISSION OF NATIONAL SECURITY STRATEGY.—Section 108(a) of the National Security Act of 1947 (50 U.S.C. 404a(a)) is amended by adding at the end the following new paragraph:

“(3) Not later than 150 days after the date on which a new President takes office, the President shall transmit to Congress a national security strategy report under this section. That report shall be in addition to the report for that year transmitted at the time specified in paragraph (2).”

Deadline.

(c) SPECIFIED MATTER FOR NEXT QDR.—In the first quadrennial defense review conducted under section 118 of title 10, United States Code, as added by subsection (a), the Secretary shall include in the technologies considered for the purposes of paragraph (13) of subsection (d) of that section the following: precision guided munitions, stealth, night vision, digitization, and communications.

10 USC 118 note.

#### **SEC. 902. MINIMUM INTERVAL FOR UPDATING AND REVISING DEPARTMENT OF DEFENSE STRATEGIC PLAN.**

Section 306(b) of title 5, United States Code, is amended by striking “, and shall be updated and revised at least every three years.” and inserting a period and the following: “The strategic plan shall be updated and revised at least every three years, except that the strategic plan for the Department of Defense shall be updated and revised at least every four years.”

## **Subtitle B—Department of Defense Organization**

#### **SEC. 911. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.**

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

10 USC 133 note.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking “Under Secretary of Defense for Acquisition and Technology” and

inserting “Under Secretary of Defense for Acquisition, Technology, and Logistics”; and

(B) in subsection (b)—

(i) by striking “logistics,” in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

“(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;”.

(b) NEW DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

**“§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness**

“(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

“(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

“(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology, and Logistics may assign, including—

“(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

“(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition, Technology, and Logistics providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

“(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.”.

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

“Deputy Under Secretary of Defense for Logistics and Materiel Readiness.”.

(c) REVISIONS TO LAW PROVIDING FOR DEPUTY UNDER SECRETARY FOR ACQUISITION AND TECHNOLOGY.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking “his duties” in the first sentence and inserting “the Under Secretary’s duties relating to acquisition and technology”; and

(2) by striking the second sentence.

(d) CONFORMING AMENDMENTS TO CHAPTER 4.—Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking “Under Secretary of Defense for Acquisition and Technology” each place it appears and inserting “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

(2) The heading of section 133 is amended to read as follows:

**“§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics”.**

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

“133. Under Secretary of Defense for Acquisition, Technology, and Logistics.”;

and

(B) by inserting after the item relating to section 133a the following new item:

“133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.”.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5313 of title 5, United States Code, is amended by striking “Under Secretary of Defense for Acquisition and Technology” and inserting “Under Secretary of Defense for Acquisition, Technology, and Logistics”.

**SEC. 912. ENHANCEMENT OF TECHNOLOGY SECURITY PROGRAM OF DEPARTMENT OF DEFENSE.**

(a) SPECIFICATION OF TECHNOLOGY SECURITY DIRECTORATE.—For purposes of this section, a reference to the Technology Security Directorate is a reference to the element within the Defense Threat Reduction Agency of the Department of Defense having responsibility for technology security matters (known as of the date of the enactment of this Act as the Technology Security Directorate).

(b) FUNCTIONS.—The head of the Technology Security Directorate shall have authority to advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including issues relating to the following:

- (1) Strategic trade.
- (2) Defense cooperative programs.
- (3) Science and technology agreements and exchanges.
- (4) Export of munitions items.
- (5) International memorandums of understanding.
- (6) Foreign acquisitions.

(c) RESOURCES FOR TECHNOLOGY SECURITY DIRECTORATE.—The Secretary of Defense shall ensure that the head of the Technology Security Directorate has appropriate personnel and fiscal resources available, and receives all necessary support, to carry out the missions of the Directorate efficiently and effectively.

(d) APPROVAL AUTHORITY OF UNDER SECRETARY FOR POLICY.—Staff and resources of the Technology Security Directorate may not be used to fulfill any requirement or activity of the Defense Threat Reduction Agency that does not directly relate to the technology security and export control missions of the Technology Security Directorate except with the prior approval of the Under Secretary of Defense for Policy.

Deadline.

(e) REPORT ON EXPORT CONTROL RESOURCES.—Not later than March 1, 2000, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the personnel and budget resources of the Technology Security Directorate as of October 1, 1998, and as of September 30, 1999, as well as any planned increases in those resources for fiscal years 2000 and 2001. The report shall include the following:

(1) Numbers of personnel, measured in full-time equivalents.

(2) Number of license applications reviewed.

(3) The budget of the Technology Security Directorate.

(4) The number of personnel during the preceding fiscal year assigned to the Technology Security Directorate who were assigned during that year to assist in activities of the Defense Threat Reduction Agency unrelated to technology security or export control issues, together with an explanation of the effect of any such assignment on the Directorate's ability to fulfill its mission.

#### SEC. 913. EFFICIENT UTILIZATION OF DEFENSE LABORATORIES.

Deadlines.

(a) ANALYSIS BY INDEPENDENT PANEL.—(1) Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall convene a panel of independent experts under the auspices of the Defense Science Board to conduct an analysis of the resources and capabilities of all of the laboratories and test and evaluation facilities of the Department of Defense, including those of the military departments. In conducting the analysis, the panel shall identify opportunities to achieve efficiency and reduce duplication of efforts by consolidating responsibilities by area or function or by designating lead agencies or executive agents in cases considered appropriate. The panel shall report its findings to the Secretary of Defense and to Congress not later than August 1, 2000.

(2) The analysis required by paragraph (1) shall, at a minimum, address the capabilities of the laboratories and test and evaluation facilities in the areas of air vehicles, armaments, command, control, communications, and intelligence, space, directed energy, electronic warfare, medicine, corporate laboratories, civil engineering, geophysics, and the environment.

Deadline.  
10 USC 2364  
note.

(b) PERFORMANCE REVIEW PROCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop an appropriate performance review process for rating the quality and relevance of work performed by the Department of Defense laboratories. The process shall include customer evaluation and peer review by Department of Defense personnel and appropriate experts from outside the Department of Defense. The process shall provide for rating all laboratories of the Army, Navy, and Air Force on a consistent basis.

**SEC. 914. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.** 10 USC 2165 note.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs as part of the National Defense University. The Center shall be organized under the Institute for National Strategic Studies of the University.

(b) **QUALIFICATIONS OF DIRECTOR.**—The Director of the Center shall be an individual who is a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

(c) **MISSION.**—The mission of the Center is to study and inform policymakers in the Department of Defense, Congress, and throughout the Government regarding the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives. The Center shall accomplish that mission by a variety of means intended to widely disseminate the research findings of the Center.

(d) **STARTUP OF CENTER.**—The Secretary of Defense shall establish the Center for the Study of Chinese Military Affairs not later than March 1, 2000. The first Director of the Center shall be appointed not later than June 1, 2000. The Center should be fully operational not later than June 1, 2001. Deadlines.

(e) **IMPLEMENTATION REPORT.**—(1) Not later than January 1, 2001, the President of the National Defense University shall submit to the Secretary of Defense a report setting forth the President's organizational plan for the Center for the Study of Chinese Military Affairs, the proposed budget for the Center, and the timetable for initial and full operations of the Center. The President of the National Defense University shall prepare that report in consultation with the Director of the Center and the Director of the Institute for National Strategic Studies of the University. Deadlines.

(2) The Secretary of Defense shall transmit the report under paragraph (1), together with whatever comments the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than February 1, 2001.

**SEC. 915. AUTHORITY FOR ACCEPTANCE BY ASIA-PACIFIC CENTER FOR SECURITY STUDIES OF FOREIGN GIFTS AND DONATIONS.**

(a) **IN GENERAL.**—Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2611. Asia-Pacific Center for Security Studies: acceptance of foreign gifts and donations**

“(a) **AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.**—(1) Subject to subsection (b), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

“(2) In this section, the term ‘Asia-Pacific Center’ means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

“(b) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if the acceptance of the gift or donation would compromise or appear to compromise—

“(1) the ability of the Department of Defense, any employee of the Department, or members of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

“(2) the integrity of any program of the Department of Defense or of any person involved in such a program.

“(c) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in subsection (b).

“(d) CREDITING OF FUNDS.—Funds accepted by the Secretary under subsection (a) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

“(e) NOTICE TO CONGRESS.—If the total amount of funds accepted under subsection (a) in any fiscal year exceeds \$2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

“(f) FOREIGN GIFT OR DONATION DEFINED.—For purposes of this section, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2611. Asia-Pacific Center for Security Studies: acceptance of foreign gifts and donations.”.

## Subtitle C—Personnel Management

### SEC. 921. REVISIONS TO LIMITATIONS ON NUMBER OF PERSONNEL ASSIGNED TO MAJOR DEPARTMENT OF DEFENSE HEADQUARTERS ACTIVITIES.

(a) REVISED LIMITATION.—(1) Section 130a of title 10, United States Code, is amended to read as follows:

#### “§ 130a. Major Department of Defense headquarters activities personnel: limitation

Deadline.

“(a) LIMITATION.—Effective October 1, 2002, the number of major headquarters activities personnel in the Department of Defense may not exceed 85 percent of the baseline number.

“(b) PHASED REDUCTION.—The number of major headquarters activities personnel in the Department of Defense—

“(1) as of October 1, 2000, may not exceed 95 percent of the baseline number; and

“(2) as of October 1, 2001, may not exceed 90 percent of the baseline number.



“(c) BASELINE NUMBER.—In this section, the term ‘baseline number’ means the number of major headquarters activities personnel in the Department of Defense as of October 1, 1999.

“(d) MAJOR HEADQUARTERS ACTIVITIES.—(1) For purposes of this section, major headquarters activities are those headquarters (and the direct support integral to their operation) the primary mission of which is to manage or command the programs and operations of the Department of Defense, the Department of Defense components, and their major military units, organizations, or agencies. Such term includes management headquarters, combatant headquarters, and direct support.

“(2) The specific elements of the Department of Defense that are major headquarters activities for the purposes of this section are those elements identified as Major DoD Headquarters Activities in accordance with Department of Defense Directive 5100.73, entitled ‘Major Department of Defense Headquarters Activities’, issued on May 13, 1999. The provisions of that directive applicable to identification of any activity as a ‘Major DoD Headquarters Activity’ may not be changed except as provided by law.

“(e) MAJOR HEADQUARTERS ACTIVITIES PERSONNEL.—In this section, the term ‘major headquarters activities personnel’ means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in major headquarters activities.

“(f) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, major headquarters activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.”.

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

“130a. Major Department of Defense headquarters activities personnel: limitation.”.

(b) REPORT.—Not later than October 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing—

Deadline.

(1) the Secretary’s assessment of the manner in which major headquarters activities are specified in subsection (d) of section 130a of title 10, United States Code, as amended by subsection (a);

(2) the baseline number in effect for purposes of that section; and

(3) the effect (if any) of the reductions required by that section on the Department’s various headquarters activities.

(c) TECHNICAL AMENDMENTS TO UPDATE LIMITATION ON OSD PERSONNEL.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended—

Effective date.

(1) in subsection (a)—

(A) by striking “Effective October 1, 1999, the” and inserting “The”; and

(B) by striking “75 percent of the baseline number” and inserting “3,767”.

(2) by striking subsections (b), (c), and (f); and

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

**SEC. 922. DEFENSE ACQUISITION WORKFORCE REDUCTIONS.**

(a) **REDUCTION.**—The Secretary of Defense shall implement reductions during fiscal year 2000 in the defense acquisition and support workforce in a number not less than the number by which that workforce is programmed to be reduced during that fiscal year in the President's budget for that fiscal year.

(b) **ADMINISTRATIVE FLEXIBILITY.**—If the Secretary determines and certifies to Congress that changed circumstances require, in the national security interest of the United States, that the reduction under subsection (a) be in a number less than the number applicable under that subsection, the Secretary may specify a lower number for that reduction, which may not be less than 10 percent less than the number applicable under subsection (a).

Deadline.

(c) **REPORT.**—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the defense acquisition and support workforce. The Secretary shall include in that report—

(1) the total number of personnel the Secretary expects to reduce from the defense acquisition and support workforce during fiscal year 2000 pursuant to subsection (a); and

(2) the total number by which that workforce is programmed to be reduced for fiscal year 2001 in the President's budget for that fiscal year.

(d) **DEFENSE ACQUISITION WORKFORCE DEFINED.**—For purposes of this section, the term “defense acquisition and support workforce” has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2106).

**SEC. 923. MONITORING AND REPORTING REQUIREMENTS REGARDING OPERATIONS TEMPO AND PERSONNEL TEMPO.**

(a) **RESPONSIBILITY OVER MONITORING AND STANDARDS.**—Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.”

(b) **ANNUAL REPORTING REQUIREMENTS.**—(1) Chapter 23 of such title is amended by adding after section 486, as added by section 241(a), the following new section:

**“§ 487. Unit operations tempo and personnel tempo: annual report**

“(a) **INCLUSION IN ANNUAL REPORT.**—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

“(b) **SPECIFIC REQUIREMENTS.**—(1) Until such time as the Secretary of Defense develops a common method to measure operations

tempo and personnel tempo for the armed forces, the description required under subsection (a) shall include the methods by which each of the armed forces measures operations tempo and personnel tempo.

“(2) The description shall include the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

“(3) The description shall include a table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

“(4) The description shall identify the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

“(5) For each of the armed forces, the description shall indicate the average number of days a member of that armed force was deployed away from the member’s home station during the period covered by the report as compared to recent previous years for which such information is available.

“(6) For each of the armed forces, the description shall indicate the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

“(c) OPERATIONS TEMPO AND PERSONNEL TEMPO DEFINED.—Until such time as the Secretary of Defense establishes definitions of operations tempo and personnel tempo applicable to all of the armed forces, the following definitions shall apply for purposes of the preparation of the description required under subsection (a):

“(1) The term ‘operations tempo’ means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

“(2) The term ‘personnel tempo’ means the amount of time members of the armed forces are engaged in their official duties, including official duties at a location or under circumstances that make it infeasible for a member to spend off-duty time in the housing in which the member resides when on garrison duty at the member’s permanent duty station.

“(d) OTHER DEFINITIONS.—In this section, the term ‘armed forces’ does not include the Coast Guard when it is not operating as a service in the Department of the Navy.”

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 486, as added by section 241(a), the following new item:

“487. Unit operations tempo and personnel tempo: annual report.”.

10 USC 113 note. **SEC. 924. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.**

(a) EXECUTIVE AGENT.—The Secretary of Defense may designate the Secretary of the Navy as the Department of Defense executive agent for carrying out the pilot program described in subsection (c).

(b) IMPLEMENTING OFFICE.—If the Secretary of Defense makes the designation referred to in subsection (a), the Secretary of the Navy, in carrying out that pilot program, shall act through the head of the Systems Executive Office for Manpower and Personnel of the Department of the Navy, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense.

(c) PILOT PROGRAM.—The pilot program referred to in subsection (a) is the defense reform initiative enterprise pilot program for military manpower and personnel information established pursuant to section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

**SEC. 925. PAYMENT OF TUITION FOR EDUCATION AND TRAINING OF MEMBERS IN DEFENSE ACQUISITION WORKFORCE.**

(a) AUTHORITY TO EXCEED 75 PERCENT LIMITATION.—Subsection (a) of section 1745 of title 10, United States Code, is amended to read as follows:

“(a) TUITION REIMBURSEMENT AND TRAINING.—(1) The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) for acquisition personnel in the Department of Defense.

“(2) For civilian personnel, the reimbursement and training shall be provided under section 4107(b) of title 5 for the purposes described in that section. For purposes of such section 4107(b), there is deemed to be, until September 30, 2001, a shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

“(3) In the case of members of the armed forces, the limitation in section 2007(a) of this title shall not apply to tuition reimbursement and training provided for under this subsection.”.

10 USC 1745  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to charges for tuition or expenses incurred after the date of the enactment of this Act.

## Subtitle D—Other Matters

**SEC. 931. ADDITIONAL MATTERS FOR ANNUAL REPORTS ON JOINT WARFIGHTING EXPERIMENTATION.**

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) With respect to improving the effectiveness of joint warfighting, any recommendations that the commander considers appropriate, based on the results of joint warfighting experimentation, regarding—

“(A) the development, procurement, or fielding of advanced technologies, systems, or weapons or systems

platforms or other changes in doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources;

“(B) the reduction or elimination of redundant equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts;

“(C) recommendations for mission needs statements, operational requirements, and relative priorities for acquisition programs to meet joint requirements; and

“(D) a description of any actions taken by the Secretary of Defense to implement the recommendations of the commander.”.

**SEC. 932. OVERSIGHT OF DEPARTMENT OF DEFENSE ACTIVITIES TO COMBAT TERRORISM.**

(a) **REPORT REQUIREMENT.**—Not later than December 31, 1999, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified form, identifying all programs and activities of the Department of Defense combating terrorism program. The report shall include—

Deadline.

(1) the definitions used by the Department of Defense for all terms relating to combating terrorism, including “counterterrorism”, “anti-terrorism”, and “consequence management”; and

(2) the various initiatives and projects being conducted by the Department that fall under each of the categories referred to in paragraph (1).

(b) **ANNUAL BUDGET INFORMATION.**—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 229. Programs for combating terrorism: display of budget information**

“(a) **SUBMISSION WITH ANNUAL BUDGET JUSTIFICATION DOCUMENTS.**—The Secretary of Defense shall submit to Congress, as a part of the documentation that supports the President’s annual budget for the Department of Defense, a consolidated budget justification display, in classified and unclassified form, that includes all programs and activities of the Department of Defense combating terrorism program.

“(b) **REQUIREMENTS FOR BUDGET DISPLAY.**—The budget display under subsection (a) shall include—

“(1) the amount requested, by appropriation and functional area, for each of the program elements, projects, and initiatives that support the Department of Defense combating terrorism program, with supporting narrative descriptions and rationale for the funding levels requested; and

“(2) a summary, to the program element and project level of detail, of estimated expenditures for the current year, funds requested for the budget year, and budget estimates through the completion of the current future-years defense plan for the Department of Defense combating terrorism program.

“(c) **EXPLANATION OF INCONSISTENCIES.**—As part of the budget display under subsection (a) for any fiscal year, the Secretary shall identify and explain—

“(1) any inconsistencies between (A) the information submitted under subsection (b) for that fiscal year, and (B) the information provided to the Director of the Office of Management and Budget in support of the annual report of the President to Congress on funding for executive branch counterterrorism and antiterrorism programs and activities for that fiscal year in accordance with section 1051(b) of the National Defense Authorization Act for Fiscal Year 1998 (31 U.S.C. 1113 note); and

“(2) any inconsistencies between (A) the execution, during the previous fiscal year and the current fiscal year, of programs and activities of the Department of Defense combating terrorism program, and (B) the funding and specification for such programs and activities for those fiscal years in the manner provided by Congress (both in statutes and in relevant legislative history).

“(d) SEMIANNUAL REPORTS ON OBLIGATIONS AND EXPENDITURES.—The Secretary shall submit to the congressional defense committees a semiannual report on the obligation and expenditure of funds for the Department of Defense combating terrorism program. Such reports shall be submitted not later than April 15 each year, with respect to the first half of a fiscal year, and not later than November 15 each year, with respect to the second half of a fiscal year. Each such report shall compare the amounts of those obligations and expenditures to the amounts authorized and appropriated for the Department of Defense combating terrorism program for that fiscal year, by budget activity, sub-budget activity, and program element or line item. The second report for a fiscal year shall show such information for the second half of the fiscal year and cumulatively for the whole fiscal year. The report shall be submitted in unclassified form, but may have a classified annex.

“(e) DEPARTMENT OF DEFENSE COMBATING TERRORISM PROGRAM.—In this section, the term ‘Department of Defense combating terrorism program’ means the programs, projects, and activities of the Department of Defense related to combating terrorism inside and outside the United States.

“(f) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ‘congressional defense committees’ means—

“(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

“(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“229. Programs for combating terrorism: display of budget information.”.

#### **SEC. 933. RESPONSIBILITIES AND ACCOUNTABILITY FOR CERTAIN FINANCIAL MANAGEMENT FUNCTIONS.**

(a) IN GENERAL.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new sections:

##### **“§ 2784. Management of credit cards**

“(a) MANAGEMENT OF CREDIT CARDS.—The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations governing the use and control

Regulations.

of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. Those regulations shall be consistent with regulations that apply Government-wide regarding use of credit cards by Government personnel for official purposes.

“(b) REQUIRED SAFEGUARDS AND INTERNAL CONTROLS.—Regulations under subsection (a) shall include safeguards and internal controls to ensure the following:

“(1) That there is a record in the Department of Defense of each holder of a credit card issued by the Department of Defense for official use, annotated with the limitations on amounts that are applicable to the use of each such card by that credit card holder.

“(2) That the holder of a credit card and each official with authority to authorize expenditures charged to the credit card are responsible for—

“(A) reconciling the charges appearing on each statement of account for that credit card with receipts and other supporting documentation; and

“(B) forwarding that statement after being so reconciled to the designated disbursing office in a timely manner.

“(3) That any disputed credit card charge, and any discrepancy between a receipt and other supporting documentation and the credit card statement of account, is resolved in the manner prescribed in the applicable Government-wide credit card contract entered into by the Administrator of General Services.

“(4) That payments on credit card accounts are made promptly within prescribed deadlines to avoid interest penalties.

“(5) That rebates and refunds based on prompt payment on credit card accounts are properly recorded.

“(6) That records of each credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Government policies on the disposition of records.

#### **“§ 2785. Remittance addresses: regulation of alterations**

“The Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall prescribe regulations setting forth controls on alteration of remittance addresses. Those regulations shall ensure that—

“(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

“(2) a remittance address for a disbursement is altered only if the alteration—

“(A) is requested by the person to whom the disbursement is authorized to be remitted; and

“(B) is made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“2784. Management of credit cards.

“2785. Remittance addresses: regulation of alterations.”.

10 USC 2784  
note.

(b) **EFFECTIVE DATE.**—(1) Regulations under section 2784 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

10 USC 2785  
note.

(2) Regulations under section 2785 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 180 days after the date of the enactment of this Act.

#### **SEC. 934. MANAGEMENT OF CIVIL AIR PATROL.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

Deadline.

(b) **GAO STUDY.**—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Comptroller General shall submit a report on the results of the study to the congressional defense committees.

(c) **INSPECTOR GENERAL REVIEW.**—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

Deadline.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

Sec. 1001. Transfer authority.

Sec. 1002. Incorporation of classified annex.

Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 1999.

Sec. 1004. Supplemental appropriations request for operations in Yugoslavia.

Sec. 1005. United States contribution to NATO common-funded budgets in fiscal year 2000.

Sec. 1006. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.

Sec. 1007. Second biennial financial management improvement plan.

Sec. 1008. Waiver authority for requirement that electronic transfer of funds be used for Department of Defense payments.

Sec. 1009. Single payment date for invoice for various subsistence items.

Sec. 1010. Payment of foreign licensing fees out of proceeds of sale of maps, charts, and navigational books.

### **Subtitle B—Naval Vessels and Shipyards**

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.

Sec. 1012. Authority to consent to retransfer of former naval vessel.



- Sec. 1013. Report on naval vessel force structure requirements.
- Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
- Sec. 1015. National Defense Features program.
- Sec. 1016. Sales of naval shipyard articles and services to nuclear ship contractors.
- Sec. 1017. Transfer of naval vessel to foreign country.
- Sec. 1018. Authority to transfer naval vessels to certain foreign countries.

**Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities**

- Sec. 1021. Modification of limitation on funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities.
- Sec. 1022. Temporary extension to certain naval aircraft of Coast Guard authority for drug interdiction activities.
- Sec. 1023. Military assistance to civil authorities to respond to act or threat of terrorism.
- Sec. 1024. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
- Sec. 1025. Annual report on United States military activities in Colombia.
- Sec. 1026. Report on use of radar systems for counter-drug detection and monitoring.
- Sec. 1027. Plan regarding assignment of military personnel to assist Immigration and Naturalization Service and Customs Service.

**Subtitle D—Miscellaneous Report Requirements and Repeals**

- Sec. 1031. Preservation of certain defense reporting requirements.
- Sec. 1032. Repeal of certain reporting requirements not preserved.
- Sec. 1033. Reports on risks under National Military Strategy and combatant command requirements.
- Sec. 1034. Report on lift and prepositioned support requirements to support National Military Strategy.
- Sec. 1035. Report on assessments of readiness to execute the National Military Strategy.
- Sec. 1036. Report on Rapid Assessment and Initial Detection teams.
- Sec. 1037. Report on unit readiness of units considered to be assets of Consequence Management Program Integration Office.
- Sec. 1038. Analysis of relationship between threats and budget submission for fiscal year 2001.
- Sec. 1039. Report on NATO Defense Capabilities Initiative.
- Sec. 1040. Report on motor vehicle violations by operators of official Army vehicles.

**Subtitle E—Information Security**

- Sec. 1041. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
- Sec. 1042. Notice to congressional committees of certain security and counterintelligence failures within defense programs.
- Sec. 1043. Information Assurance Initiative.
- Sec. 1044. Nondisclosure of information on personnel of overseas, sensitive, or routinely deployable units.
- Sec. 1045. Nondisclosure of certain operational files of the National Imagery and Mapping Agency.

**Subtitle F—Memorial Objects and Commemorations**

- Sec. 1051. Moratorium on the return of veterans memorial objects to foreign nations without specific authorization in law.
- Sec. 1052. Program to commemorate 50th anniversary of the Korean War.
- Sec. 1053. Commemoration of the victory of freedom in the Cold War.

**Subtitle G—Other Matters**

- Sec. 1061. Defense Science Board task force on use of television and radio as a propaganda instrument in time of military conflict.
- Sec. 1062. Assessment of electromagnetic spectrum reallocation.
- Sec. 1063. Extension and reauthorization of Defense Production Act of 1950.
- Sec. 1064. Performance of threat and risk assessments.
- Sec. 1065. Chemical agents used for defensive training.
- Sec. 1066. Technical and clerical amendments.
- Sec. 1067. Amendments to reflect name change of Committee on National Security of the House of Representatives to Committee on Armed Services.

## Subtitle A—Financial Matters

### SEC. 1001. TRANSFER AUTHORITY.

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

10 USC 114 note.

### SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) **STATUS OF CLASSIFIED ANNEX.**—The Classified Annex prepared by the committee of conference to accompany the conference report on the bill S. 1059 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) **CONSTRUCTION WITH OTHER PROVISIONS OF ACT.**—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) **LIMITATION ON USE OF FUNDS.**—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) **DISTRIBUTION OF CLASSIFIED ANNEX.**—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

### SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

(a) **ADJUSTMENT OF FISCAL YEAR 1999 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.**—Subject to subsection (b), amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National

Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31).

(b) **LIMITATION.**—(1) In the case of a pending defense contingent emergency supplemental appropriation, an adjustment may be made under subsection (a) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official amended budget request for that appropriation that designates the entire amount requested as an emergency requirement for the specific purpose identified in the 1999 Emergency Supplemental Appropriations Act as the purpose for which the supplemental appropriation was made.

(2) For purposes of this subsection, the term “pending defense contingent emergency supplemental appropriation” means a contingent emergency supplemental appropriation for the Department of Defense contained in the 1999 Emergency Supplemental Appropriations Act for which an official budget request that includes designation of the entire amount of the request as an emergency requirement has not been transmitted to Congress as of the date of the enactment of this Act.

(3) For purposes of this subsection, the term “contingent emergency supplemental appropriation” means a supplemental appropriation that—

(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and

(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.

**SEC. 1004. SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.**

If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

**SEC. 1005. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2000.**

(a) **FISCAL YEAR 2000 LIMITATION.**—The total amount contributed by the Secretary of Defense in fiscal year 2000 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) **TOTAL AMOUNT.**—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 1999, of funds appropriated for fiscal years before fiscal year 2000 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) **AUTHORIZED AMOUNTS.**—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), \$750,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), \$216,400,000 for the Military Budget.

(d) **DEFINITIONS.**—For purposes of this section:

(1) **COMMON-FUNDED BUDGETS OF NATO.**—The term “common-funded budgets of NATO” means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) **FISCAL YEAR 1998 BASELINE LIMITATION.**—The term “fiscal year 1998 baseline limitation” means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

**SEC. 1006. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.**

(a) **LIMITATION.**—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than \$1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President’s written certification that the waiver is necessary in the national security interests of the United States.

(B) The President’s written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations for fiscal year 2000.

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States

military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) **BOSNIA PEACEKEEPING OPERATIONS DEFINED.**—For the purposes of this section, the term “Bosnia peacekeeping operations” has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

**SEC. 1007. SECOND BIENNIAL FINANCIAL MANAGEMENT IMPROVEMENT PLAN.**

10 USC 2222  
note.

(a) **ADDITIONAL MATTERS REQUIRED.**—The Secretary of Defense shall include in the second biennial financial management improvement plan submitted to Congress under section 2222 of title 10, United States Code (required to be submitted not later than September 30, 2000), the matters specified in subsections (b) through (f), in addition to the matters otherwise required under that section.

(b) **SYSTEMS INVENTORY.**—The plan referred to in subsection (a) shall include an inventory of the finance systems, accounting systems, and data feeder systems of the Department of Defense referred to in section 2222(c) of title 10, United States Code, and, for each of those systems, the following:

(1) A statement regarding whether the system complies with the requirements applicable to that system under sections 3512, 3515, and 3521 of title 31, United States Code.

(2) A statement regarding whether the system is to be retained, consolidated, or eliminated.

(3) A detailed plan of the actions that are being taken or are to be taken within the Department of Defense (including provisions for schedule, performance objectives, interim milestones, and necessary resources)—

(A) to ensure easy and reliable interfacing of the system (or a consolidated or successor system) with the Department’s core finance and accounting systems and with other data feeder systems; and

(B) to institute appropriate internal controls that, among other benefits, ensure the integrity of the data in the system (or a consolidated or successor system).

(4) For each system that is to be consolidated or eliminated, a detailed plan of the actions that are being taken or are to be taken (including provisions for schedule and interim milestones) in carrying out the consolidation or elimination, including a discussion of both the interim or migratory systems and any further consolidation that may be involved.

(5) A list of the officials in the Department of Defense who are responsible for ensuring that actions referred to in paragraphs (3) and (4) are taken in a timely manner.

(c) **MAJOR PROCUREMENT ACTIONS.**—The plan referred to in subsection (a) shall include a description of each major procurement action that is being taken within the Department of Defense to replace or improve a finance and accounting system or a data feeder system shown in the inventory under subsection (a) and, for each such procurement action, the measures that are being taken or are to be taken to ensure that the new or enhanced system—

(1) provides easy and reliable interfacing of the system with the core finance and accounting systems of the department and with other data feeder systems; and

(2) includes appropriate internal controls that, among other benefits, ensure the integrity of the data in the system.

(d) FINANCIAL MANAGEMENT COMPETENCY PLAN.—The plan referred to in subsection (a) shall include a financial management competency plan that includes performance objectives, milestones (including interim objectives), responsible officials, and the necessary resources to accomplish the performance objectives, together with the following:

(1) A description of the actions necessary to ensure that the person in each comptroller position (or comparable position) in the Department of Defense (whether a member of the Armed Forces or a civilian employee) has the education, technical competence, and experience to perform in accordance with the core competencies necessary for financial management.

(2) A description of the education that is necessary for a financial manager in a senior grade to be knowledgeable in—

(A) applicable laws and administrative and regulatory requirements, including the requirements and procedures relating to Government performance and results under sections 1105(a)(28), 1115, 1116, 1117, 1118, and 1119 of title 31, United States Code;

(B) the strategic planning process and how the process relates to resource management;

(C) budget operations and analysis systems;

(D) management analysis functions and evaluation;

and

(E) the principles, methods, techniques, and systems of financial management.

(3) The advantages and disadvantages of establishing and operating a consolidated Department of Defense school that instructs in the principles referred to in paragraph (2)(E).

(4) The applicable requirements for formal civilian education.

(e) IMPROVEMENTS TO DFAS, ETC.—The plan referred to in subsection (a) shall include a detailed plan (including performance objectives and milestones and standards for measuring progress toward attainment of the objectives) for the following:

(1) Improving the internal controls and internal review processes of the Defense Finance and Accounting Service to provide reasonable assurances that—

(A) obligations and costs are in compliance with applicable laws;

(B) funds, property, and other assets are safeguarded against waste, loss, unauthorized use, and misappropriation;

(C) revenues and expenditures applicable to agency operations are properly recorded and accounted for so as to permit the preparation of accounts and reliable financial and statistical reports and to maintain accountability over assets;

(D) obligations and expenditures are recorded contemporaneously with each transaction;

(E) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a contract, the specification of

requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(F) use of progress payment allocation systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

(2) Ensuring that the Defense Finance and Accounting Service has—

(A) a single standard transaction general ledger that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);

(B) an integrated data base for finance and accounting functions; and

(C) automated cost, performance, and other output measures.

(3) Providing a single, consistent set of policies and procedures for financial transactions throughout the Department of Defense.

(4) Ensuring compliance with applicable policies and procedures for financial transactions throughout the Department of Defense.

(5) Reviewing safeguards for preservation of assets and verifying the existence of assets.

(f) INTERNAL CONTROLS CHECKLIST.—The plan referred to in subsection (a) shall include an internal controls checklist, to be prescribed by the Under Secretary of Defense (Comptroller), which shall provide standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the Department.

(g) SAFEGUARDING SENSITIVE INFORMATION.—To the extent necessary to protect sensitive information, the Secretary of Defense may provide information required by subsections (b) and (c) in an annex that is available to Congress, but need not be made public.

**SEC. 1008. WAIVER AUTHORITY FOR REQUIREMENT THAT ELECTRONIC TRANSFER OF FUNDS BE USED FOR DEPARTMENT OF DEFENSE PAYMENTS.**

(a) AUTHORITY.—(1) Chapter 165 of title 10, United States Code, is amended by adding after section 2785, as added by section 933(a), the following new section:

**“§ 2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers**

“With respect to any Federal payment of funds covered by section 3332(f) of title 31 (relating to electronic funds transfers) for which payment is made or authorized by the Department of Defense, the waiver authority provided in paragraph (2)(A)(i) of that section shall be exercised by the Secretary of Defense. The Secretary of Defense shall carry out the authority provided under the preceding sentence in consultation with the Secretary of the Treasury.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2785, as added by section 933(a), the following new item:

“2786. Department of Defense payments by electronic transfers of funds: exercise of authority for waivers.”.

10 USC 2786  
note.

(3) Any waiver in effect on the date of the enactment of this Act under paragraph (2)(A)(i) of section 3332(f) of title 31, United States Code, shall remain in effect until otherwise provided by the Secretary of Defense under section 2786 of title 10, United States Code, as added by paragraph (1).

(b) STUDY AND REPORT ON DOD ELECTRONIC FUNDS TRANSFERS.—(1) The Secretary of Defense shall conduct a study to determine the following:

(A) Whether it would be feasible for all electronic payments made by the Department of Defense to be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation.

(B) Whether it would be feasible for all electronic payments made by the Department of Defense to be subjected to the same level of reconciliation as United States Treasury checks, including the matching of each payment issued with each corresponding deposit at financial institutions.

(C) Whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments made by the Department of Defense.

(D) The estimated costs of implementing—

(i) the routing of electronic payments as described in subparagraph (A);

(ii) the reconciliation of electronic payments as described in subparagraph (B); and

(iii) security controls as described in subparagraph (C).

(E) The period that would be required to implement each of the matters referred to in subparagraph (D).

Deadline.

(2) Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the results of the study required by paragraph (1).

(3) In this subsection, the term “electronic payment” has the meaning given the term “electronic funds transfer” in section 3332(j)(1) of title 31, United States Code.

**SEC. 1009. SINGLE PAYMENT DATE FOR INVOICE FOR VARIOUS SUBSISTENCE ITEMS.**

Section 3903 of title 31, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) A contract for the procurement of subsistence items that is entered into under the prime vendor program of the Defense Logistics Agency may specify for the purposes of section 3902 of this title a single required payment date that is to be applicable to an invoice for subsistence items furnished under the contract when more than one payment due date would otherwise be applicable to the invoice under the regulations prescribed under paragraphs (2), (3), and (4) of subsection (a) or under any other provisions of law. The required payment date specified in the contract shall be consistent with prevailing industry practices for the



subsistence items, but may not be more than 10 days after the date of receipt of the invoice or the certified date of receipt of the items. The Director of the Office of Management and Budget shall provide in the regulations under subsection (a) that when a required payment date is so specified for an invoice, no other payment due date applies to the invoice.”.

**SEC. 1010. PAYMENT OF FOREIGN LICENSING FEES OUT OF PROCEEDS OF SALE OF MAPS, CHARTS, AND NAVIGATIONAL BOOKS.**

(a) IN GENERAL.—Section 453 of title 10, United States Code, is amended to read as follows:

**“§ 453. Sale of maps, charts, and navigational publications: prices; use of proceeds**

“(a) PRICES.—All maps, charts, and other publications offered for sale by the National Imagery and Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.

“(b) USE OF PROCEEDS TO PAY FOREIGN LICENSING FEES.—

(1) The Secretary of Defense may pay any NIMA foreign data acquisition fee out of the proceeds of the sale of maps, charts, and other publications of the Agency, and those proceeds are hereby made available for that purpose.

“(2) In this subsection, the term ‘NIMA foreign data acquisition fee’ means any licensing or other fee imposed by a foreign country or international organization for the acquisition or use of data or products by the National Imagery and Mapping Agency.”.

(b) CLERICAL AMENDMENT.—The item relating to section 453 in the table of sections at the beginning of subchapter II of chapter 22 of such title is amended to read as follows:

“453. Sale of maps, charts, and navigational publications: prices; use of proceeds.”.

## **Subtitle B—Naval Vessels and Shipyards**

**SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.**

Section 7306(d) of title 10, United States Code, is amended to read as follows:

“(d) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—(1) A transfer under this section may not take effect until—

“(A) the Secretary submits to Congress notice of the proposed transfer; and

“(B) 30 days of a session of Congress have expired following the date on which the notice is sent to Congress.

“(2) For purposes of paragraph (1)(B)—

“(A) the period of a session of Congress is broken only by an adjournment of Congress sine die at the end of the final session of a Congress; and

“(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.”.

**SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.**

President.

(a) IN GENERAL.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) CONDITIONS FOR CONSENT.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes;

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply; and

(3) to hold the United States harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the retransfer of the vessel to the recipient, except for claims arising before the date of the transfer of the vessel to the Government of Greece or from use of the vessel by the United States after the date of the retransfer to the recipient.

**SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.**

Deadline.

(a) REQUIREMENT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) A statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations.

(2) A statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

(3) A detailed long-range shipbuilding plan for the Department, through fiscal year 2030, that includes annual quantities of each type of vessel to be procured.

(4) A statement of the annual funding necessary to procure eight to ten vessels, of the appropriate types, each year beginning in fiscal year 2001 and extending through 2020 to maintain the naval vessel force structure required by the national military strategy.

(5) A detailed discussion of the risks associated with any deviation from the long-range shipbuilding plan required in paragraph (3), to include the implications of such a deviation for the following areas:

(A) Warfighting requirements.

(B) Crisis response and overseas presence missions.

- (C) Contingency operations.
- (D) Domestic shipbuilding industrial base.

**SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.**

(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 7233. Auxiliary vessels: extended lease authority**

“(a) AUTHORIZED CONTRACTS.—Subject to subsection (b), the Secretary of the Navy may enter into contracts with private United States shipyards for the construction of new surface vessels to be acquired on a long-term lease basis by the United States from the shipyard or other private person for any of the following:

“(1) The combat logistics force of the Navy.

“(2) The strategic sealift force of the Navy.

“(3) Other auxiliary support vessels for the Department of Defense.

“(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel. As part of a request to Congress for enactment of any such authorization by law, the Secretary of the Navy shall provide to Congress the Secretary’s findings under subsection (g).

“(c) TERM OF CONTRACT.—In this section, the term ‘long-term lease’ means a lease, bareboat charter, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

“(d) OPTION TO BUY.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

“(e) DOMESTIC CONSTRUCTION.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

“(1) shall have been constructed in a shipyard within the United States; and

“(2) upon delivery, shall be documented under the laws of the United States.

“(f) VESSEL OPERATION.—(1) The Secretary may operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

“(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation taking into account—

“(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;

“(B) the effect on the private sector manpower pool; and

“(C) the operational requirements of the Department of the Navy.

“(g) CONTINGENT WAIVER OF OTHER PROVISIONS OF LAW.—

(1) The Secretary may waive the applicability of subsections (e)(2) and (f) of section 2401 of this title to a contract authorized by law as provided in subsection (b) if the Secretary makes the following findings with respect to that contract:

“(A) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

“(B) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

“(C) The timeliness of consideration of the contract by Congress is such that such a waiver is in the interest of the United States.

Notice.

“(2) The Secretary shall submit a notice of any waiver under paragraph (1) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(h) SOURCE OF FUNDS FOR TERMINATION LIABILITY.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

“(1) amounts originally made available for performance of the contract;

“(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

“(3) funds appropriated for those costs.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7233. Auxiliary vessels: extended lease authority.”.

(b) DEFINITION OF DEPARTMENT OF DEFENSE SEALIFT VESSEL.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking “that is—” in the matter preceding subparagraph (A) and inserting “that is any of the following:”;

(2) by striking “a” at the beginning of subparagraphs (A), (B), and (E) and inserting “A”;

(3) by striking “an” at the beginning of subparagraphs (C) and (D) and inserting “An”;

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking “; or” at the end of subparagraph (D) and inserting a period; and

(6) by adding at the end the following new subparagraphs:

“(F) A strategic sealift ship.

“(G) A combat logistics force ship.

“(H) A maritime prepositioned ship.

“(I) Any other auxiliary support vessel.”.

10 USC 7233  
note.

(c) EFFECTIVE DATE.—Section 7233 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

**SEC. 1015. NATIONAL DEFENSE FEATURES PROGRAM.**

(a) **AUTHORITY FOR NATIONAL DEFENSE FEATURES PROGRAM.**—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

“(k) **CONTRACTS FOR INCORPORATION OF DEFENSE FEATURES IN COMMERCIAL VESSELS.**—(1) The head of an agency may enter into a contract with a company submitting an offer for that company to install and maintain defense features for national defense purposes in one or more commercial vessels owned or controlled by that company in accordance with the purpose for which funds in the National Defense Sealift Fund are available under subsection (c)(1)(C). The head of the agency may enter into such a contract only after the head of the agency makes a determination of the economic soundness of the offer.

“(2) The head of an agency may make advance payments to the contractor under a contract under paragraph (1) in a lump sum, in annual payments, or in a combination thereof for costs associated with the installation and maintenance of the defense features on a vessel covered by the contract, as follows:

“(A) The costs to build, procure, and install a defense feature in the vessel.

“(B) The costs to periodically maintain and test any defense feature on the vessel.

“(C) Any increased costs of operation or any loss of revenue attributable to the installation or maintenance of any defense feature on the vessel.

“(D) Any additional costs associated with the terms and conditions of the contract.

“(3) For any contract under paragraph (1) under which the United States makes advance payments under paragraph (2) for the costs associated with installation or maintenance of any defense feature on a commercial vessel, the contractor shall provide to the United States such security interests in the vessel, by way of a preferred mortgage under section 31322 of title 46 or otherwise, as the head of the agency may prescribe in order to adequately protect the United States against loss for the total amount of those costs.

“(4) Each contract entered into under this subsection shall—

“(A) set forth terms and conditions under which, so long as a vessel covered by the contract is owned or controlled by the contractor, the contractor is to operate the vessel for the Department of Defense notwithstanding any other contract or commitment of that contractor; and

“(B) provide that the contractor operating the vessel for the Department of Defense shall be paid for that operation at fair and reasonable rates.

“(5) The head of an agency may not delegate authority under this subsection to any officer or employee in a position below the level of head of a procuring activity.”.

(b) **DEFINITION.**—Subsection (l) of such section, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

“(5) The term ‘head of an agency’ has the meaning given that term in section 2302(1) of this title.”.

**SEC. 1016. SALES OF NAVAL SHIPYARD ARTICLES AND SERVICES TO NUCLEAR SHIP CONTRACTORS.**

(a) **WAIVER OF REQUIRED CONDITIONS.**—Chapter 633 of title 10, United States Code, is amended by inserting after section 7299a the following new section:

**“§ 7300. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards**

“The conditions set forth in section 2208(j)(1)(B) of this title and subsections (a)(1) and (c)(1)(A) of section 2553 of this title shall not apply to a sale by a naval shipyard of articles or services to a private shipyard that is made at the request of the private shipyard in order to facilitate the private shipyard’s fulfillment of a Department of Defense contract with respect to a nuclear ship. This section does not authorize a naval shipyard to construct a nuclear ship for the private shipyard, to perform a majority of the work called for in a contract with a private entity, or to provide articles or services not requested by the private shipyard.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7299a the following new item:

“7300. Contracts for nuclear ships: sales of naval shipyard articles and services to private shipyards.”.

**SEC. 1017. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) **TRANSFER TO THAILAND.**—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) **COSTS.**—Any expense incurred by the United States in connection with the transfer authorized by subsection (a) shall be charged to the Government of Thailand.

(c) **REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARD.**—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States naval shipyard or other shipyard located in the United States.

(d) **EXPIRATION OF AUTHORITY.**—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

**SEC. 1018. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.**

(a) **AUTHORITY TO TRANSFER.**—

(1) **DOMINICAN REPUBLIC.**—The Secretary of the Navy is authorized to transfer to the Government of the Dominican Republic the medium auxiliary floating dry dock AFDM 2. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(2) **ECUADOR.**—The Secretary of the Navy is authorized to transfer to the Government of Ecuador the “OAK RIDGE” class medium auxiliary repair dry dock ALAMOGORDO (ARDM

2). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(3) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the “NEWPORT” class tank landing ships BARBOUR COUNTY (LST 1195) and PEORIA (LST 1183). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(4) GREECE.—The Secretary of the Navy is authorized to transfer to the Government of Greece the “KNOX” class frigate CONNOLE (FF 1056). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(5) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the “NEWPORT” class tank landing ship NEWPORT (LST 1179) and the “KNOX” class frigate WHIPPLE (FF 1062). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(6) POLAND.—The Secretary of the Navy is authorized to transfer to the Government of Poland the “OLIVER HAZARD PERRY” class guided missile frigate CLARK (FFG 11). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(7) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the “NEWPORT” class tank landing ship SCHENECTADY (LST 1185). Such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(8) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the “KNOX” class frigate TRUETT (FF 1095). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(9) TURKEY.—The Secretary of the Navy is authorized to transfer to the Government of Turkey the “OLIVER HAZARD PERRY” class guided missile frigates FLATLEY (FFG 21) and JOHN A. MOORE (FFG 19). Such transfers shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(b) INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of naval vessels authorized by subsection (a) to be transferred on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) shall not be included in the aggregate annual value of transferred excess defense articles which is subject to the aggregate annual limitation set forth in subsection (g) of that section.

(c) COSTS OF TRANSFERS.—Any expense of the United States in connection with a transfer authorized by subsection (a) shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of a vessel under

subsection (a), that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority granted by subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

## **Subtitle C—Support for Civilian Law Enforcement and Counter Drug Activities**

### **SEC. 1021. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

Section 112(a)(3) of title 32, United States Code, is amended by striking “per purchase order” in the second sentence and inserting “per item”.

### **SEC. 1022. TEMPORARY EXTENSION TO CERTAIN NAVAL AIRCRAFT OF COAST GUARD AUTHORITY FOR DRUG INTERDICTION ACTIVITIES.**

(a) INCLUSION AS AUTHORIZED AIRCRAFT.—Subsection (c) of section 637 of title 14, United States Code, is amended—

- (1) by striking “or” at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2) and inserting “; or”; and
- (3) by adding at the end the following new paragraph:
 

“(3) subject to subsection (d), it is a naval aircraft that has one or more members of the Coast Guard on board and is operating from a surface naval vessel described in paragraph (2).”.

(b) DURATION OF INCLUSION.—Such section is further amended by adding at the end the following new subsection:

“(d)(1) The inclusion of naval aircraft as an authorized aircraft for purposes of this section shall be effective only after the end of the 30-day period beginning on the date the report required by paragraph (2) is submitted through September 30, 2001.

“(2) Not later than August 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

“(A) an analysis of the benefits and risks associated with using naval aircraft to perform the law enforcement activities authorized by subsection (a);

“(B) an estimate of the extent to which the Secretary expects to implement the authority provided by this section; and

“(C) an analysis of the effectiveness and applicability to the Department of Defense of the Coast Guard program known as the ‘New Frontiers’ program.”.

Deadline.



**SEC. 1023. MILITARY ASSISTANCE TO CIVIL AUTHORITIES TO RESPOND TO ACT OR THREAT OF TERRORISM.** 10 USC 382 note.

(a) **AUTHORITY TO PROVIDE ASSISTANCE.**—The Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in responding to an act of terrorism or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States, if the Secretary determines that—

(1) special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act of terrorism or the threat of an act of terrorism; and

(2) the provision of such assistance will not adversely affect the military preparedness of the Armed Forces.

(b) **NATURE OF ASSISTANCE.**—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and the use of any Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat of an act of terrorism described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) **REIMBURSEMENT.**—(1) Except as provided in paragraph (2), assistance provided under this section shall be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs incurred by the Department of Defense to provide the assistance.

(2) In extraordinary circumstances, the Secretary of Defense may waive the requirement for reimbursement if the Secretary determines that such a waiver is in the national security interests of the United States and submits to Congress a notification of the determination.

(3) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat of an act of terrorism for which assistance is provided under subsection (a), the Attorney General shall reimburse the Department of Defense out of such funds for the costs incurred by the Department in providing the assistance, without regard to whether the assistance was provided on a nonreimbursable basis pursuant to a waiver under paragraph (2).

(d) **ANNUAL LIMITATION ON FUNDING.**—Not more than \$10,000,000 may be obligated to provide assistance under subsection (a) during any fiscal year.

(e) **PERSONNEL RESTRICTIONS.**—In providing assistance under this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless otherwise authorized by law—

(1) directly participate in a search, seizure, arrest, or other similar activity; or

(2) collect intelligence for law enforcement purposes.

(f) **NONDELEGABILITY OF AUTHORITY.**—(1) The Secretary of Defense may not delegate to any other official the authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(g) **RELATIONSHIP TO OTHER AUTHORITY.**—The authority provided in this section is in addition to any other authority available to the Secretary of Defense, and nothing in this section shall be construed to restrict any authority regarding use of members of the Armed Forces or equipment of the Department of Defense that was in effect before the date of the enactment of this Act.

(h) **DEFINITIONS.**—In this section:

(1) **THREAT OF AN ACT OF TERRORISM.**—The term “threat of an act of terrorism” includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

(2) **WEAPON OF MASS DESTRUCTION.**—The term “weapon of mass destruction” has the meaning given the term in section 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

(i) **DURATION OF AUTHORITY.**—The authority provided by this section applies during the period beginning on October 1, 1999, and ending on September 30, 2004.

10 USC 124 note. **SEC. 1024. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.**

(a) **CONDITION.**—Except as provided in subsection (b), none of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

(b) **EXCEPTION.**—The limitation in subsection (a) does not apply to an unspecified minor military construction project authorized by section 2805 of title 10, United States Code.

10 USC 113 note. **SEC. 1025. ANNUAL REPORT ON UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.**

Deadline.

Not later than January 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report detailing the number of members of the United States Armed Forces deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.

**SEC. 1026. REPORT ON USE OF RADAR SYSTEMS FOR COUNTER-DRUG DETECTION AND MONITORING.**

Deadline.

Not later than May 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing an evaluation of the effectiveness of the Wide Aperture Radar Facility, Tethered Aerostat Radar System, Ground

Mobile Radar, and Relocatable Over-The-Horizon Radar in maritime, air, and land counter-drug detection and monitoring.

**SEC. 1027. PLAN REGARDING ASSIGNMENT OF MILITARY PERSONNEL TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) **PREPARATION OF PLAN.**—(1) The Secretary of Defense shall prepare a plan to assign members of the Army, Navy, Air Force, or Marine Corps to assist the Immigration and Naturalization Service or the United States Customs Service should the President determine, and the Attorney General or the Secretary of the Treasury, as the case may be, certify, that military personnel are required to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

(2) The Secretary shall ensure that activities proposed to be performed by military personnel under the plan are consistent with section 1385 of title 18, United States Code (popularly known as the Posse Comitatus Act), and shall include in the plan a training program for military personnel who would be assigned to assist Federal law enforcement agencies—

(A) in preventing the entry of terrorists and drug traffickers into the United States; and

(B) in the inspection of cargo, vehicles, and aircraft at points of entry into the United States for weapons of mass destruction, prohibited narcotics, or other terrorist or drug trafficking items.

(b) **REPORT ON USE OF MILITARY PERSONNEL TO SUPPORT CIVILIAN LAW ENFORCEMENT.**—Not later than May 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report containing—

Deadline.

(1) the plan required by subsection (a);

(2) a discussion of the risks and benefits associated with using military personnel to provide the law enforcement support described in subsection (a)(2);

(3) recommendations regarding the functions outlined in the plan most appropriate to be performed by military personnel; and

(4) the total number of active and reserve members, and members of the National Guard whose activities were supported using funds provided under section 112 of title 32, United States Code, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999.

## **Subtitle D—Miscellaneous Report Requirements and Repeals**

**SEC. 1031. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.**

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 662(b), 946,

1464(c), 2006(e)(3), 2010, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2461(g), 2537, 2662(b), 2706, 2859, 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 7431(c), 10541, 12302(d), and 16137.

(2) Section 1121(f) of the National Defense Authorization Act for Fiscal Year 1988 and 1989 (Public Law 100-180; 10 U.S.C. 113 note).

(3) Section 1405 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 924).

(4) Section 1411(b) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4710(b)).

(5) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(6) Section 30A(d) of the Arms Export Control Act (22 U.S.C. 2770a(d)).

(7) Sections 1516(f) and 1518(c) of the Armed Forces Retirement Home Act of 1991 (Public Law 101-510; 24 U.S.C. 416(f), 418(c)).

(8) Sections 3554(e)(2) and 9503(a) of title 31, United States Code.

(9) Section 300110(b) of title 36, United States Code.

(10) Sections 301a(f) and 1008 of title 37, United States Code.

(11) Section 8111(f) of title 38, United States Code.

(12) Section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b)).

(13) Section 3732 of the Revised Statutes, popularly known as the "Food and Forage Act" (41 U.S.C. 11).

(14) Section 101(b)(6) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(6)).

(15) Section 1436(e) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note).

(16) Section 165 of the Energy Policy and Conservation Act (42 U.S.C. 6245).

(17) Section 603(e) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683(e)).

(18) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(19) Section 208 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1979 (42 U.S.C. 7271).

(20) Section 3134 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7274c).

(21) Section 3135 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274g).

(22) Section 12 of the Act of March 9, 1920 (popularly known as the "Suits in Admiralty Act") (46 App. U.S.C. 752).

(23) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(24) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2, 98h-5).

(25) Section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

(26) Section 4 of the Act entitled “An Act to authorize the making, amending, and modification of contracts to facilitate the national defense”, approved August 28, 1958 (50 U.S.C. 1434).

(27) Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)).

(28) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (50 U.S.C. 1541 note).

(29) Sections 202(d) and 401(c) of the National Emergencies Act (50 U.S.C. 1622(d), 1641(c)).

(30) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(31) Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158).

(32) Section 703(g) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1376).

(33) Section 704 of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1377).

(34) Section 113(b) of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101-189; 103 Stat. 1373).

**SEC. 1032. REPEAL OF CERTAIN REPORTING REQUIREMENTS NOT PRESERVED.**

(a) REPEAL OF PROVISIONS OF TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 2201(d) is amended—

(A) by striking paragraph (2);

(B) by striking “; and” at the end of paragraph (1) and inserting a period; and

(C) by striking “Defense—” and all that follows through “(1) shall” and inserting “Defense shall”.

(2) Section 2313(b) is amended by striking paragraph (4).

(3) Section 2350g is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) REPEAL OF OTHER PROVISIONS OF LAW.—The following provisions of law are repealed:

(1) Section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 10 U.S.C. 2431 note).

(2) Section 3059(c) of the Anti-Drug Abuse Act of 1986 (Public Law 99-570; 10 U.S.C. 9441 note).

(3) Section 7606 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 10 U.S.C. 9441 note).

(4) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note).

**SEC. 1033. REPORTS ON RISKS UNDER NATIONAL MILITARY STRATEGY AND COMBATANT COMMAND REQUIREMENTS.**

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(C) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman’s assessment of the nature and magnitude of the strategic and military risks

Deadline.

associated with executing the missions called for under the current National Military Strategy.

“(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary’s comments thereon (if any), to Congress with the Secretary’s next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman’s assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary’s plan for mitigating that risk.

Deadline.

“(d) ANNUAL REPORT ON COMBATANT COMMAND REQUIREMENTS.—(1) Not later than August 15 of each year, the Chairman shall submit to the committees of Congress named in paragraph (2) a report on the requirements of the combatant commands established under section 161 of this title. The report shall contain the following:

“(A) A consolidation of the integrated priority lists of requirements of the combatant commands.

“(B) The Chairman’s views on the consolidated lists.

“(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.”.

**SEC. 1034. REPORT ON LIFT AND PREPOSITIONED SUPPORT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.**

Deadline.

(a) REPORT REQUIRED.—Not later than February 15, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the strategic, theater, operational, and tactical requirements for airlift, sealift, surface transportation, and prepositioned war material necessary to carry out the full range of missions included in the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2005.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) A review of the study conducted by the Air Force during 1999 on oversize/outsize airlift cargo requirements, including a risk assessment and an evaluation of alternatives.

(2) A review of the study of the Chairman of the Joint Chiefs of Staff conducted during 1999 designated as the “Joint Chiefs of Staff Mobility Requirements Study 05”, including a risk assessment, an evaluation of alternatives, and a validation of the analyses done by the Joint Staff for that study concerning each of the following:

(A) The identity, size, structure, and capabilities of the airlift and sealift requirements for the full range of shaping, preparing, and responding missions called for under the National Military Strategy.

(B) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(C) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping, and other contingency missions and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(D) The effect on mobility requirements of new service force structures such as the Air Force's Air Expeditionary Force, the Army's Strike Force, the Marine Corps' operational maneuver-from-the-sea concept and supporting concepts including Ship-to-Objective Maneuver, Maritime Prepositioning Forces 2010, and Seabased Logistics, and any foreseeable force structure modifications through 2005.

(E) The need to deploy forces strategically and employ them tactically using the same lift platform.

(F) The anticipated role of host nation, foreign, and coalition airlift and sealift support, and the anticipated requirements for United States lift assets to support coalition forces, through 2005.

(G) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

(3) A review of the Army, Air Force, and Marine Corps maritime prepositioned ship requirements and modernization plan.

(c) **INTRA-THEATER REQUIREMENTS REPORT.**—Not later than December 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the intra-theater requirements for airlift, small-craft lift, and surface transportation necessary to carry out the full range of missions included in the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2005. Deadline.

**SEC. 1035. REPORT ON ASSESSMENTS OF READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report in unclassified form assessing the effect of continued operations in the Balkans region on— Deadline.

(1) the ability of the Armed Forces to successfully meet other regional contingencies; and

(2) the readiness of the Armed Forces to execute the National Military Strategy.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include the following:

(1) All models used by the Chairman of the Joint Chiefs of Staff to assess the capability of the United States to execute the full range of missions under the National Military Strategy and all other models used by the Armed Forces to assess that capability.

(2) Separate assessments that would result from the use of those models if it were necessary to execute the full range of missions called for under the National Military Strategy under each of the scenarios set forth in subsection (c), including the levels of casualties the United States would be projected to incur.

(3) Assumptions made about the readiness levels of major units included in each such assessment, including equipment, personnel, and training readiness and sustainment ability.

(4) The increasing levels of casualties that would be projected under each such scenario over a range of risks of prosecuting two Major Theater Wars that proceeds from low-moderate risk to moderate-high risk.

(5) An estimate of—

(A) the total resources needed to attain a moderate-high risk under those scenarios;

(B) the total resources needed to attain a low-moderate risk under those scenarios; and

(C) the incremental resources needed to decrease the level of risk from moderate-high to low-moderate.

(c) **SCENARIOS TO BE USED.**—The scenarios to be used for purposes of paragraphs (1), (2), and (3) of subsection (b) are the following:

(1) That while the Armed Forces are engaged in operations at the level of the operations ongoing as of the date of the enactment of this Act, international armed conflict begins—

(A) on the Korean peninsula; and

(B) first on the Korean peninsula and then 45 days later in Southwest Asia.

(2) That while the Armed Forces are engaged in operations at the peak level reached during Operation Allied Force against the Federal Republic of Yugoslavia, international armed conflict begins—

(A) on the Korean peninsula; and

(B) first on the Korean peninsula and then 45 days later in Southwest Asia.

(d) **CONSULTATION.**—In preparing the report under this section, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the commanders of the unified commands, the Secretaries of the military departments, and the heads of the combat support agencies and other such entities within the Department of Defense as the Secretary considers necessary.

**SEC. 1036. REPORT ON RAPID ASSESSMENT AND INITIAL DETECTION TEAMS.**

Deadline.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Department's plans for establishing and deploying Rapid Assessment and Initial Detection (RAID) teams for responses to incidents involving a weapon of mass destruction. The report shall include the following:

(1) A description of the capabilities of a RAID team and a comparison of those capabilities to the capabilities of other Federal, State, and local WMD responders.

(2) An assessment of the manner in which a RAID team complements the mission, functions, and capabilities of other Federal, State, and local WMD responders.

(3) The Department's plan for conducting realistic exercises involving RAID teams, including exercises with other Federal, State, and local WMD responders.

(4) A description of the command and control relationships between the RAID teams and Federal, State, and local WMD responders.



(5) An assessment of the degree to which States have integrated, or are planning to integrate, RAID teams into other-than-weapon-of-mass-destruction missions of State or local WMD responders.

(6) A specific description and analysis of the procedures that have been established or agreed to by States for the use in one State of a RAID team that is based in another State.

(7) An identification of those States where the deployment of out-of-State RAID teams is not governed by existing interstate compacts.

(8) An assessment of the Department's progress in developing an appropriate national level compact for interstate sharing of resources that would facilitate consistent and effective procedures for the use of out-of-State RAID teams.

(9) An assessment of the measures that will be taken to recruit, train, maintain the proficiency of, and retain members of the RAID teams, to include those measures to provide for their career progression.

(b) DEFINITIONS.—In this section:

(1) The term “Rapid Assessment and Initial Detection team” or “RAID team” refers to a military unit comprised of Active Guard and Reserve personnel organized, trained, and equipped to conduct domestic missions in the United States in response to the use of, or threatened use of, a weapon of mass destruction.

(2) The term “WMD responder” means an organization responsible for responding to an incident involving a weapon of mass destruction.

(3) The term “weapon of mass destruction” has the meaning given that term in section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2302(1)).

**SEC. 1037. REPORT ON UNIT READINESS OF UNITS CONSIDERED TO BE ASSETS OF CONSEQUENCE MANAGEMENT PROGRAM INTEGRATION OFFICE.**

(a) JOINT READINESS REVIEW.—(1) The Secretary of Defense shall include in the quarterly readiness report submitted to Congress under section 482 of title 10, United States Code, for the first quarter beginning after the date of the enactment of this Act an assessment of the readiness, training status, and future funding requirements of all active and reserve component units that (as of the date of the enactment of this Act) are considered assets of the Consequence Management Program Integration Office of the Department of Defense.

(2) The Secretary shall set forth the assessment under paragraph (1) as an annex to the quarterly report referred to in that paragraph. The Secretary shall include in that annex a detailed description of how the active and reserve component units referred to in that paragraph are integrated with the Rapid Assessment and Initial Detection Teams in the overall Consequence Management Program Integration Office of the Department of Defense.

(b) DECONTAMINATION READINESS PLAN.—The Secretary of Defense shall prepare a decontamination readiness plan for the Consequence Management Program Integration Office of the Department of Defense. The plan shall include the following:

(1) The actions necessary to ensure that the units of the Armed Forces designated to carry out decontamination missions are at the level of readiness necessary to carry out those missions.

(2) The funding necessary for attaining and maintaining the level of readiness referred to in paragraph (1).

(3) Procedures for ensuring that each decontamination unit is available to respond to an incident in the United States that involves a weapon of mass destruction within 12 hours after being notified of the incident.

**SEC. 1038. ANALYSIS OF RELATIONSHIP BETWEEN THREATS AND BUDGET SUBMISSION FOR FISCAL YEAR 2001.**

(a) **REQUIREMENT FOR REPORT.**—The Secretary of Defense shall submit to the congressional defense committees, on the date that the President submits the budget for fiscal year 2001 to Congress under section 1105(a) of title 31, United States Code, a report on the relationship between the budget proposed for budget function 050 (National Defense) for that fiscal year and the then-current and emerging threats to the national security interests of the United States identified in the annual national security strategy report required under section 108 of the National Security Act of 1947 (50 U.S.C. 404a). The report shall be prepared in coordination with the Chairman of the Joint Chiefs of Staff and the Director of Central Intelligence.

(b) **CONTENT.**—The report shall contain the following:

(1) A detailed description of the threats referred to in subsection (a).

(2) An analysis of those threats in terms of the probability that an attack or other threat event will actually occur, the military challenge posed by those threats, and the potential damage that those threats could have to the national security interests of the United States.

(3) An analysis of the allocation of funds in the fiscal year 2001 budget and the future-years defense program that addresses each of those threats.

(4) A justification for each major defense acquisition program (as defined in section 2430 of title 10, United States Code) that is provided for in the budget in light of the description and analyses set forth in the report pursuant to this subsection.

(c) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

10 USC 113 note.

**SEC. 1039. REPORT ON NATO DEFENSE CAPABILITIES INITIATIVE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) At the meeting of the North Atlantic Council held in Washington, DC, in April 1999, the NATO Heads of State and Governments launched a Defense Capabilities Initiative.

(2) The Defense Capabilities Initiative is designed to improve the defense capabilities of the individual nations of the NATO Alliance to ensure the effectiveness of future operations across the full spectrum of Alliance missions in the present and foreseeable security environment.

(3) Under the Defense Capabilities Initiative, special focus will be given to improving interoperability among Alliance

forces and to increasing defense capabilities through improvements in the deployability and mobility of Alliance forces, the sustainability and logistics of those forces, the survivability and effective engagement capability of those forces, and command and control and information systems.

(4) The successful implementation of the Defense Capabilities Initiative will serve to enable all members of the Alliance to make a more equitable contribution to the full spectrum of Alliance missions, thereby increasing burdensharing within the Alliance and enhancing the ability of European members of the Alliance to undertake operations pursuant to the European Security and Defense Identity within the Alliance.

(b) ANNUAL REPORT.—(1) Not later than January 31 of each year, the Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives a report, to be prepared in consultation with the Secretary of State, on implementation of the Defense Capabilities Initiative by the nations of the NATO Alliance. The report shall include the following:

Deadline.

(A) A discussion of the work of the temporary High-Level Steering Group, or any successor group, established to oversee the implementation of the Defense Capabilities Initiative and to meet the requirement of coordination and harmonization among relevant planning disciplines.

(B) A description of the actions taken, including implementation of the Multinational Logistics Center concept and development of the C3 system architecture, by the Alliance as a whole to further the Defense Capabilities Initiative.

(C) A description of the actions taken by each member of the Alliance other than the United States to improve the capabilities of its forces in each of the following areas:

(i) Interoperability with forces of other Alliance members.

(ii) Deployability and mobility.

(iii) Sustainability and logistics.

(iv) Survivability and effective engagement capability.

(v) Command and control and information systems.

(2) The report shall be submitted in unclassified form, but may also be submitted in classified form if necessary.

**SEC. 1040. REPORT ON MOTOR VEHICLE VIOLATIONS BY OPERATORS OF OFFICIAL ARMY VEHICLES.**

(a) REVIEW REQUIRED.—The Secretary of the Army shall review the incidence during fiscal year 1999 of the violation of motor vehicle laws by operators of official Army motor vehicles. To the extent practicable, the review shall include all such violations for which citations were issued (including infractions relating to parking), other than violations occurring on a military installation, regardless of whether or not a fine was paid for the violation.

(b) REPORT.—Not later than March 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review under subsection (a). The report shall include the following:

Deadline.

(1) The number of the citations described in subsection (a), shown separately by principal jurisdiction.

(2) An estimate of the total amount of the fines that are associated with those citations, shown separately by principal jurisdiction.

(3) Any actions taken by the Secretary or recommendations that the Secretary considers appropriate to reduce the prevalence of such violations.

(c) **MOTOR VEHICLE LAWS.**—For purposes of this section, the term “motor vehicle law” means a law (including a regulation, ordinance, or other measure) that regulates the operation or parking of a motor vehicle within the jurisdiction of the governmental entity establishing the law.

(d) **PRINCIPAL JURISDICTION.**—For purposes of this section, the term “principal jurisdiction” means a State, territory, or Commonwealth, the District of Columbia, or a foreign nation.

## Subtitle E—Information Security

### SEC. 1041. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) **IN GENERAL.**—(1) Chapter 9 of title 10, United States Code, is amended by adding after section 229, as added by section 932(b), the following new section:

#### “§ 230. Amounts for declassification of records

“The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 12958 (50 U.S.C. 435 note) or any successor Executive order or to comply with any statutory requirement, or any request, to declassify Government records.”

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 229, as added by section 932(b), the following new item:

“230. Amounts for declassification of records.”

(b) **LIMITATION ON EXPENDITURES.**—The total amount expended by the Department of Defense during fiscal year 2000 to carry out declassification activities under the provisions of section 3.4 of Executive Order No. 12958 (50 U.S.C. 435 note) may not exceed the Department’s planned expenditure level of \$51,000,000.

50 USC 435 note.

(c) **CERTIFICATION REQUIRED WITH RESPECT TO AUTOMATIC DECLASSIFICATION OF RECORDS.**—No records of the Department of Defense that have not been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Defense certifies to Congress that such declassification would not harm the national security.

50 USC 435 note.  
Deadline.

(d) **REPORT ON AUTOMATIC DECLASSIFICATION OF DEPARTMENT OF DEFENSE RECORDS.**—Not later than February 1, 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the efforts of the Department

of Defense relating to the declassification of classified records under the control of the Department of Defense. Such report shall include the following:

(1) An assessment of whether the Department will be able to review all relevant records for declassification before any date established for automatic declassification.

(2) An estimate of the cost of reviewing records to meet any requirement to review all relevant records for declassification by a date established for automatic declassification.

(3) An estimate of the number of records, if any, that the Department will be unable to review for declassification before any such date and the affect on national security of the automatic declassification of those records.

(4) An estimate of the length of time by which any such date would need to be extended to avoid the automatic declassification of records that have not yet been reviewed as of such date.

**SEC. 1042. NOTICE TO CONGRESSIONAL COMMITTEES OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES WITHIN DEFENSE PROGRAMS.**

(a) IN GENERAL.—Chapter 161 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2723. Notice to congressional committees of certain security and counterintelligence failures within defense programs**

“(a) REQUIRED NOTIFICATION.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a notification of each security or counterintelligence failure or compromise of classified information relating to any defense operation, system, or technology of the United States that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States. The Secretary shall consult with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, before submitting any such notification.

“(b) MANNER OF NOTIFICATION.—Notification of a failure or compromise of classified information under subsection (a) shall be provided, in accordance with the procedures established pursuant to subsection (c), not later than 30 days after the date on which the Department of Defense determines that the failure or compromise has taken place.

“(c) PROCEDURES.—The Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

“(d) STATUTORY CONSTRUCTION.—(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of

classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

“(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to the Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2723. Notice to congressional committees of certain security and counterintelligence failures within defense programs.”.

#### **SEC. 1043. INFORMATION ASSURANCE INITIATIVE.**

(a) IN GENERAL.—Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2224. Defense Information Assurance Program**

“(a) DEFENSE INFORMATION ASSURANCE PROGRAM.—The Secretary of Defense shall carry out a program, to be known as the ‘Defense Information Assurance Program’, to protect and defend Department of Defense information, information systems, and information networks that are critical to the Department and the armed forces during day-to-day operations and operations in times of crisis.

“(b) OBJECTIVES OF THE PROGRAM.—The objectives of the program shall be to provide continuously for the availability, integrity, authentication, confidentiality, nonrepudiation, and rapid restitution of information and information systems that are essential elements of the Defense Information Infrastructure.

“(c) PROGRAM STRATEGY.—In carrying out the program, the Secretary shall develop a program strategy that encompasses those actions necessary to assure the readiness, reliability, continuity, and integrity of Defense information systems, networks, and infrastructure. The program strategy shall include the following:

“(1) A vulnerability and threat assessment of elements of the defense and supporting nondefense information infrastructures that are essential to the operations of the Department and the armed forces.

“(2) Development of essential information assurances technologies and programs.

“(3) Organization of the Department, the armed forces, and supporting activities to defend against information warfare.

“(4) Joint activities of the Department with other departments and agencies of the Government, State and local agencies, and elements of the national information infrastructure.

“(5) The conduct of exercises, war games, simulations, experiments, and other activities designed to prepare the Department to respond to information warfare threats.

“(6) Development of proposed legislation that the Secretary considers necessary for implementing the program or for otherwise responding to the information warfare threat.

“(d) COORDINATION.—In carrying out the program, the Secretary shall coordinate, as appropriate, with the head of any relevant Federal agency and with representatives of those national critical information infrastructure systems that are essential to the operations of the Department and the armed forces on information assurance measures necessary to the protection of these systems.

“(e) ANNUAL REPORT.—Each year, at or about the time the President submits the annual budget for the next fiscal year pursuant to section 1105 of title 31, the Secretary shall submit to Congress a report on the Defense Information Assurance Program. Each report shall include the following:

“(1) Progress in achieving the objectives of the program.

“(2) A summary of the program strategy and any changes in that strategy.

“(3) A description of the information assurance activities of the Office of the Secretary of Defense, Joint Staff, unified and specified commands, Defense Agencies, military departments, and other supporting activities of the Department of Defense.

“(4) Program and budget requirements for the program for the past fiscal year, current fiscal year, budget year, and each succeeding fiscal year in the remainder of the current future-years defense program.

“(5) An identification of critical deficiencies and shortfalls in the program.

“(6) Legislative proposals that would enhance the capability of the Department to execute the program.

“(f) INFORMATION ASSURANCE TEST BED.—The Secretary shall develop an information assurance test bed within the Department of Defense to provide—

“(1) an integrated organization structure to plan and facilitate the conduct of simulations, war games, exercises, experiments, and other activities to prepare and inform the Department regarding information warfare threats; and

“(2) organization and planning means for the conduct by the Department of the integrated or joint exercises and experiments with elements of the national information systems infrastructure and other non-Department of Defense organizations that are responsible for the oversight and management of critical information systems and infrastructures on which the Department, the armed forces, and supporting activities depend for the conduct of daily operations and operations during crisis.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2224. Defense Information Assurance Program.”.

**SEC. 1044. NONDISCLOSURE OF INFORMATION ON PERSONNEL OF OVERSEAS, SENSITIVE, OR ROUTINELY DEPLOYABLE UNITS.**

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 130a the following new section:

**“§ 130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information**

“(a) EXEMPTION FROM DISCLOSURE.—The Secretary of Defense and, with respect to the Coast Guard when it is not operating as a service in the Navy, the Secretary of Transportation may, notwithstanding section 552 of title 5, authorize to be withheld from disclosure to the public personally identifying information regarding—

“(1) any member of the armed forces assigned to an overseas unit, a sensitive unit, or a routinely deployable unit; and

“(2) any employee of the Department of Defense or of the Coast Guard whose duty station is with any such unit.

“(b) EXCEPTIONS.—(1) The authority in subsection (a) is subject to such exceptions as the President may direct.

“(2) Subsection (a) does not authorize any official to withhold, or to authorize the withholding of, information from Congress.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘personally identifying information’, with respect to any person, means the person’s name, rank, duty address, and official title and information regarding the person’s pay.

“(2) The term ‘unit’ means a military organization of the armed forces designated as a unit by competent authority.

“(3) The term ‘overseas unit’ means a unit that is located outside the United States and its territories.

“(4) The term ‘sensitive unit’ means a unit that is primarily involved in training for the conduct of, or conducting, special activities or classified missions, including—

“(A) a unit involved in collecting, handling, disposing, or storing of classified information and materials;

“(B) a unit engaged in training—

“(i) special operations units;

“(ii) security group commands weapons stations;

or

“(iii) communications stations; and

“(C) any other unit that is designated as a sensitive unit by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation.

“(5) The term ‘routinely deployable unit’ means a unit that normally deploys from its permanent home station on a periodic or rotating basis to meet peacetime operational requirements that, or to participate in scheduled training exercises that, routinely require deployments outside the United States and its territories. Such term includes a unit that is alerted for deployment outside the United States and its territories during an actual execution of a contingency plan or in support of a crisis operation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“130b. Personnel in overseas, sensitive, or routinely deployable units: nondisclosure of personally identifying information.”.

#### **SEC. 1045. NONDISCLOSURE OF CERTAIN OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.**

(a) AUTHORITY TO WITHHOLD.—Subchapter II of chapter 22 of title 10, United States Code, is amended by adding at the end the following new section:



**“§ 457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure**

“(a) **AUTHORITY.**—The Secretary of Defense may withhold from public disclosure operational files described in subsection (b) to the same extent that operational files may be withheld under section 701 of the National Security Act of 1947 (50 U.S.C. 431).

“(b) **COVERED OPERATIONAL FILES.**—The authority under subsection (a) applies to operational files in the possession of the National Imagery and Mapping Agency that—

“(1) as of September 22, 1996, were maintained by the National Photographic Interpretation Center; or

“(2) concern the activities of the Agency that, as of such date, were performed by the National Photographic Interpretation Center.

“(c) **OPERATIONAL FILES DEFINED.**—In this section, the term ‘operational files’ has the meaning given that term in section 701(b) of the National Security Act of 1947 (50 U.S.C. 431(b)).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“457. Operational files previously maintained by or concerning activities of National Photographic Interpretation Center: authority to withhold from public disclosure.”

## **Subtitle F—Memorial Objects and Commemorations**

**SEC. 1051. MORATORIUM ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

10 USC 2572  
note.

(a) **PROHIBITION.**—Notwithstanding section 2572 of title 10, United States Code, and any other provision of law, during the moratorium period specified in subsection (c) the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government, unless such transfer is specifically authorized by law.

(b) **DEFINITIONS.**—In this section:

(1) **ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.**—The term “entity controlled by a foreign government” has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) **VETERANS MEMORIAL OBJECT.**—The term “veterans memorial object” means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

(c) PERIOD OF MORATORIUM.—The moratorium period for the purposes of this section is the period beginning on the date of the enactment of this Act and ending on September 30, 2001.

**SEC. 1052. PROGRAM TO COMMEMORATE 50TH ANNIVERSARY OF THE KOREAN WAR.**

(a) PERIOD OF PROGRAM.—Subsection (a) of section 1083 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1918; 10 U.S.C. 113 note) is amended by striking “The Secretary of Defense” and inserting “During fiscal years 2000 through 2004, the Secretary of Defense”.

10 USC 113 note. (b) CHANGE OF NAME.—(1) Subsection (c) of such section, as amended by section 1067 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2134), is amended by striking “The Department of Defense Korean War Commemoration” and inserting “The United States of America Korean War Commemoration”.

(2) The amendment made by paragraph (1) may not be construed to supersede rights that are established or vested before the date of the enactment of this Act.

(3) Any reference to the Department of Defense Korean War Commemoration in any law, regulation, document, record, or other paper of the United States shall be considered to be a reference to the United States of America Korean War Commemoration.

10 USC 113 note. (c) FUNDING.—Subsection (f) of such section is amended to read as follows:

“(f) USE OF FUNDS.—(1) Funds appropriated for the Army for fiscal years 2000 through 2004 for operation and maintenance shall be available for the commemorative program authorized under subsection (a).

“(2) The total amount expended by the Department of Defense through the Department of Defense 50th Anniversary of the Korean War Commemoration Committee, an entity within the Department of the Army, to carry out the commemorative program authorized under subsection (a) for fiscal years 2000 through 2004 may not exceed \$7,000,000.”.

10 USC 113 note. (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

10 USC 113 note. **SEC. 1053. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War between the United States and its allies and the former Union of Soviet Socialist Republics and its allies was the longest and most costly struggle for democracy and freedom in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of that burden and struggle in order to protect those principles.

(5) Tens of thousands of United States soldiers, sailors, airmen, Marines paid the ultimate price during the Cold War

in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, was a major event of the Cold War.

(8) The Soviet Union collapsed on December 25, 1991.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should issue a proclamation calling on the people of the United States to observe the victory in the Cold War with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF END OF COLD WAR.—(1) Subject to paragraphs (2), (3), and (4), amounts authorized to be appropriated by section 301 may be available for costs of the Armed Forces in participating in a celebration of the end of the Cold War to be held in Washington, District of Columbia.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall not exceed \$5,000,000.

(3) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1). The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under the preceding sentence.

(4) The funding authorized in paragraph (1) shall not be available until 30 days after the date upon which the plan required by subsection (d) is submitted.

(d) REPORT.—(1) The President shall transmit to Congress—

(A) a report on the content of the proclamation referred to in subsection (b); and

(B) a plan for appropriate ceremonies and activities.

(2) The plan submitted under paragraph (1) shall include the following:

(A) A discussion of the content, location, date, and time of each ceremony and activity included in the plan.

(B) The funding allocated to support those ceremonies and activities.

(C) The organizations and individuals consulted while developing the plan for those ceremonies and activities.

(D) A list of private sector organizations and individuals that are expected to participate in each ceremony and activity.

(E) A list of local, State, and Federal agencies that are expected to participate in each ceremony and activity.

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the “Commission on Victory in the Cold War”.

(2) The Commission shall be composed of twelve members, as follows:

(A) Two shall be appointed by the President.

(B) Three shall be appointed by the Speaker of the House of Representatives.

(C) Two shall be appointed by the minority leader of the House of Representatives.

(D) Three shall be appointed by the majority leader of the Senate.

(E) Two shall be appointed by the minority leader of the Senate.

(3) The Commission shall review and make recommendations regarding the celebration of the victory in the Cold War, to include the date of the celebration, usage of facilities, participation of the Armed Forces, and expenditure of funds.

(4) The Secretary shall—

(A) consult with the Commission on matters relating to the celebration of the victory in the Cold War;

(B) reimburse Commission members for expenses relating to participation of Commission members in Commission activities from funds made available under subsection (c); and

(C) provide the Commission with administrative support.

(5) The Commission shall be co-chaired by two members as follows:

(A) One selected by and from among those appointed pursuant to subparagraphs (A), (C), and (E) of paragraph (2).

(B) One selected by and from among those appointed pursuant to subparagraphs (B) and (D) of paragraph (2).

## Subtitle G—Other Matters

### SEC. 1061. DEFENSE SCIENCE BOARD TASK FORCE ON USE OF TELEVISION AND RADIO AS A PROPAGANDA INSTRUMENT IN TIME OF MILITARY CONFLICT.

(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine—

(1) the use of radio and television broadcasting as a propaganda instrument in time of military conflict; and

(2) the adequacy of the capabilities of the Armed Forces to make such uses of radio and television during conflicts such as the conflict in the Federal Republic of Yugoslavia in the spring of 1999.

(b) DUTIES OF TASK FORCE.—The task force shall assess and develop recommendations as to the appropriate capabilities, if any, that the Armed Forces should have to broadcast radio and television into a region in time of military conflict so as to ensure that the general public in that region is exposed to the facts of the conflict. In making that assessment and developing those recommendations, the task force shall review the following:

(1) The capabilities of the Armed Forces to develop programming and to make broadcasts that can reach a large segment of the general public in a country such as the Federal Republic of Yugoslavia.

(2) The potential of various Department of Defense airborne or land-based mechanisms to have capabilities described in paragraph (1), including improvements to the EC-130 Commando Solo aircraft and the use of other airborne platforms, unmanned aerial vehicles, and land-based transmitters in conjunction with satellites.

(3) Other issues relating to the use of television and radio as a propaganda instrument in time of conflict.

(c) REPORT.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations under subsection (b) not later than February 1, 2000. The Secretary shall submit the report, together with the comments and recommendations of the Secretary, to the congressional defense committees not later than March 1, 2000. Deadlines.

**SEC. 1062. ASSESSMENT OF ELECTROMAGNETIC SPECTRUM RE-ALLOCATION.**

(a) ASSESSMENT REQUIRED.—Part C of the National Telecommunications and Information Administration Organization Act is amended by adding after section 155 the following new section:

**“SEC. 156. ASSESSMENT OF ELECTROMAGNETIC SPECTRUM RE-ALLOCATION.** 47 USC 921 note.

“(a) REVIEW AND ASSESSMENT OF ELECTROMAGNETIC SPECTRUM REALLOCATION.—

“(1) REVIEW AND ASSESSMENT REQUIRED.—The Secretary of Commerce, acting through the Assistant Secretary and in coordination with the Chairman of the Federal Communications Commission, shall convene an interagency review and assessment of—

“(A) the progress made in implementation of national spectrum planning;

“(B) the reallocation of Federal Government spectrum to non-Federal use, in accordance with the amendments made by title VI of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 379) and title III of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 258); and

“(C) the implications for such reallocations to the affected Federal executive agencies.

“(2) COORDINATION.—The assessment shall be conducted in coordination with affected Federal executive agencies through the Interdepartmental Radio Advisory Committee.

“(3) COOPERATION AND ASSISTANCE.—Affected Federal executive agencies shall cooperate with the Assistant Secretary in the conduct of the review and assessment and furnish the Assistant Secretary with such information, support, and assistance, not inconsistent with law, as the Assistant Secretary may consider necessary in the performance of the review and assessment.

“(4) ATTENTION TO PARTICULAR SUBJECTS REQUIRED.—In the conduct of the review and assessment, particular attention shall be given to—

“(A) the effect on critical military and intelligence capabilities, civil space programs, and other Federal Government systems used to protect public safety of the reallocated spectrum described in paragraph (1)(B) of this subsection;

“(B) the anticipated impact on critical military and intelligence capabilities, future military and intelligence operational requirements, national defense modernization programs, and civil space programs, and other Federal Government systems used to protect public safety, of future potential reallocations to non-Federal use of bands of the electromagnetic spectrum that are currently allocated for use by the Federal Government; and

“(C) future spectrum requirements of agencies in the Federal Government.

Deadline.

“(b) SUBMISSION OF REPORT.—The Secretary of Commerce, in coordination with the heads of the affected Federal executive agencies, and the Chairman of the Federal Communications Commission shall submit to the President, the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Armed Services, the Committee on Commerce, and the Committee on Science of the House of Representatives, not later than October 1, 2000, a report providing the results of the assessment required by subsection (a).”.

47 USC 921 note.

(b) SURRENDER OF DEPARTMENT OF DEFENSE SPECTRUM.—

(1) IN GENERAL.—If, in order to make available for other use a band of frequencies of which it is a primary user, the Department of Defense is required to surrender use of such band of frequencies, the Department shall not surrender use of such band of frequencies until—

(A) the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, identifies and makes available to the Department for its primary use, if necessary, an alternative band or bands of frequencies as a replacement for the band to be so surrendered; and

(B) the Secretary of Commerce, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff jointly certify to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Armed Services and the Committee on Commerce of the House of Representatives, that such alternative band or bands provides comparable technical characteristics to restore essential military capability that will be lost as a result of the band of frequencies to be so surrendered.

(2) EXCEPTION.—Paragraph (1) shall not apply to a band of frequencies that has been identified for reallocation in accordance with title VI of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66; 107 Stat. 379) and title III of the Balanced Budget Act of 1997 (Public Law 105-33, 111 Stat. 258), other than a band of frequencies that is reclaimed pursuant to subsection (c).

47 USC 921 note.

(c) REASSIGNMENT TO FEDERAL GOVERNMENT FOR USE BY DEPARTMENT OF DEFENSE OF CERTAIN FREQUENCY SPECTRUM RECOMMENDED FOR REALLOCATION.—(1) Notwithstanding any provision of the National Telecommunications and Information Administration Organization Act or the Balanced Budget Act of 1997, the President shall reclaim for exclusive Federal Government use on a primary basis by the Department of Defense—

(A) the bands of frequencies aggregating 3 megahertz located between 138 and 144 megahertz that were recommended for reallocation in the second reallocation report under section 113(a) of that Act; and

(B) the band of frequency aggregating 5 megahertz located between 1385 megahertz and 1390 megahertz, inclusive, that was so recommended for reallocation.

(2) Section 113(b)(3)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C.

923(b)(3)(A)) is amended by striking “20 megahertz” and inserting “12 megahertz”.

**SEC. 1063. EXTENSION AND REAUTHORIZATION OF DEFENSE PRODUCTION ACT OF 1950.**

(a) **EXTENSION OF TERMINATION DATE.**—Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking “September 30, 1999” and inserting “September 30, 2000”.

(b) **EXTENSION OF AUTHORIZATION.**—Section 711(b) of such Act (50 U.S.C. App. 2161(b)) is amended by striking “the fiscal years 1996, 1997, 1998, and 1999” and inserting “fiscal years 1996 through 2000”.

**SEC. 1064. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.**

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1998 (title XIV of Public Law 105-261; 50 U.S.C. 2301 note) is amended to read as follows:

**“SEC. 1404. THREAT AND RISK ASSESSMENTS.**

“(a) **THREAT AND RISK ASSESSMENTS.**—Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

“(b) **CONDUCT OF ASSESSMENTS.**—The Department of Justice, as lead Federal agency for domestic crisis management in response to terrorism involving weapons of mass destruction, shall—

“(1) conduct any threat and risk assessment performed under subsection (a) in coordination with appropriate Federal, State, and local agencies; and

“(2) develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.”.

**SEC. 1065. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.**

(a) **AUTHORITY TO TRANSFER AGENTS.**—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with the Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term “Chemical Weapons Convention” means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

#### SEC. 1066. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting “advice and” after “by and with the”.

(2) Section 180(d) is amended by striking “grade GS-18 of the General Schedule under section 5332 of title 5” and inserting “Executive Schedule Level IV under section 5376 of title 5”.

(3) Section 192(d) is amended by striking “the date of the enactment of this subsection” and inserting “October 17, 1998”.

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking “the date of the enactment of this subsection” and inserting “February 10, 1996”.

(6) Section 977(d)(2) is amended by striking “the lesser of” and all that follows through “(B)”.

(7) Section 1073 is amended by inserting “(42 U.S.C. 14401 et seq.)” before the period at the end of the second sentence.

(8) Section 1076a(j)(2) is amended by striking “1 year” and inserting “one year”.

(9) Section 1370(d) is amended—

(A) in paragraph (1), by striking “chapter 1225” and inserting “chapter 1223”; and



(B) in paragraph (5), by striking “the date of the enactment of this paragraph” and inserting “October 17, 1998,”.

(10) Section 1401a(b)(2) is amended—

(A) by striking “MEMBERS” and all that follows through “The Secretary shall” and inserting “MEMBERS.—The Secretary shall”;

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(11) Section 1406(i)(2) is amended by striking “on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999” and inserting “after October 16, 1998”.

(12) Section 1448(b)(3)(E)(ii) is amended by striking “on or after the date of the enactment of the subparagraph” and inserting “after October 16, 1998,”.

(13) Section 1501(d) is amended by striking “prescribed” in the first sentence and inserting “described”.

(14) Section 1509(a)(2) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998” in subparagraphs (A) and (B) and inserting “November 18, 1997,”.

(15) Section 1513(1) is amended by striking “, under the circumstances specified in the last sentence of section 1509(a) of this title” and inserting “who is required by section 1509(a)(1) of this title to be considered a missing person”.

(16) Section 2208(l)(2)(A) is amended by inserting “of” after “during a period”.

(17) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking “after the date of the enactment of this section” and inserting “after October 17, 1998,”; and

(B) in paragraphs (2), (3), and (4), by striking “as of the date of the enactment of this section” and inserting “as of October 17, 1998”.

(18) Section 2302c(b) is amended by striking “section 2303” and inserting “section 2303(a)”.

(19) Section 2325(a)(1) is amended by inserting “that occurs after November 18, 1997,” after “of the contractor” in the matter that precedes subparagraph (A).

(20) Section 2469a(c)(3) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998” and inserting “November 18, 1997”.

(21) Section 2486(c) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998,” in the second sentence and inserting “November 18, 1997,”.

(22) Section 2492(b) is amended by striking “the date of the enactment of this section” and inserting “October 17, 1998”.

(23) Section 2539b(a) is amended by striking “secretaries of the military departments” and inserting “Secretaries of the military departments”.

(24) Section 2641a is amended—

(A) by striking “, United States Code,” in subsection (b)(2); and

(B) by striking subsection (d).

(25) Section 2692(b) is amended—

(A) by striking “apply to—” in the matter preceding paragraph (1) and inserting “apply to the following.”;

(B) by striking “the” at the beginning of each of paragraphs (1) through (11) and inserting “The”;

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking “; and” at the end of paragraph (10) and inserting a period.

(26) Section 2696 is amended—

(A) in subsection (a), by inserting “enacted after December 31, 1997,” after “any provision of law”;

(B) in subsection (b)(1), by striking “required by paragraph (1)” and inserting “referred to in subsection (a)”;

(C) in subsection (e)(4), by striking “the date of enactment of the National Defense Authorization Act for Fiscal Year 1998” and inserting “November 18, 1997”.

(27) Section 2703(c) is amended by striking “United States Code,”.

(28) Section 2837(d)(2) is amended—

(A) by inserting “and” at the end of subparagraph (A);

(B) by striking “; and” at the end of subparagraph (B) and inserting a period; and

(C) by striking subparagraph (C).

(29) Section 7315(d)(2) is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998” and inserting “November 18, 1997,”.

(30) Section 7902(e)(5) is amended by striking “, United States Code,”.

(31) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting “in an” after “officers”.

(32) Section 14301(g) is amended by striking “1 year” both places it appears and inserting “one year”.

(33) Section 16131(b)(1) is amended by inserting “in” after “Except as provided”.

Effective date.

(b) PUBLIC LAW 105-261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1920 et seq.) is amended as follows:

10 USC 691.

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking “section 1411” and inserting “section 1402”.

10 USC 1370.

(3) Section 513(a) (112 Stat. 2007) is amended by striking “section 511” and inserting “section 512(a)”.

10 USC 2012  
note.

(4) Section 525(b) (112 Stat. 2014) is amended by striking “subsection (i)” and inserting “subsection (j)”.

46 USC app.  
1295b.

(5) Section 568 (112 Stat. 2031) is amended by striking “1295(c)” in the matter preceding paragraph (1) and inserting “1295b(c)”.

- (6) Section 722(c) (112 Stat. 2067) is amended—
- (A) by striking “(1)” before “An individual is eligible”;
  - (B) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively; and
  - (C) in paragraph (4), as so redesignated, by striking “subsection (c)” and inserting “subsection (d)”.
- (c) PUBLIC LAW 105-85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended as follows:
- (1) Section 557(b) (111 Stat. 1750) is amended by inserting “to” after “with respect”. 10 USC 1073 note.
  - (2) Section 563(b) (111 Stat. 1754) is amended by striking “title” and inserting “subtitle”. 10 USC 4318 note.
  - (3) Section 644(d)(2) (111 Stat. 1801) is amended by striking “paragraphs (3) and (4)” and inserting “paragraphs (7) and (8)”. 10 USC 113 note.
  - (4) Section 934(b) (111 Stat. 1866) is amended by striking “of” after “matters concerning”. 10 USC 1448 note.
- (d) OTHER LAWS.—
- (1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 370) is amended by inserting “of such title” after “Section 1968(a)”. 10 USC 1501 note.
  - (2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 12001 note) is amended—
    - (A) by striking “pilot” in subsection (a), “PILOT” in the heading of subsection (a), and “PILOT” in the section heading; and
    - (B) in subsection (c)(1)—
      - (i) by striking “2,000” in the first sentence and inserting “5,000”; and
      - (ii) by striking the second sentence.
  - (3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—
    - (A) by striking “to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999” and inserting “to October 16, 1998”; and
    - (B) by striking “The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999” and inserting “October 17, 1998”.
  - (4) Section 113(b)(2) of title 32, United States Code, is amended by striking “the date of the enactment of this subsection” and inserting “October 17, 1998”.
  - (5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.
  - (6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2371 note) is amended by striking “(e)(2) and (e)(3) of such section 2371” and inserting “(e)(1)(B) and (e)(2) of such section 2371”.
- (e) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act. Effective date.  
38 USC 1968.  
10 USC 101 note.

**SEC. 1067. AMENDMENTS TO REFLECT NAME CHANGE OF COMMITTEE ON NATIONAL SECURITY OF THE HOUSE OF REPRESENTATIVES TO COMMITTEE ON ARMED SERVICES.**

The following provisions of law are amended by striking “Committee on National Security” each place it appears and inserting “Committee on Armed Services”:

10 USC 113 *et seq.*

(1) Title 10, United States Code.

(2) Sections 301b(i)(2) and 431(d)(2) of title 37, United States Code.

(3) The following provisions of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261): section 3, section 344(c)(3) (10 U.S.C. 113 note), section 571(f) (10 U.S.C. 520 note), section 722(b)(3)(A) (10 U.S.C. 1073 note), section 723(d) (10 U.S.C. 1073 note), section 724 (10 U.S.C. 1108 note), section 733(b)(3) (10 U.S.C. 1091 note), section 741(c) (10 U.S.C. 1109 note), section 745(h) (10 U.S.C. 1071 note), 803(c)(4) (10 U.S.C. 2306a note), section 914, section 1007(f)(1), section 1101(g)(1) (5 U.S.C. 3104 note), section 1223(a) (22 U.S.C. 1928 note), section 1502(a) (22 U.S.C. 2593a note), section 3124(d), section 3158(c) (42 U.S.C. 2121 note), section 3159(d) (42 U.S.C. 2121 note), and section 3161(d)(2) (50 U.S.C. 435 note).

112 Stat. 1935.

50 USC app. 2404 note.

(4) The following provisions of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85): section 3, section 349(g) (10 U.S.C. 2702 note), section 849(b) (10 U.S.C. 1731 note), section 1033(f)(4), section 1078(d) (50 U.S.C. 1520a), section 1215(2), section 3124(d), and section 3140(a).

110 Stat 2439.  
33 USC 2406  
note.

(5) The following provisions of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201): section 3, section 121(e)(1), section 270(a) (10 U.S.C. 2501 note), section 326(c), section 333(c), section 552(a), section 1042(a) (10 U.S.C. 113 note), section 1053(d), section 2827(b)(3), and section 3124(c).

110 Stat. 204;  
10 USC 2431  
note.

(6) The following provisions of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106): section 3, section 131, section 234(f), section 279(b), section 373(a), section 807(c) (10 U.S.C. 2401a note), section 822(e) (10 U.S.C. 2302 note), section 1011(d)(2), section 1205(a)(2) (22 U.S.C. 5955 note), section 3124(c), and section 3411 (10 U.S.C. 7420 note).

(7) Section 2922(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 10 U.S.C. 2687 note).

(8) Sections 326(a)(5) (10 U.S.C. 2302 note) and 1505(e)(2)(B) (22 U.S.C. 5859a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

(9) Section 1097(a)(1) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 22 U.S.C. 2751 note).

(10) The following provisions of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510): section 1403(d)(2) (50 U.S.C. 404b(d)(2)), section 1457(d)(2) (50 U.S.C. 404c(d)(2)), section 2910(2) (10 U.S.C. 2687 note), and subsections (e)(3)(A) and (f)(2) of section 2921 (10 U.S.C. 2687 note).

(11) Subsections (b)(4) and (k)(2) of section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 50 U.S.C. 1521).

(12) Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 22 U.S.C. 1928 note).

(13) Sections 6(d)(1) and 7(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(d)(1), 98f(b)).

(14) Section 8125(g)(2) of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 10 U.S.C. 113 note).

(15) Section 7606(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 10 U.S.C. 9441 note).

(16) Sections 104(d)(5) and 109(c)(2) of the National Security Act of 1947 (50 U.S.C. 403-4(d)(5), 404d(c)(2)).

(17) Sections 8(b)(3) and 8(f)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(18) Section 204(h)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(3)).

(19) Section 101(f)(3)(A) of the Sikes Act (16 U.S.C. 670a(f)(3)(A)).

(20) Section 103(c) of the High-Performance Computing Act of 1991 (15 U.S.C. 5513(c)).

(21) Section 205(b)(1) of the Commercial Space Act of 1998 (Public Law 105-303; 42 U.S.C. 14734(b)(1)).

(22) Section 506(c) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974).

(23) Section 2(f) of the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104-307; 10 U.S.C. 2576 note).

## **TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL**

Sec. 1101. Accelerated implementation of voluntary early retirement authority.

Sec. 1102. Increase of pay cap for nonappropriated fund senior executive employees.

Sec. 1103. Restoration of leave of emergency essential employees serving in a combat zone.

Sec. 1104. Extension of certain temporary authorities to provide benefits for employees in connection with defense workforce reductions and restructuring.

Sec. 1105. Leave without loss of benefits for military reserve technicians on active duty in support of combat operations.

Sec. 1106. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.

Sec. 1107. Work schedules and premium pay of service academy faculty.

Sec. 1108. Salary schedules and related benefits for faculty and staff of the Uniformed Services University of the Health Sciences.

Sec. 1109. Exemption of defense laboratory employees from certain workforce management restrictions.

### **SEC. 1101. ACCELERATED IMPLEMENTATION OF VOLUNTARY EARLY RETIREMENT AUTHORITY.**

Section 1109(d)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2145; 5 U.S.C. 8336 note) is amended by striking “October 1, 2000” and inserting “October 1, 1999”.

**SEC. 1102. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.**

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking “Except as provided” and inserting “(a) Except as provided in subsection (b) and”; and

(2) by adding at the end the following new subsection:

“(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.”.

**SEC. 1103. RESTORATION OF LEAVE OF EMERGENCY ESSENTIAL EMPLOYEES SERVING IN A COMBAT ZONE.**

(a) SERVICE IN A COMBAT ZONE AS EXIGENCY OF THE PUBLIC BUSINESS.—Section 6304(d) of title 5, United States Code, is amended by adding at the end the following:

“(4)(A) For the purpose of this subsection, service of a Department of Defense emergency essential employee in a combat zone is an exigency of the public business for that employee. Any leave that, by reason of such service, is lost by the employee by operation of this section (regardless of whether such leave was scheduled) shall be restored to the employee and shall be credited and available in accordance with paragraph (2).

“(B) As used in subparagraph (A)—

“(i) the term ‘Department of Defense emergency essential employee’ means an employee of the Department of Defense who is designated under section 1580 of title 10 as an emergency essential employee; and

“(ii) the term ‘combat zone’ has the meaning given such term in section 112(c)(2) of the Internal Revenue Code of 1986.”.

(b) DESIGNATION OF EMERGENCY ESSENTIAL EMPLOYEES.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after the table of sections at the beginning of such chapter the following new section 1580:

**“§ 1580. Emergency essential employees: designation**

“(a) CRITERIA FOR DESIGNATION.—The Secretary of Defense or the Secretary of the military department concerned may designate as an emergency essential employee any employee of the Department of Defense, whether permanent or temporary, the duties of whose position meet all of the following criteria:

“(1) It is the duty of the employee to provide immediate and continuing support for combat operations or to support maintenance and repair of combat essential systems of the armed forces.

“(2) It is necessary for the employee to perform that duty in a combat zone after the evacuation of nonessential personnel, including any dependents of members of the armed forces, from the zone in connection with a war, a national emergency declared by Congress or the President, or the commencement of combat operations of the armed forces in the zone.

“(3) It is impracticable to convert the employee’s position to a position authorized to be filled by a member of the armed

forces because of a necessity for that duty to be performed without interruption.

“(b) ELIGIBILITY OF EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—A nonappropriated fund instrumentality employee is eligible for designation as an emergency essential employee under subsection (a).

“(c) DEFINITIONS.—In this section:

“(1) The term ‘combat zone’ has the meaning given that term in section 112(c)(2) of the Internal Revenue Code of 1986.

“(2) The term ‘nonappropriated fund instrumentality employee’ has the meaning given that term in section 1587(a)(1) of this title.”.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 1581 the following:

“1580. Emergency essential employees: designation.”.

**SEC. 1104. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.**

(a) LUMP-SUM PAYMENT OF SEVERANCE PAY.—Section 5595(i)(4) of title 5, United States Code, is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999” and inserting “February 10, 1996, and before October 1, 2003”.

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 5597(e) of such title is amended by striking “September 30, 2001” and inserting “September 30, 2003”.

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

“(i) October 1, 2003; or

“(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.”.

**SEC. 1105. LEAVE WITHOUT LOSS OF BENEFITS FOR MILITARY RESERVE TECHNICIANS ON ACTIVE DUTY IN SUPPORT OF COMBAT OPERATIONS.**

(a) ELIMINATION OF RESTRICTION TO SITUATIONS INVOLVING NONCOMBAT OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking “noncombat”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to days of leave under section 6323(d)(1) of title 5, United States Code, on or after that date.

5 USC 6323 note.

**SEC. 1106. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.**

(a) IN GENERAL.—Section 6323(a)(1) of title 5, United States Code, is amended in the first sentence by inserting “, inactive-duty training (as defined in section 101 of title 37),” after “active duty”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act.

5 USC 6323 note.

**SEC. 1107. WORK SCHEDULES AND PREMIUM PAY OF SERVICE ACADEMY FACULTY.**

(a) UNITED STATES MILITARY ACADEMY.—Section 4338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

“(c) The Secretary of the Army may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

“(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

“(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.”.

(b) UNITED STATES NAVAL ACADEMY.—Section 6952 of title 10, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following new subsection (c):

“(c) The Secretary of the Navy may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

“(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

“(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.”.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9338 of title 10, United States Code, is amended by adding at the end the following new subsection (c):

“(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

“(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

“(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.”.

**SEC. 1108. SALARY SCHEDULES AND RELATED BENEFITS FOR FACULTY AND STAFF OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

Section 2113(f) of title 10, United States Code, is amended by adding at the end the following:

“(3) The limitations in section 5373 of title 5 do not apply to the authority of the Secretary under paragraph (1) to prescribe salary schedules and other related benefits.”.



**SEC. 1109. EXEMPTION OF DEFENSE LABORATORY EMPLOYEES FROM CERTAIN WORKFORCE MANAGEMENT RESTRICTIONS.**

Section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721) is amended by adding at the end the following new paragraph:

“(4) The employees of a laboratory covered by a personnel demonstration project carried out under this section shall be exempt from, and may not be counted for the purposes of, any constraint or limitation in a statute or regulation in terms of supervisory ratios or maximum number of employees in any specific category or categories of employment that may otherwise be applicable to the employees. The employees shall be managed by the director of the laboratory subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics.”.

## **TITLE XII—MATTERS RELATING TO OTHER NATIONS**

### **Subtitle A—Matters Relating to the People’s Republic of China**

- Sec. 1201. Limitation on military-to-military exchanges and contacts with Chinese People’s Liberation Army.  
Sec. 1202. Annual report on military power of the People’s Republic of China.

### **Subtitle B—Matters Relating to the Balkans**

- Sec. 1211. Department of Defense report on the conduct of Operation Allied Force and associated relief operations.  
Sec. 1212. Sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

### **Subtitle C—Matters Relating to NATO and Other Allies**

- Sec. 1221. Legal effect of the new strategic concept of NATO.  
Sec. 1222. Report on allied capabilities to contribute to major theater wars.  
Sec. 1223. Attendance at professional military education schools by military personnel of the new member nations of NATO.

### **Subtitle D—Other Matters**

- Sec. 1231. Multinational economic embargoes against governments in armed conflict with the United States.  
Sec. 1232. Limitation on deployment of Armed Forces in Haiti during fiscal year 2000 and congressional notice of deployments to Haiti.  
Sec. 1233. Report on the security situation on the Korean peninsula.  
Sec. 1234. Sense of Congress regarding the continuation of sanctions against Libya.  
Sec. 1235. Sense of Congress and report on disengaging from noncritical overseas missions involving United States combat forces.

## **Subtitle A—Matters Relating to the People’s Republic of China**

### **SEC. 1201. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH CHINESE PEOPLE’S LIBERATION ARMY.** 10 USC 168 note.

(a) **LIMITATION.**—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the armed forces with representatives of the People’s Liberation Army of the People’s Republic of China if that exchange or contact would create a national security risk due to an inappropriate exposure specified in subsection (b).

(b) **COVERED EXCHANGES AND CONTACTS.**—Subsection (a) applies to any military-to-military exchange or contact that includes inappropriate exposure to any of the following:

- (1) Force projection operations.
- (2) Nuclear operations.
- (3) Advanced combined-arms and joint combat operations.
- (4) Advanced logistical operations.
- (5) Chemical and biological defense and other capabilities related to weapons of mass destruction.
- (6) Surveillance and reconnaissance operations.
- (7) Joint warfighting experiments and other activities related to a transformation in warfare.
- (8) Military space operations.
- (9) Other advanced capabilities of the Armed Forces.
- (10) Arms sales or military-related technology transfers.
- (11) Release of classified or restricted information.
- (12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search-and-rescue or humanitarian operation or exercise.

Deadline.

(d) ANNUAL CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than December 31 each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calendar year was conducted in violation of subsection (a).

Deadline.

(e) ANNUAL REPORT.—Not later than March 31 each year beginning in 2001, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military exchanges and contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military exchanges and contacts scheduled for the next 12-month period and a plan for future contacts and exchanges.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military exchanges and contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military exchanges and contacts.

(5) The Secretary's assessment of how military-to-military exchanges and contacts with the People's Liberation Army fit into the larger security relationship between the United States and the People's Republic of China.

Deadline.

(f) REPORT OF PAST MILITARY-TO-MILITARY EXCHANGES AND CONTACTS WITH THE PRC.—Not later than March 31, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on past military-to-military exchanges and contacts between the United States and the People's Republic of China. The report shall be unclassified, but may contain a classified annex, and shall include the following:

(1) A list of the general and flag grade officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (1) in the Tiananmen Square massacre of June 1989.

(4) A list of the facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military exchange or contact program between the United States and the People's Republic of China since January 1, 1993.

(5) A list of facilities in the People's Republic of China that have been the subject of a requested visit by the Department of Defense that has been denied by People's Republic of China authorities.

(6) A list of facilities in the United States that have been the subject of a requested visit by the People's Liberation Army that has been denied by the United States.

(7) Any official documentation (such as memoranda for the record, after-action reports, and final itineraries) and all receipts for expenses over \$1,000, concerning military-to-military exchanges or contacts between the United States and the People's Republic of China in 1999.

(8) A description of military-to-military exchanges or contacts between the United States and the People's Republic of China scheduled for 2000.

(9) An assessment regarding whether or not any People's Republic of China military officials have been shown classified material as a result of military-to-military exchanges or contacts between the United States and the People's Republic of China.

**SEC. 1202. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.**

10 USC 113 note.

(a) **ANNUAL REPORT.**—Not later than March 1 each year, the Secretary of Defense shall submit to the specified congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the People's Republic of China. The report shall address the current and probable future course of military-technological development on the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through the next 20 years.

Deadline.

(b) **MATTERS TO BE INCLUDED.**—Each report under this section shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese strategy that would be designed to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The security situation in the Taiwan Strait.

(4) Chinese strategy regarding Taiwan.

(5) The size, location, and capabilities of Chinese strategic, land, sea, and air forces, including detailed analysis of those forces facing Taiwan.

(6) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(7) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space and other advanced technologies that would enhance military capabilities.

(8) An assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96-8).

(c) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term “specified congressional committees” means the following:

(1) The Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(2) The Committee on Armed Services and the Committee on International Relations of the House of Representatives.

## Subtitle B—Matters Relating to the Balkans

### SEC. 1211. DEPARTMENT OF DEFENSE REPORT ON THE CONDUCT OF OPERATION ALLIED FORCE AND ASSOCIATED RELIEF OPERATIONS.

Deadline.

(a) REPORT REQUIRED.—(1) Not later than January 31, 2000, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations conducted as part of Operation Allied Force and relief operations associated with that operation. The Secretary shall submit to those committees a preliminary report on the conduct of those operations not later than October 15, 1999. The report (including the preliminary report) shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff and the Commander in Chief, United States European Command.

(2) In this section, the term “Operation Allied Force” means operations of the North Atlantic Treaty Organization (NATO) conducted against the Federal Republic of Yugoslavia (Serbia and Montenegro) during the period beginning on March 24, 1999, and ending with the suspension of bombing operations on June 10, 1999, to resolve the conflict with respect to Kosovo.

(b) DISCUSSION OF ACCOMPLISHMENTS AND SHORTCOMINGS.—The report (and the preliminary report, to the extent feasible) shall contain a discussion, with a particular emphasis on accomplishments and shortcomings, of the following matters:

(1) The national security interests of the United States that were threatened by the deteriorating political and military situation in the Province of Kosovo, Republic of Serbia, in the country of the Federal Republic of Yugoslavia (Serbia and Montenegro).

(2) The factors leading to the decision by the United States and NATO to issue an ultimatum in October 1998 that force would be used against the Federal Republic of Yugoslavia

unless certain conditions were met, and the planning of a military operation to execute that ultimatum.

(3) The political and military objectives of the United States and NATO in the conflict with the Federal Republic of Yugoslavia.

(4) The military strategy of the United States and NATO to achieve those political and military objectives.

(5) An analysis of the decisionmaking process of NATO and the effect of that decisionmaking process on the conduct of military operations.

(6) An analysis of the decision not to include a ground component in Operation Allied Force (to include a detailed explanation of the political and military factors involved in that decision) and the effect of that decision on the conduct of military operations.

(7) The deployment of United States forces and the transportation of supplies to the theater of operations, including an assessment of airlift and sealift, with a specific assessment of the deployment of Task Force Hawk.

(8) The conduct of military operations, including a specific assessment of each of the following:

(A) The effects of the graduated, incremental pace of the military operations.

(B) The process for identifying, nominating, selecting and verifying targets to be attacked during Operation Allied Force, including an analysis of the factors leading to the bombing of the Embassy of the People's Republic of China in Belgrade.

(C) The loss of aircraft and the accuracy of bombing operations.

(D) The decoy and deception operations and counter-intelligence techniques used by the Yugoslav military.

(E) The use of high-demand, low-density assets in Operation Allied Force in terms of inventory, capabilities, deficiencies, and ability to provide logistical support.

(F) A comparison of the military capabilities of the United States and of the allied participants in Operation Allied Force.

(G) Communications and operational security of NATO forces.

(H) The effect of adverse weather on the performance of weapons and supporting systems.

(I) The decision not to use in the air campaign the Apache attack helicopters deployed as part of Task Force Hawk.

(9) The conduct of relief operations by United States and allied military forces and the effect of those relief operations on military operations.

(10) The ability of the United States during Operation Allied Force to conduct other operations required by the national defense strategy, including an analysis of the transfer of operational assets from other United States unified commands to the European Command for participation in Operation Allied Force and the effect of those transfers on the readiness, warfighting capability, and deterrence posture of those commands.

(11) The use of special operations forces, including operational and intelligence activities classified under special access procedures.

(12) The effectiveness of intelligence, surveillance, and reconnaissance support to operational forces, including an assessment of battle damage assessment of fixed and mobile targets prosecuted during the air campaign, estimates of Yugoslav forces and equipment in Kosovo, and information related to Kosovar refugees and internally displaced persons.

(13) The use and performance of United States and NATO military equipment, weapon systems, and munitions (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in the theater of operations;

(B) any equipment or capabilities that were available and could have been used but were not introduced into the theater of operations; and

(C) the compatibility of command, control, and communications equipment and the ability of United States aircraft to operate with aircraft of other nations without degradation of capabilities or protection of United States forces.

(14) The scope of logistics support, including support from other nations, with particular emphasis on the availability and adequacy of foreign air bases.

(15) The role of contractors to provide support and maintenance in the theater of operations.

(16) The acquisition policy actions taken to support the forces in the theater of operations.

(17) The personnel management actions taken to support the forces in the theater of operations.

(18) The effectiveness of reserve component forces, including their use and performance in the theater of operations.

(19) A legal analysis, including (A) the legal basis for the decision by NATO to use force, and (B) the role of the law of armed conflict in the planning and execution of military operations by the United States and the other NATO member nations.

(20) The cost to the Department of Defense of Operation Allied Force and associated relief operations, together with the Secretary's plan to refurbish or replace ordnance and other military equipment expended or destroyed during the operations.

(21) A description of the most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes.

(c) CLASSIFICATION OF REPORT.—The Secretary of Defense shall submit both the report and the preliminary report in a classified form and an unclassified form.

**SEC. 1212. SENSE OF CONGRESS REGARDING THE NEED FOR VIGOROUS PROSECUTION OF WAR CRIMES, GENOCIDE, AND CRIMES AGAINST HUMANITY IN THE FORMER REPUBLIC OF YUGOSLAVIA.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this section referred to as the “ICTY”) by resolution on May 25, 1993.

(2) Although the ICTY has indicted 89 people since its creation, those indictments have only resulted in the trial and conviction of 8 criminals.

(3) The ICTY has jurisdiction to investigate grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5).

(4) The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia, that “[t]he Prosecutor believes that the nature and scale of the fighting indicate that an ‘armed conflict’, within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established”.

(5) Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo.

(6) In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread rape of women and young girls.

(7) These reports of atrocities provide prima facie evidence of war crimes and crimes against humanity, as well as possible genocide.

(8) Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible.

(9) The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities.

(10) The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects’ whereabouts.

(11) Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo.

(12) Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

(13) NATO forces and forensic teams deployed in Kosovo have uncovered physical evidence of war crimes, including mass graves.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States, in coordination with other United Nations member states, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes,

crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity, and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY and should use all appropriate means to apprehend and bring to justice through the ICTY individuals who are already under indictment;

(5) any final settlement regarding Kosovo should not bar the indictment, apprehension, or prosecution of persons accused of war crimes, crimes against humanity, or genocide committed during operations in Kosovo; and

(6) President Slobodan Milosevic should be held accountable for his actions while President of the Federal Republic of Yugoslavia or President of the Republic of Serbia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

## Subtitle C—Matters Relating to NATO and Other Allies

### SEC. 1221. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

President.  
Deadline.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall determine and certify to the Congress whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under article II, section 2, clause 2 of the Constitution.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Congress a report containing an analysis of the potential threats facing the North Atlantic Treaty Organization in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be “out of area” or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purposes of this section, the term “new Strategic Concept of NATO” means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, DC, on April 23 and 24, 1999.

### SEC. 1222. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military



capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) MATTERS TO BE INCLUDED.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than June 1, 2000. Deadline.

**SEC. 1223. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO.** 10 USC note  
prec. 2161.

(a) FINDING.—Congress finds that it is in the national interest of the United States to fully integrate Poland, Hungary, and the Czech Republic (the new member nations of the North Atlantic Treaty Organization) into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS.—The Secretary of each military department shall give due consideration to according a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

## Subtitle D—Other Matters

50 USC 1707. **SEC. 1231. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.**

(a) **POLICY ON THE ESTABLISHMENT OF EMBARGOES.**—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, as appropriate—

(1) seek the establishment of a multinational economic embargo against such country; and

(2) seek the seizure of its foreign financial assets.

President.  
Deadline.

(b) **REPORTS TO CONGRESS.**—Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a), the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

(1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a); and

(2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

50 USC 1541  
note.

**SEC. 1232. LIMITATION ON DEPLOYMENT OF ARMED FORCES IN HAITI DURING FISCAL YEAR 2000 AND CONGRESSIONAL NOTICE OF DEPLOYMENTS TO HAITI.**

(a) **LIMITATION ON DEPLOYMENT.**—No funds available to the Department of Defense during fiscal year 2000 may be expended after May 31, 2000, for the continuous deployment of United States Armed Forces in Haiti pursuant to the Department of Defense operation designated as Operation Uphold Democracy.

(b) **REPORT.**—Whenever there is a deployment of United States Armed Forces to Haiti after May 31, 2000, the President shall, not later than 96 hours after such deployment begins, transmit to Congress a written report regarding the deployment. In any such report, the President shall specify (1) the purpose of the deployment, and (2) the date on which the deployment is expected to end.

Deadline.

**SEC. 1233. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.**

(a) **REPORT.**—Not later than April 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

**SEC. 1234. SENSE OF CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.**

(a) FINDINGS.—Congress makes the following findings:

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan American Flight 103 over Lockerbie, Scotland.

Pan American  
Flight 103.

(2) The United Kingdom and the United States indicted two Libyan intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

Abd al-Baset Ali  
al-Megrahi.  
Al-Amin  
Khalifah  
Fhimah.

(3) The United Nations Security Council called for the extradition of those suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom to stand trial.

Muammar  
Qadhafi.

(4) United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 748 and 883 include—

(A) a worldwide ban on Libya’s national airline;

(B) a ban on flights into and out of Libya by other nations’ airlines; and

(C) a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qadhafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qadhafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects accused in the Lockerbie bombing) set forth in United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial, renunciation of and ending support for terrorism, and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations Secretary General issued a report to the Security Council on June 30, 1999, on the issue of Libya's compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya now that the United Nations Secretary General's report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, "Patterns of Global Terrorism; 1998", stated that Colonel Qadhafi "continued publicly and privately to support Palestinian terrorist groups, including the PIJ and the PFLP-GC".

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with United States law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya's ongoing support for terrorist groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the use of the United States veto at the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

**SEC. 1235. SENSE OF CONGRESS AND REPORT ON DISENGAGING FROM NONCRITICAL OVERSEAS MISSIONS INVOLVING UNITED STATES COMBAT FORCES.**

(a) FINDINGS.—Congress makes the following findings:

(1) It is the National Security Strategy of the United States to "deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames".

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements.

(3) The United States has 120,000 military personnel permanently assigned to the Southwest Asia and Northeast Asia theaters.

(4) The United States has an additional 70,000 military personnel assigned to non-NATO/non-Pacific threat foreign countries.

(5) The United States has more than 6,000 military personnel in Bosnia-Herzegovina on indefinite assignment.

(6) The United States has diverted permanently assigned resources from other theaters to support operations in the Balkans.

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades.

(8) Between 1986 and 1998, the number of United States military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent.

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in fiscal year 1998, 28,000 United States Army soldiers were deployed to more than 70 countries for over 300 separate missions.

(10) The number of fighter wings in the active component of the Air Force has gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans were United States-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a “stop loss” program to block normal retirements and separations.

(11) The Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the western Pacific to the Mediterranean to support Operation Allied Force.

(12) In 1998, just 10 percent of eligible carrier naval aviators (27 out of 261) accepted continuation bonuses and remained in the service.

(13) In 1998, 48 percent of Air Force pilots eligible for continuation chose to leave the service.

(14) The Army could fall 6,000 below congressionally authorized strength levels by the end of 1999.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the readiness of United States military forces to execute the National Security Strategy of the United States referred to in subsection (a)(1) is being eroded by a combination of declining defense budgets and expanded missions; and

(2) there may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) REPORT REQUIREMENT.—Not later than March 1, 2000, the President shall submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives a report prioritizing the ongoing global

President.  
Deadline.

missions to which the United States is contributing forces. The President shall include in the report a feasibility analysis of how the United States can—

- (1) shift resources from low priority missions in support of higher priority missions;
- (2) consolidate or reduce United States troop commitments worldwide; and
- (3) end low priority missions.

## TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.  
 Sec. 1302. Funding allocations.  
 Sec. 1303. Prohibition on use of funds for specified purposes.  
 Sec. 1304. Limitations on use of funds for fissile material storage facility.  
 Sec. 1305. Limitation on use of funds for chemical weapons destruction.  
 Sec. 1306. Limitation on use of funds until submission of report.  
 Sec. 1307. Limitation on use of funds until submission of multiyear plan.  
 Sec. 1308. Requirement to submit report.  
 Sec. 1309. Report on Expanded Threat Reduction Initiative.  
 Sec. 1310. Limitation on use of funds until submission of certification.  
 Sec. 1311. Period covered by annual report on accounting for United States assistance under Cooperative Threat Reduction programs.  
 Sec. 1312. Russian nonstrategic nuclear arms.

### SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

22 USC 5952  
note.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

22 USC 5952  
note.

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term “fiscal year 2000 Cooperative Threat Reduction funds” means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

### SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the \$475,500,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

- (1) For strategic offensive arms elimination in Russia, \$177,300,000.
- (2) For strategic nuclear arms elimination in Ukraine, \$41,800,000.
- (3) For activities to support warhead dismantlement processing in Russia, \$9,300,000.
- (4) For security enhancements at chemical weapons storage sites in Russia, \$20,000,000.

(5) For weapons transportation security in Russia, \$15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, \$64,500,000.

(7) For weapons storage security in Russia, \$99,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, \$32,300,000.

(9) For biological weapons proliferation prevention activities in Russia, \$12,000,000.

(10) For activities designated as Other Assessments/Administrative Support, \$1,800,000.

(11) For defense and military contacts, \$2,300,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (11) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4) through (6), (8), (10), or (11) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

**SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.**

22 USC 5952  
note.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) **LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.**—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) **LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.**—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

22 USC 5952  
note.

**SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.**

(a) **LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.**—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

(b) **LIMITATION ON CONSTRUCTION.**—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

22 USC 5952  
note.

**SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.**

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

**SEC. 1306. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT.**

Not more than 50 percent of the fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress a report describing—

(1) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive



agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(2) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency.

**SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.**

Not more than ten percent of fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22 U.S.C. 5952 note).

**SEC. 1308. REQUIREMENT TO SUBMIT REPORT.**

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including—

Deadline.

(1) an explanation of the strategy of the Department of Defense for encouraging States of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs;

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient States, on the level of assistance provided by the United States for each of such projects; and

(4) an identification of the amount of international financial assistance provided for Cooperative Threat Reduction programs by other States.

**SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE.**

President.  
Deadline.

Not later than March 31, 2000, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

**SEC. 1310. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF CERTIFICATION.**

No funds appropriated for fiscal year 1999 for Cooperative Threat Reduction programs and remaining available for obligation or expenditure may be obligated or expended for assistance for any country under a Cooperative Threat Reduction Program until the President resubmits to Congress an updated certification under section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(d)), section 1412(d) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5902(d)), and section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 22 U.S.C. 5852).

**SEC. 1311. PERIOD COVERED BY ANNUAL REPORT ON ACCOUNTING  
FOR UNITED STATES ASSISTANCE UNDER COOPERATIVE  
THREAT REDUCTION PROGRAMS.**

Section 1206(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 471; 22 U.S.C. 5955 note) is amended to read as follows:

Deadline.

“(2) The report shall be submitted under this section not later than January 31 of each year and shall cover the fiscal year ending in the preceding calendar year. No report is required under this section after the completion of the Cooperative Threat Reduction programs.”.

22 USC 5955  
note.

**SEC. 1312. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the re-certification under section 1310 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia’s arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia’s stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary of Defense shall include in the annual report described in paragraph (1) the views on the report provided under subsection (c).

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the annual report described in subsection (b), the Director’s views on the matters described in paragraph (1) of that subsection regarding Russia’s tactical nuclear weapons.

## TITLE XIV—PROLIFERATION AND EXPORT CONTROLS

- Sec. 1401. Adherence of People's Republic of China to Missile Technology Control Regime.
- Sec. 1402. Annual report on transfers of militarily sensitive technology to countries and entities of concern.
- Sec. 1403. Resources for export license functions.
- Sec. 1404. Security in connection with satellite export licensing.
- Sec. 1405. Reporting of technology transmitted to People's Republic of China and of foreign launch security violations.
- Sec. 1406. Report on national security implications of exporting high-performance computers to the People's Republic of China.
- Sec. 1407. End-use verification for use by People's Republic of China of high-performance computers.
- Sec. 1408. Enhanced multilateral export controls.
- Sec. 1409. Enhancement of activities of Defense Threat Reduction Agency.
- Sec. 1410. Timely notification of licensing decisions by the Department of State.
- Sec. 1411. Enhanced intelligence consultation on satellite license applications.
- Sec. 1412. Investigations of violations of export controls by United States satellite manufacturers.

### SEC. 1401. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

- (a) SENSE OF CONGRESS.—It is the sense of Congress that—
- (1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and
  - (2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—
    - (A) agreed to the Missile Technology Control Regime and the specific provisions of the MTCR Annex;
    - (B) demonstrated a sustained and verified record of performance with respect to the nonproliferation of missiles and missile technology; and
    - (C) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.
- (b) REPORT REQUIRED.—Not later than January 31, 2000, the President shall transmit to Congress a report explaining—
- (1) the policy and commitments that the People's Republic of China has stated on its adherence to the Missile Technology Control Regime and the MTCR Annex;
  - (2) the degree to which the People's Republic of China is complying with its stated policy and commitments on adhering to the Missile Technology Control Regime and the MTCR Annex; and
  - (3) actions taken by the United States to encourage the People's Republic of China to adhere to the Missile Technology Control Regime and the MTCR Annex.
- (c) DEFINITIONS.—In this section:
- (1) MISSILE TECHNOLOGY CONTROL REGIME.—The term “Missile Technology Control Regime” means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

President.  
Deadline.

(2) MTCR ANNEX.—The term “MTCR Annex” means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

22 USC 2778  
note.

**SEC. 1402. ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.**

President.  
Deadline.

(a) ANNUAL REPORT.—Not later than March 30 of each year beginning in the year 2000 and ending in the year 2007, the President shall transmit to Congress a report on transfers to countries and entities of concern during the preceding calendar year of the most significant categories of United States technologies and technical information with potential military applications.

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include, at a minimum, the following:

(1) An assessment by the Director of Central Intelligence of efforts by countries and entities of concern to acquire technologies and technical information referred to in subsection (a) during the preceding calendar year.

(2) An assessment by the Secretary of Defense, in consultation with the Joint Chiefs of Staff and the Director of Central Intelligence, of the cumulative impact of licenses granted by the United States for exports of technologies and technical information referred to in subsection (a) to countries and entities of concern during the preceding 5-calendar year period on—

(A) the military capabilities of such countries and entities; and

(B) countermeasures that may be necessary to overcome the use of such technologies and technical information.

(3) An audit by the Inspectors General of the Departments of Defense, State, Commerce, and Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, of the policies and procedures of the United States Government with respect to the export of technologies and technical information referred to in subsection (a) to countries and entities of concern.

(c) ADDITIONAL REQUIREMENT FOR FIRST REPORT.—The first annual report required by subsection (a) shall include an assessment by the Inspectors General of the Departments of State, Defense, Commerce, and the Treasury and the Inspector General of the Central Intelligence Agency of the adequacy of current export controls and counterintelligence measures to protect against the acquisition by countries and entities of concern of United States technology and technical information referred to in subsection (a).

(d) SUPPORT OF OTHER AGENCIES.—Upon the request of the officials responsible for preparing the assessments required by subsection (b), the heads of other departments and agencies shall make available to those officials all information necessary to carry out the requirements of this section.

(e) CLASSIFIED AND UNCLASSIFIED REPORTS.—Each report required by this section shall be submitted in classified form and unclassified form.

(f) DEFINITION.—As used in this section, the term “countries and entities of concern” means—

(1) any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism;

(2) any country that—

(A) has detonated a nuclear explosive device (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 3201 note)); and

(B) is not a member of the North Atlantic Treaty Organization; and

(3) any entity that—

(A) is engaged in international terrorism or activities in preparation thereof; or

(B) is directed or controlled by the government of a country described in paragraph (1) or (2).

**SEC. 1403. RESOURCES FOR EXPORT LICENSE FUNCTIONS.**

22 USC 2778  
note.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(c) UPDATING OF STATE DEPARTMENT REPORT.—Not later than March 1, 2000, the Secretary of State, in consultation with the Secretary of Defense and the Secretary of Commerce, shall transmit to Congress a report updating the information reported to Congress under section 1513(d)(3) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note).

Deadline.

**SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.**

22 USC 2778  
note.

As a condition of the export license for any satellite to be launched in a country subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note), the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note) be prepared by the Department of Defense and the licensee, and that the plan set forth enhanced security arrangements for the launch of the satellite, both before and during launch operations.

(2) That each person providing security for the launch of that satellite—

(A) report directly to the launch monitor with regard to issues relevant to the technology transfer control plan;

(B) have received appropriate training in the International Trafficking in Arms Regulations (hereafter in this title referred to as “ITAR”).

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as “Secret”.

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

22 USC 2778  
note.

**SEC. 1405. REPORTING OF TECHNOLOGY TRANSMITTED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.**

(a) **MONITORING OF INFORMATION.**—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China with regard to each space launch that the monitors are responsible for monitoring, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) **TRANSMISSION TO OTHER AGENCIES.**—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) **RETENTION OF RECORDS.**—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) **GUIDELINES.**—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

**SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.**

(a) REVIEW.—The President, in consultation with the Secretary of Defense and the Secretary of Energy, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. To the extent that such testing has not already been conducted by the Government, the President, as part of the review, shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers. President.

(b) REPORT.—The President shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the review conducted under subsection (a). The report shall be submitted not later than 6 months after the date of the enactment of this Act in classified and unclassified form and shall be updated not later than February 1 of each of the years 2001 through 2004. President.  
Deadline.

**SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.**

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China so as to provide for an open and transparent system providing for effective end-use verification for such computers. The President shall transmit a copy of any such agreement to Congress. President.

(b) DEFINITION.—As used in this section and section 1406, the term “high-performance computer” means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(c) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

“(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).”.

**SEC. 1408. ENHANCED MULTILATERAL EXPORT CONTROLS.**

(a) NEW INTERNATIONAL CONTROLS.—The President shall seek to establish new enhanced international controls on technology transfers that threaten international peace and United States national security.

(b) IMPROVED SHARING OF INFORMATION.—The President shall take appropriate actions to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology covered by the Wassenaar President.

22 USC 2778  
note.  
President.

Arrangement and enforce technology controls and re-export requirements for such technology.

(c) DEFINITION.—As used in this section, the term “Wassenaar Arrangement” means the multilateral export control regime covering conventional armaments and sensitive dual-use goods and technologies that was agreed to by 33 co-founding countries in July 1996 and began operation in September 1996.

22 USC 2778  
note.

**SEC. 1409. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.**

Regulations.  
Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to—

(1) authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the regulations prescribed by the Secretary of State known as the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(3) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(4) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis);

(5) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity;

(6) allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(7) establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the payment to the Department of Defense by the person or entity receiving the launch monitoring services concerned, before the beginning of a fiscal year, of an amount equal to the amount estimated to be required by the Department to monitor the launch campaigns during that fiscal year;

(B) the reimbursement of the Department of Defense, at the end of each fiscal year, for amounts expended by the Department in monitoring the launch campaigns in excess of the amount provided under subparagraph (A); and

(C) the reimbursement of the person or entity receiving the launch monitoring services if the amount provided under subparagraph (A) exceeds the amount actually expended by the Department of Defense in monitoring the launch campaigns;



(8) review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(9) provide, in conjunction with other Federal agencies, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(10) establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all relevant activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(11) establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—(1) The Secretary of Defense and the Secretary of State shall each submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding fiscal year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that fiscal year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that fiscal year.

(2) Each report under paragraph (1) shall be submitted in classified form and unclassified form.

**SEC. 1410. TIMELY NOTIFICATION OF LICENSING DECISIONS BY THE DEPARTMENT OF STATE.**

22 USC 2778  
note.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide timely notice to the manufacturer of a commercial satellite of United States origin of the final determination of the decision on the application for a license involving the overseas launch of such satellite.

Deadline.

**SEC. 1411. ENHANCED INTELLIGENCE CONSULTATION ON SATELLITE LICENSE APPLICATIONS.**

22 USC 2778  
note.

(a) CONSULTATION DURING REVIEW OF APPLICATIONS.—The Secretary of State and Secretary of Defense, as appropriate, shall consult with the Director of Central Intelligence during the review of any application for a license involving the overseas launch of a commercial satellite of United States origin. The purpose of the consultation is to assure that the launch of the satellite, if the

license is approved, will meet the requirements necessary to protect the national security interests of the United States.

(b) **ADVISORY GROUP.**—(1) The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress, and to appropriate departments and agencies of the Federal Government, on the national security implications of granting licenses involving the overseas launch of commercial satellites of United States origin.

(2) The advisory group shall include technically-qualified representatives of the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Air Intelligence Center, and the Department of State Bureau of Intelligence and Research and representatives of other elements of the intelligence community with appropriate expertise.

(3) In addition to the duties under paragraph (1), the advisory group shall—

(A) review, on a continuing basis, information relating to transfers of satellite, launch vehicle, or other technology or knowledge with respect to the course of the overseas launch of commercial satellites of United States origin; and

(B) analyze the potential impact of such transfers on the space and military systems, programs, or activities of foreign countries.

(4) The Director of the Nonproliferation Center of the Central Intelligence Agency shall serve as chairman of the advisory group.

Reports.

(5)(A) The advisory group shall, upon request (but not less often than annually), submit reports on the matters referred to in paragraphs (1) and (3) to the appropriate committees of Congress and to appropriate departments and agencies of the Federal Government.

(B) The first annual report under subparagraph (A) shall be submitted not later than one year after the date of the enactment of this Act.

(c) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

22 USC 2778  
note.

**SEC. 1412. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.**

President.

(a) **NOTICE TO CONGRESS OF INVESTIGATIONS.**—The President shall promptly notify the appropriate committees of Congress whenever an investigation is undertaken by the Department of Justice of—

(1) an alleged violation of United States export control laws in connection with a commercial satellite of United States origin; or

(2) an alleged violation of United States export control laws in connection with an item controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778) that is likely to cause significant harm or damage to the national security interests of the United States.

President.

(b) **NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS.**—The President shall promptly notify the appropriate committees of Congress whenever an export waiver pursuant to section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2151 note) is granted on behalf of any United States

person that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) EXCEPTION.—The requirements in subsections (a) and (b) shall not apply if the President determines that notification of the appropriate committees of Congress under such subsections would jeopardize an on-going criminal investigation. If the President makes such a determination, the President shall provide written notification of such determination to the Speaker of the House of Representatives, the majority leader of the Senate, the minority leader of the House of Representatives, and the minority leader of the Senate. The notification shall include a justification for the determination.

(d) IDENTIFICATION OF PERSONS SUBJECT TO INVESTIGATION.—The Secretary of State and the Attorney General shall develop appropriate mechanisms to identify, for the purposes of processing export licenses for commercial satellites, persons who are the subject of an investigation described in subsection (a).

(e) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—The appropriate committees of Congress shall ensure that appropriate procedures are in place to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to those committees pursuant to this section.

(f) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413).

(g) DEFINITIONS.—As used in this section:

(1) The term “appropriate committees of Congress” means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “United States person” means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

## **TITLE XV—ARMS CONTROL AND COUNTERPROLIFERATION MATTERS**

Sec. 1501. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.

Sec. 1502. Sense of Congress on strategic arms reductions.

Sec. 1503. Report on strategic stability under START III.

Sec. 1504. Counterproliferation Program Review Committee.

Sec. 1505. Support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.

**SEC. 1501. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) **REVISED LIMITATION.**—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1948) are amended to read as follows:

“(a) **FUNDING LIMITATION.**—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

“(A) 76 B-52H bomber aircraft.

“(B) 18 Trident ballistic missile submarines.

“(C) 500 Minuteman III intercontinental ballistic missiles.

“(D) 50 Peacekeeper intercontinental ballistic missiles.

“(2) The limitation in paragraph (1)(B) shall be modified in accordance with paragraph (3) upon a certification by the President to Congress of the following:

“(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

“(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

“(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

“(D) That the United States will retain the ability to increase the delivery capacity of its strategic nuclear delivery systems should threats arise that require more substantial United States strategic forces.

“(3) If the President submits the certification described in paragraph (2), then the applicable number in effect under paragraph (1)(B)—

“(A) shall be 16 during the period beginning on the date on which such certification is transmitted to Congress and ending on the date specified in subparagraph (B); and

“(B) shall be 14 effective as of the date that is 240 days after the date on which such certification is transmitted.

“(b) **WAIVER AUTHORITY.**—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.”

(b) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (c)(2), by striking “during the strategic delivery systems retirement limitation period” and inserting “during the fiscal year during which the START II Treaty enters into force”; and

(2) by striking subsection (g).

**SEC. 1502. SENSE OF CONGRESS ON STRATEGIC ARMS REDUCTIONS.**

It is the sense of Congress that, in negotiating a START III Treaty with the Russian Federation, or any other arms control

treaty with the Russian Federation that would require reductions in United States strategic nuclear forces, that—

(1) the strategic nuclear forces and nuclear modernization programs of the People's Republic of China and every other nation possessing nuclear weapons should be taken into full consideration in the negotiation of such treaty; and

(2) the reductions in United States strategic nuclear forces under such a treaty should not be to such an extent as to impede the capability of the United States to respond militarily to any militarily significant increase in the threat to United States security or strategic stability posed by the People's Republic of China and any other nation.

**SEC. 1503. REPORT ON STRATEGIC STABILITY UNDER START III.**

(a) **REPORT.**—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report, to be prepared in consultation with the Director of Central Intelligence, on the stability of the future strategic nuclear posture of the United States for deterring the Russian Federation and other potential nuclear adversaries. President.

(b) **MATTERS TO BE INCLUDED.**—The Secretary shall, at a minimum, include in the report the following:

(1) A discussion of the policy defining the deterrence and military-political objectives of the United States against potential nuclear adversaries.

(2) A discussion of the military requirements for United States nuclear forces, the force structure and capabilities necessary to meet those requirements, and how they relate to the achievement of the objectives identified under paragraph (1).

(3) A projection of the strategic nuclear force posture of the United States and the Russian Federation that is anticipated under a further Strategic Arms Reduction Treaty (referred to as “START III”), and an explanation of whether and how United States nuclear forces envisioned under that posture would be capable of meeting the military sufficiency requirements identified under paragraph (2).

(4) The Secretary's assessment of Russia's nuclear force posture under START III compared to its present force, including its size, vulnerability, and capability for launch on tactical warning, and an assessment of whether strategic stability would be enhanced or diminished under START III, including any stabilizing and destabilizing factors and possible incentives or disincentives for Russia to launch a first strike, or otherwise use nuclear weapons, against the United States in a possible future crisis.

(5) The Secretary's assessment of the nuclear weapon capabilities of China and other potential nuclear weapon “rogue” states in the foreseeable future, and an assessment of the effect of these capabilities on strategic stability, including their ability and inclination to use nuclear weapons against the United States in a possible future crisis.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia, including doctrine, non-strategic nuclear weapons, and active and passive defenses, are likely to erode strategic stability in the foreseeable future.

(7) Any other matters the Secretary believes are important to such a consideration of strategic stability under future nuclear postures.

(c) CLASSIFICATION.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

**SEC. 1504. COUNTERPROLIFERATION PROGRAM REVIEW COMMITTEE.**

(a) EXTENSION OF COMMITTEE.—Subsection (f) of section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note) is amended by striking “September 30, 2000” and inserting “September 30, 2004”.

(b) EXECUTIVE SECRETARY OF THE COMMITTEE.—Paragraph (5) of subsection (a) of that section is amended to read as follows:

“(5) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs shall serve as executive secretary to the committee, except that during any period during which that position is vacant the Assistant Secretary of Defense for Strategy and Threat Reduction shall serve as the executive secretary.”.

(c) EARLIER DEADLINE FOR ANNUAL REPORT ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.—Section 1503(a) of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 2751 note) is amended by striking “May 1 of each year” and inserting “February 1 of each year”.

**SEC. 1505. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.**

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2000.—The total amount of the assistance for fiscal year 2000 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed \$15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking “1999” and inserting “2000”.

(c) REFERENCES TO UNITED NATIONS SPECIAL COMMISSION ON IRAQ AND TO FISCAL LIMITATIONS.—(1) Subsection (b)(2) of such section is amended by inserting “(or any successor organization)” after “United Nations Special Commission on Iraq”.

(2) Subsection (d)(4) of such section is amended—

(A) in the first sentence of subparagraph (A)—

(i) by inserting “(or any successor organization)” after “United Nations Special Commission on Iraq”; and

(ii) by striking “the amount specified with respect to that year under paragraph (3),” and all that follows and inserting “the amount of any limitation provided by law on the total amount of such assistance for that fiscal year, the Secretary of Defense may provide such assistance with respect to that fiscal year notwithstanding that limitation.”; and

(B) in subparagraph (B), by striking “under paragraph (3)”.

## **TITLE XVI—NATIONAL SECURITY SPACE MATTERS**

### **Subtitle A—Space Technology Guide; Reports**

- Sec. 1601. Space technology guide.
- Sec. 1602. Report on vulnerabilities of United States space assets.
- Sec. 1603. Report on space launch failures.
- Sec. 1604. Report on Air Force space launch facilities.

### **Subtitle B—Commercial Space Launch Services**

- Sec. 1611. Sense of Congress regarding United States-Russian cooperation in commercial space launch services.
- Sec. 1612. Sense of Congress concerning United States commercial space launch capacity.

### **Subtitle C—Commission To Assess United States National Security Space Management and Organization**

- Sec. 1621. Establishment of commission.
- Sec. 1622. Duties of commission.
- Sec. 1623. Report.
- Sec. 1624. Assessment by the Secretary of Defense.
- Sec. 1625. Powers.
- Sec. 1626. Commission procedures.
- Sec. 1627. Personnel matters.
- Sec. 1628. Miscellaneous administrative provisions.
- Sec. 1629. Funding.
- Sec. 1630. Termination of the commission.

## **Subtitle A—Space Technology Guide; Reports**

### **SEC. 1601. SPACE TECHNOLOGY GUIDE.**

(a) **REQUIREMENT.**—The Secretary of Defense shall develop a detailed guide for investment in space science and technology, demonstrations of space technology, and planning and development for space technology systems. In the development of the guide, the goal shall be to identify the technologies and technology demonstrations needed for the United States to take full advantage of use of space for national security purposes.

(b) **RELATIONSHIP TO FUTURE-YEARS DEFENSE PROGRAM.**—The space technology guide shall include two alternative technology paths. One shall be consistent with the applicable funding limitations associated with the future-years defense program. The other shall reflect the assumption that it is not constrained by funding limitations.

(c) **RELATIONSHIP TO ACTIVITIES OUTSIDE THE DEPARTMENT OF DEFENSE.**—The Secretary shall include in the guide a discussion of the potential for cooperative investment and technology development with other departments and agencies of the United States and with private sector entities.

(d) **MICRO-SATELLITE TECHNOLOGY DEVELOPMENT PLAN.**—The Secretary shall include in the guide a micro-satellite technology development plan to guide investment decisions in micro-satellite technology and to establish priorities for technology demonstration activities.

(e) **USE OF PREVIOUS STUDIES AND REPORTS.**—In the development of the guide, the Secretary shall take into consideration previously completed studies and reports that may be relevant to the development of the guide, including the following:

Deadline.

(1) The Space Control Technology Plan of 1999 of the Department of Defense.

(2) The Long Range Plan of March 1998 of the United States Space Command.

(3) The Strategic Master Plan of December 1997 of the Air Force Space Command.

(f) REPORT.—Not later than April 15, 2000, the Secretary shall submit a report on the space technology guide to the congressional defense committees.

**SEC. 1602. REPORT ON VULNERABILITIES OF UNITED STATES SPACE ASSETS.**

Not later than March 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report, prepared in consultation with the Director of Central Intelligence, on the current and potential vulnerabilities of United States national security and commercial space assets. The report shall be submitted in classified and unclassified form. The report shall include—

(1) an assessment of the military significance of the vulnerabilities identified in the report;

(2) an assessment of the significance of space debris; and

(3) an assessment of the manner in which the vulnerabilities identified in the report could affect United States space launch policy and spacecraft design.

**SEC. 1603. REPORT ON SPACE LAUNCH FAILURES.**

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.



(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report

Deadline.

required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term “specified congressional committees” means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

**SEC. 1604. REPORT ON AIR FORCE SPACE LAUNCH FACILITIES.**

(a) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—The Secretary of Defense shall, using the Defense Science Board of the Department of Defense, conduct a study—

(1) to assess anticipated military, civil, and commercial space launch requirements;

(2) to examine the technical shortcomings at the space launch ranges;

(3) to evaluate current and future oversight and range safety arrangements at the space launch ranges; and

(4) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

Deadline.

(b) REPORT.—Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

## **Subtitle B—Commercial Space Launch Services**

**SEC. 1611. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.**

It is the sense of Congress that—

(1) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile;

(2) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile;

(3) the United States Government decision to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch providers, based upon a serious commitment by the Government of the Russian Federation to seek out and prevent the illegal transfer from

Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile, should facilitate greater cooperation between the United States and the Russian Federation on nonproliferation matters; and

(4) any possible future consideration of modifying such limitations should be conditioned on a continued serious commitment by the Government of the Russian Federation to preventing such illegal transfers.

**SEC. 1612. SENSE OF CONGRESS CONCERNING UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.**

(a) SENSE OF CONGRESS CONCERNING UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.—It is the sense of Congress that Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness of the United States commercial space launch industry.

(b) SENSE OF CONGRESS CONCERNING POLICY OF PERMITTING EXPORT OF COMMERCIAL SATELLITES TO PEOPLE'S REPUBLIC OF CHINA FOR LAUNCH.—It is the sense of Congress that Congress and the President should—

(1) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(2) review the advantages and disadvantages of phasing out that policy, including in that review advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(3) if the phase out of that policy is adopted, permit the export of a commercial satellite of United States origin for launch in the People's Republic of China only if—

(A) the launch is licensed as of the commencement of the phase out of that policy; and

(B) additional actions under section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) are taken to minimize the transfer of technology to the People's Republic of China during the course of the launch.

**Subtitle C—Commission To Assess United States National Security Space Management and Organization**

10 USC 111 note.

**SEC. 1621. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a commission known as the Commission To Assess United States National Security Space Management and Organization (in this subtitle referred to as the "Commission").

(b) COMPOSITION.—The Commission shall be composed of 13 members appointed as follows:

(1) Four members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(2) Four members shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives.

(3) Three members shall be appointed jointly by the ranking minority member of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives.

(4) Two members shall be appointed by the Secretary of Defense, in consultation with the Director of Central Intelligence.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private citizens of the United States who have knowledge and expertise in the areas of national security space policy, programs, organizations, and future national security concepts.

(d) CHAIRMAN.—The chairman of the Committee on Armed Services of the Senate, after consultation with the chairman of the Armed Services Committee of the House of Representatives and the ranking minority members of the Committees on Armed Services of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1999.

#### SEC. 1622. DUTIES OF COMMISSION.

(a) ASSESSMENT OF UNITED STATES NATIONAL SECURITY SPACE MANAGEMENT AND ORGANIZATION.—The Commission shall, concerning changes to be implemented over the near-term, medium-term, and long-term that would strengthen United States national security, assess the following:

(1) The manner in which military space assets may be exploited to provide support for United States military operations.

(2) The current interagency coordination process regarding the operation of national security space assets, including identification of interoperability and communications issues.

(3) The relationship between the intelligence and nonintelligence aspects of national security space (so-called “white space” and “black space”), and the potential costs and benefits of a partial or complete merger of the programs, projects, or activities that are differentiated by those two aspects.

Deadlines.

(4) The manner in which military space issues are addressed by professional military education institutions.

(5) The potential costs and benefits of establishing any of the following:

(A) An independent military department and service dedicated to the national security space mission.

(B) A corps within the Air Force dedicated to the national security space mission.

(C) A position of Assistant Secretary of Defense for Space within the Office of the Secretary of Defense.

(D) A new major force program, or other budget mechanism, for managing national security space funding within the Department of Defense.

(E) Any other change to the existing organizational structure of the Department of Defense for national security space management and organization.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

#### **SEC. 1623. REPORT.**

The Commission shall, not later than six months after the date of its first meeting, submit to Congress and to the Secretary of Defense a report on its findings and conclusions. Deadline.

#### **SEC. 1624. ASSESSMENT BY THE SECRETARY OF DEFENSE.**

The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment of the Commission's findings not later than 90 days after the submission of the Commission's report. Deadline.

#### **SEC. 1625. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the other departments and agencies of the intelligence community, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

#### **SEC. 1626. COMMISSION PROCEDURES.**

(a) MEETINGS.—The Commission shall meet at the call of the chairman.

(b) QUORUM.—(1) Seven members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

#### **SEC. 1627. PERSONNEL MATTERS.**

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

#### **SEC. 1628. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

(c) NATIONAL SECURITY INFORMATION.—The Secretary of Defense, in consultation with the Director of Central Intelligence, shall assume responsibility for the handling and disposition of national security information received and used by the Commission.

**SEC. 1629. FUNDING.**

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000. Upon receipt of a written certification from the chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

**SEC. 1630. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its report under section 1623.

## TITLE XVII—TROOPS-TO-TEACHERS PROGRAM

Troops-to-  
Teachers  
Program Act of  
1999.

- Sec. 1701. Short title; definitions.
- Sec. 1702. Authorization of Troops-to-Teachers Program.
- Sec. 1703. Eligible members of the Armed Forces.
- Sec. 1704. Selection of participants.
- Sec. 1705. Stipend and bonus for participants.
- Sec. 1706. Participation by States.
- Sec. 1707. Termination of original program; transfer of functions.
- Sec. 1708. Reporting requirements.
- Sec. 1709. Funds for fiscal year 2000.

**SEC. 1701. SHORT TITLE; DEFINITIONS.**

20 USC 9301.

(a) SHORT TITLE.—This title may be cited as the “Troops-to-Teachers Program Act of 1999”.

(b) DEFINITIONS.—In this title:

(1) The term “administering Secretary”, with respect to the Troops-to-Teachers Program, means the following:

(A) The Secretary of Defense with respect to the Armed Forces (other than the Coast Guard) for the period beginning on the date of the enactment of this Act, and ending on the date of the completion of the transfer of responsibility for the Troops-to-Teachers Program to the Secretary of Education under section 1707.

(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

(2) The term “alternative certification or licensure requirements” means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) The term “member of the Armed Forces” includes a former member of the Armed Forces.

(4) The term “State” includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam,

the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

20 USC 9302.

**SEC. 1702. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.**

(a) **PROGRAM AUTHORIZED.**—The administering Secretary may carry out a program (to be known as the “Troops-to-Teachers Program”)—

(1) to assist eligible members of the Armed Forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1).

(b) **IDENTIFICATION OF LOCAL EDUCATIONAL AGENCIES WITH TEACHER SHORTAGES.**—(1) In carrying out the Troops-to-Teachers Program, the administering Secretary shall periodically identify local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

(B) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers.

(2) The administering Secretary may identify local educational agencies under paragraph (1) through surveys conducted for that purpose or by using information on local educational agencies that is available to the administering Secretary from other sources.

(c) **IDENTIFICATION OF STATES WITH ALTERNATIVE CERTIFICATION REQUIREMENTS.**—In carrying out the Troops-to-Teachers Program, the administering Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying certification or licensure requirements for teachers.

(d) **LIMITATION ON USE OF FUNDS FOR MANAGEMENT INFRASTRUCTURE.**—The administering Secretary may utilize not more than five percent of the funds available to carry out the Troops-to-Teachers Program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

20 USC 9303.

**SEC. 1703. ELIGIBLE MEMBERS OF THE ARMED FORCES.**

(a) **ELIGIBLE MEMBERS.**—Subject to subsection (c), the following members of the Armed Forces shall be eligible for selection to participate in the Troops-to-Teachers Program:

(1) Any member who—

(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

(B) satisfies such other criteria for selection as the administering Secretary may prescribe.



(2) Any member who applied for the teacher placement program administered under section 1151 of title 10, United States Code, as in effect before its repeal by section 1707, and who satisfies the eligibility criteria specified in subsection (c) of such section 1151.

(3) Any member who—

(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14, United States Code;

(B) has the educational background required by subsection (b); and

(C) satisfies the criteria prescribed under paragraph (1)(B).

(b) EDUCATIONAL BACKGROUND.—(1) In the case of a member of the Armed Forces described in subsection (a)(3) who is applying for assistance for placement as an elementary or secondary school teacher, the administering Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(2) In the case of a member described in subsection (a)(3) who is applying for assistance for placement as a vocational or technical teacher, the administering Secretary shall require the member—

(A) to have received the equivalent of one year of college from an accredited institution of higher education and have 10 or more years of military experience in a vocational or technical field; or

(B) to otherwise meet the certification or licensure requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the program.

(c) INELIGIBLE MEMBERS.—A member of the Armed Forces described in subsection (a) is eligible to participate in the Troops-to-Teachers Program only if the member's last period of service in the Armed Forces was characterized as honorable.

(d) INFORMATION REGARDING PROGRAM.—(1) The administering Secretary shall provide information regarding the Troops-to-Teachers Program, and make applications for the program available, to members of the Armed Forces as part of preseparation counseling provided under section 1142 of title 10, United States Code.

(2) The information provided to members shall—

(A) indicate the local educational agencies identified under section 1702(b); and

(B) identify those States surveyed under section 1702(c) that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying such requirements.

#### SEC. 1704. SELECTION OF PARTICIPANTS.

20 USC 9304.

(a) SUBMISSION OF APPLICATIONS.—Selection of eligible members of the Armed Forces to participate in the Troops-to-Teachers Program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as the administering Secretary may require.

(b) **TIMELY APPLICATIONS.**—An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

Deadline. (1) In the case of a member of the Armed Forces who is eligible under section 1703(a)(1) or 1703(a)(2), not later than September 30, 2003.

Deadline. (2) In the case of a member who is eligible under section 1703(a)(3), not later than four years after the date on which the member first receives retired or retainer pay under title 10 or title 14, United States Code.

(c) **SELECTION PRIORITIES.**—In selecting eligible members of the Armed Forces to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

(1) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

(2) have educational or military experience in another subject area identified by the administering Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

(d) **SELECTION SUBJECT TO FUNDING.**—The administering Secretary may not select a member of the Armed Forces to participate in the Troops-to-Teachers Program unless the administering Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be incurred by the United States under section 1705 with respect to that member.

(e) **PARTICIPATION AGREEMENT.**—A member of the Armed Forces selected to participate in the Troops-to-Teachers Program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

(1) to obtain, within such time as the administering Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under section 1702, to begin the school year after obtaining that certification or licensure.

(f) **EXCEPTIONS TO VIOLATION DETERMINATION.**—A participant in the Troops-to-Teachers Program shall not be considered to be in violation of an agreement entered into under subsection (e) during any period in which the participant—

(1) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

**SEC. 1705. STIPEND AND BONUS FOR PARTICIPANTS.**

20 USC 9305.

(a) **STIPEND AUTHORIZED.**—(1) Subject to paragraph (2), the administering Secretary shall pay to each participant in the Troops-to-Teachers Program a stipend in an amount equal to \$5,000.

(2) The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

(b) **BONUS AUTHORIZED.**—(1) Subject to paragraph (2), the administering Secretary may, in lieu of paying a stipend under subsection (a), pay a bonus of \$10,000 to each participant in the Troops-to-Teachers Program who agrees under section 1704(e) to accept full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

(2) The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 1,000.

(3) In this subsection, the term “high need school” means an elementary school or secondary school that meets one or more of the following criteria:

(A) The school has a drop out rate that exceeds the national average school drop out rate.

(B) The school has a large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

(C) The school has a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

(D) At least one-half of the students of the school are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(E) The school has a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(F) The school meets any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

(c) **TREATMENT OF STIPEND AND BONUS.**—Stipends and bonuses paid under this section shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(d) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—(1) If a participant in the Troops-to-Teachers Program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required by the agreement under section 1704(e) or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (a) in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

(2) If a participant in the Troops-to-Teachers Program who is paid a bonus under subsection (b) fails to obtain employment for which the bonus was paid as required by the agreement under section 1704(e), or voluntarily leaves or is terminated for cause from the employment during the four years of required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

(3) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the administering Secretary.

(4) Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

(e) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant in the Troops-to-Teachers Program shall be excused from reimbursement under subsection (d) if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The administering Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the administering Secretary.

(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Troops-to-Teachers Program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.

20 USC 9306.

**SEC. 1706. PARTICIPATION BY STATES.**

(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The administering Secretary may permit States participating in the Troops-to-Teachers Program to carry out activities authorized for such States under the program through one or more consortia of such States.

(b) ASSISTANCE TO STATES.—(1) Subject to paragraph (2), the administering Secretary may make grants to States participating in the Troops-to-Teachers Program, or to consortia of such States, in order to permit such States or consortia of States to operate

offices for purposes of recruiting eligible members of the Armed Forces for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed \$4,000,000.

**SEC. 1707. TERMINATION OF ORIGINAL PROGRAM; TRANSFER OF FUNCTIONS.** 20 USC 9307.

(a) **TERMINATION.**—(1) Section 1151 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1151.

(3) The repeal of such section shall not affect the validity or terms of any agreement entered into before the date of the enactment of this Act under subsection (f) of such section, or to pay assistance, make grants, or obtain reimbursement in connection with such an agreement under subsections (g), (h), and (i) of such section, as in effect before its repeal. 10 USC 1151 note.

(b) **TRANSFER OF FUNCTIONS.**—(1) The Secretary of Defense, the Secretary of Transportation, and the Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to—

(A) the program authorized by section 1151 of title 10, United States Code, before its repeal by subsection (a)(1); and

(B) the Troops-to-Teachers Program for the period beginning on the date of the enactment of this Act and ending on September 30, 2000.

(2) The Secretaries referred to in paragraph (1) shall complete the transfer under such paragraph not later than October 1, 2000. Deadline.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

**SEC. 1708. REPORTING REQUIREMENTS.** 10 USC 9308.

(a) **REPORT REQUIRED.**—Not later than March 31, 2001, the Secretary of Education (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the Troops-to-Teachers Program in the recruitment and retention of qualified personnel by local educational agencies identified under section 1702(b). Deadline.

(b) **ELEMENTS OF REPORT.**—The report under subsection (a) shall include information on the following:

(1) The number of participants in the Troops-to-Teachers Program.

(2) The schools in which such participants are employed.

(3) The grade levels at which such participants teach.

(4) The subject matters taught by such participants.

(5) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(6) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(7) The rates of retention of such participants by the local educational agencies employing such participants.

(8) The effect of any stipends or bonuses under section 1705 in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(9) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

(c) RECOMMENDATIONS.—The report of the Comptroller General under this section shall also include any recommendations of the Comptroller General as to means of improving the Troops-to-Teachers Program, including means of enhancing the recruitment and retention of participants in the program.

20 USC 9309.

#### **SEC. 1709. FUNDS FOR FISCAL YEAR 2000.**

Of the amount authorized to be appropriated by section 301 for operation and maintenance for fiscal year 2000, \$3,000,000 shall be available for purposes of carrying out the Troops-to-Teachers Program.

Military  
Construction  
Authorization  
Act for Fiscal  
Year 2000.

## **DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

#### **SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2000”.

## **TITLE XXI—ARMY**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

#### **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation or location	Amount
Alabama .....	Redstone Arsenal .....	\$9,800,000
Alaska .....	Fort Richardson .....	\$14,600,000
	Fort Wainwright .....	\$34,800,000
Arkansas .....	Pine Bluff Arsenal .....	\$18,000,000
California .....	Fort Irwin .....	\$32,400,000
	Presidio of Monterey .....	\$7,100,000
Colorado .....	Fort Carson .....	\$4,400,000
	Peterson Air Force Base .....	\$25,000,000
District of Columbia .....	Fort McNair .....	\$1,250,000
	Walter Reed Medical Center .....	\$6,800,000
Georgia .....	Fort Benning .....	\$48,400,000
	Fort Stewart .....	\$71,700,000
Hawaii .....	Schofield Barracks .....	\$95,000,000
Kansas .....	Fort Leavenworth .....	\$34,100,000
	Fort Riley .....	\$27,000,000
Kentucky .....	Blue Grass Army Depot .....	\$6,000,000
	Fort Campbell .....	\$56,900,000
	Fort Knox .....	\$1,300,000
Louisiana .....	Fort Polk .....	\$6,700,000
Maryland .....	Fort Meade .....	\$22,450,000
Massachusetts .....	Westover Air Reserve Base .....	\$4,000,000
Missouri .....	Fort Leonard Wood .....	\$27,100,000
New York .....	Fort Drum .....	\$23,000,000
Nevada .....	Hawthorne Army Depot .....	\$1,700,000
North Carolina .....	Fort Bragg .....	\$125,400,000
	Sunny Point Military Ocean Terminal .....	\$3,800,000
Oklahoma .....	Fort Sill .....	\$33,200,000
	McAlester Army Ammunition .....	\$16,600,000
Pennsylvania .....	Carlisle Barracks .....	\$5,000,000
	Letterkenny Army Depot .....	\$3,650,000
South Carolina .....	Fort Jackson .....	\$7,400,000
Texas .....	Fort Bliss .....	\$52,350,000
	Fort Hood .....	\$84,500,000
Virginia .....	Fort Belvoir .....	\$3,850,000
	Fort Eustis .....	\$43,800,000
	Fort Myer .....	\$2,900,000
	Fort Story .....	\$8,000,000
Washington .....	Fort Lewis .....	\$23,400,000
CONUS Various .....	CONUS Various .....	\$36,400,000
	Total .....	\$1,029,750,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation or location	Amount
Korea .....	Camp Casey .....	\$31,000,000
	Camp Howze .....	\$3,050,000
	Camp Stanley .....	\$3,650,000
	Total .....	\$37,700,000

**SEC. 2102. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

State	Installation or location	Purpose	Amount
Korea .....	Camp Humphreys .....	60 Units .....	\$24,000,000
Virginia .....	Fort Lee .....	46 Units .....	\$8,000,000
Washington .....	Fort Lewis .....	48 Units .....	\$9,000,000
		Total .....	\$41,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$4,300,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$35,400,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,353,231,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$930,058,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$37,700,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$91,414,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$80,700,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1967), \$18,800,000.



(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1966), \$14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2182), \$16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2183), \$35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) \$22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) \$10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington);

(5) \$10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma);

(6) \$2,592,000 (the balance of the amount authorized under section 2101(a) for the construction of the chemical defense qualification facility at Pine Bluff Arsenal, Arkansas); and

(7) \$9,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks renovation at Fort Riley, Kansas).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a)

is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$41,953,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes; and

(2) \$3,500,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

## TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

Sec. 2205. Modification of authority to carry out fiscal year 1997 project.

Sec. 2206. Authorization to accept electrical substation improvements, Guam.

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$17,020,000
	Navy Detachment, Camp Navajo .....	\$7,560,000
California .....	Marine Corps Air-Ground Combat Center, Twentynine Palms .....	\$34,760,000
	Marine Corps Base, Camp Pendleton	\$38,460,000
	Marine Corps Logistics Base, Barstow .....	\$4,670,000
	Marine Corps Recruit Depot, San Diego .....	\$3,200,000
	Naval Air Station, Lemoore .....	\$24,020,000
	Naval Air Station, North Island .....	\$54,420,000
	Naval Air Warfare Center, China Lake .....	\$4,000,000
	Naval Air Warfare Center, Corona ....	\$7,070,000
	Naval Hospital, San Diego .....	\$21,590,000
	Naval Hospital, Twentynine Palms ...	\$7,640,000
	Naval Postgraduate School .....	\$5,100,000
Florida .....	Naval Air Station, Whiting Field, Milton .....	\$5,350,000
	Naval Station, Mayport .....	\$9,560,000
Georgia .....	Marine Corps Logistics Base, Albany	\$6,260,000
Hawaii .....	Camp H.M. Smith .....	\$86,050,000
	Marine Corps Air Station, Kaneohe Bay .....	\$5,790,000
	Naval Shipyard, Pearl Harbor .....	\$10,610,000
	Naval Station, Pearl Harbor .....	\$18,600,000
	Naval Submarine Base, Pearl Harbor	\$29,460,000
Idaho .....	Naval Surface Warfare Center, Bayview .....	\$10,040,000

**Navy: Inside the United States—Continued**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Illinois .....	Naval Training Center, Great Lakes .....	\$57,290,000
Indiana .....	Naval Surface Warfare Center, Crone .....	\$7,270,000
Maine .....	Naval Air Station, Brunswick .....	\$16,890,000
Maryland .....	Naval Air Warfare Center, Patuxent River .....	\$4,560,000
	Naval Surface Warfare Center, Indian Head .....	\$10,070,000
Mississippi .....	Naval Air Station, Meridian .....	\$7,280,000
	Naval Construction Battalion Center Gulfport .....	\$19,170,000
New Jersey .....	Naval Air Warfare Center Aircraft Division, Lakehurst .....	\$15,710,000
North Carolina .....	Marine Corps Air Station, New River .....	\$5,470,000
	Marine Corps Base, Camp Lejeune ...	\$21,380,000
Pennsylvania .....	Navy Ships Parts Control Center, Mechanicsburg .....	\$2,990,000
	Norfolk Naval Shipyard Detachment, Philadelphia .....	\$13,320,000
South Carolina .....	Naval Weapons Station, Charleston ..	\$7,640,000
	Marine Corps Air Station, Beaufort ..	\$18,290,000
Texas .....	Naval Station, Ingleside .....	\$11,780,000
Virginia .....	Marine Corps Combat Development Command, Quantico .....	\$20,820,000
	Naval Air Station, Oceana .....	\$11,490,000
	Naval Shipyard, Norfolk .....	\$17,630,000
	Naval Station, Norfolk .....	\$69,550,000
	Naval Weapons Station, Yorktown ...	\$25,040,000
	Tactical Training Group Atlantic, Dam Neck .....	\$10,310,000
Washington .....	Naval Ordnance Center Pacific Division Detachment, Port Hadlock .....	\$3,440,000
	Naval Undersea Warfare Center, Keyport .....	\$6,700,000
	Puget Sound Naval Shipyard, Bremerton .....	\$15,610,000
	Strategic Weapons Facility Pacific, Bremerton .....	\$6,300,000
	<b>Total .....</b>	<b>\$817,230,000</b>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
Bahrain .....	Administrative Support Unit .....	\$83,090,000
Diego Garcia .....	Naval Support Facility, Diego Garcia .....	\$8,150,000
	<b>Total .....</b>	<b>\$91,240,000</b>

**SEC. 2202. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

State	Installation or location	Purpose	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	49 Units .....	\$8,500,000
California .....	Naval Air Station, Lemoore .....	116 Units ....	\$20,188,000
Hawaii .....	Marine Corps Air Station, Kaneohe Bay .....	100 Units ....	\$26,615,000
	Marine Corps Base, Hawaii .....	30 Units .....	\$8,000,000
	Naval Base, Pearl Harbor .....	133 Units ....	\$30,168,000
	Naval Base, Pearl Harbor .....	96 Units .....	\$19,167,000
North Carolina .....	Marine Corps Air Station, Cherry Point .....	180 Units ....	\$22,036,000
		Total .....	\$134,674,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$17,715,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$181,882,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,108,087,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$733,390,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$91,240,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$71,911,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$334,271,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$895,070,000.

(6) For the construction of the berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2187), \$12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California); and

(3) \$70,180,000 (the balance of the amount authorized under section 2201(a) for the construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$33,227,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes;

(2) \$1,000,000, which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(3) \$3,600,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

#### **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT.**

The table in section 2202(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2768) is amended in the item relating to Naval Air Station Brunswick, Maine, by striking “92 Units” in the purpose column and inserting “72 Units”.

#### **SEC. 2206. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.**

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately \$610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

## TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.  
 Sec. 2302. Family housing.  
 Sec. 2303. Improvements to military family housing units.  
 Sec. 2304. Authorization of appropriations, Air Force.

### SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama .....	Maxwell Air Force Base .....	\$10,600,000
Alaska .....	Eielson Air Force Base .....	\$24,100,000
	Elmendorf Air Force Base .....	\$42,300,000
Arizona .....	Davis-Monthan Air Force Base .....	\$7,800,000
Arkansas .....	Little Rock Air Force Base .....	\$7,800,000
California .....	Beale Air Force Base .....	\$8,900,000
	Edwards Air Force Base .....	\$5,500,000
	Travis Air Force Base .....	\$11,200,000
Colorado .....	Peterson Air Force Base .....	\$40,000,000
	Schriever Air Force Base .....	\$16,100,000
	U.S. Air Force Academy .....	\$17,500,000
CONUS Classified .....	Classified Location .....	\$16,870,000
Delaware .....	Dover Air Force Base .....	\$12,000,000
Florida .....	Eglin Air Force Base .....	\$18,300,000
	Eglin Auxiliary Field 9 .....	\$18,800,000
	MacDill Air Force Base .....	\$5,500,000
	Patrick Air Force Base .....	\$17,800,000
	Tyndall Air Force Base .....	\$10,800,000
Georgia .....	Fort Benning .....	\$3,900,000
	Moody Air Force Base .....	\$5,950,000
	Robins Air Force Base .....	\$3,350,000
Hawaii .....	Hickam Air Force Base .....	\$3,300,000
Idaho .....	Mountain Home Air Force Base .....	\$17,000,000
Kansas .....	McConnell Air Force Base .....	\$9,600,000
Kentucky .....	Fort Campbell .....	\$6,300,000
Maryland .....	Andrews Air Force Base .....	\$9,900,000
Massachusetts .....	Hanscom Air Force Base .....	\$16,000,000
Mississippi .....	Columbus Air Force Base .....	\$2,600,000
	Keesler Air Force Base .....	\$35,900,000
Missouri .....	Whiteman Air Force Base .....	\$24,900,000
Montana .....	Malmstrom Air Force Base .....	\$11,600,000
Nebraska .....	Offutt Air Force Base .....	\$8,300,000
Nevada .....	Nellis Air Force Base .....	\$30,200,000
New Jersey .....	McGuire Air Force Base .....	\$11,800,000
New Mexico .....	Cannon Air Force Base .....	\$8,100,000
New York .....	Rome Research Site .....	\$12,800,000
New Mexico .....	Kirtland Air Force Base .....	\$14,000,000
North Carolina .....	Fort Bragg .....	\$4,600,000
	Pope Air Force Base .....	\$7,700,000
North Dakota .....	Grand Forks Air Force Base .....	\$9,500,000
Ohio .....	Wright-Patterson Air Force Base .....	\$39,700,000
Oklahoma .....	Tinker Air Force Base .....	\$34,800,000
	Vance Air Force Base .....	\$12,600,000

**Air Force: Inside the United States—Continued**

State	Installation or location	Amount
South Carolina .....	Charleston Air Force Base .....	\$18,200,000
South Dakota .....	Ellsworth Air Force Base .....	\$10,200,000
Tennessee .....	Arnold Air Force Base .....	\$7,800,000
Texas .....	Dyess Air Force Base .....	\$5,400,000
	Lackland Air Force Base .....	\$13,400,000
	Laughlin Air Force Base .....	\$3,250,000
	Randolph Air Force Base .....	\$3,600,000
Utah .....	Hill Air Force Base .....	\$4,600,000
Virginia .....	Langley Air Force Base .....	\$6,300,000
Washington .....	Fairchild Air Force Base .....	\$13,600,000
	McChord Air Force Base .....	\$7,900,000
	Total .....	\$730,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Installation or location	Amount
Guam .....	Andersen Air Force Base .....	\$8,900,000
Korea .....	Osan Air Base .....	\$19,600,000
United Kingdom .....	Ascension Island .....	\$2,150,000
	Total .....	\$30,650,000

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Air Force: Family Housing**

State or country	Installation or location	Purpose	Amount
Arizona .....	Davis-Monthan Air Force Base .....	64 Units .....	\$10,000,000
California .....	Beale Air Force Base .....	60 Units .....	\$8,500,000
	Edwards Air Force Base .....	188 Units .....	\$32,790,000
	Vandenberg Air Force Base .....	91 Units .....	\$16,800,000
District of Columbia ...	Bolling Air Force Base .....	72 Units .....	\$9,375,000
Florida .....	Eglin Air Force Base .....	130 Units .....	\$14,080,000
	MacDill Air Force Base .....	54 Units .....	\$9,034,000

**Air Force: Family Housing—Continued**

State or country	Installation or location	Purpose	Amount
Kansas .....	McConnell Air Force Base .....	Safety Improvements .....	\$1,363,000
Mississippi .....	Columbus Air Force Base .....	100 Units .....	\$12,290,000
Montana .....	Malmstrom Air Force Base .....	34 Units .....	\$7,570,000
Nebraska .....	Offutt Air Force Base .....	72 Units .....	\$12,352,000
New Mexico .....	Hollomon Air Force Base .....	76 Units .....	\$9,800,000
North Carolina .....	Seymour Johnson Air Force Base .....	78 Units .....	\$12,187,000
North Dakota .....	Grand Forks Air Force Base .....	42 Units .....	\$10,050,000
	Minot Air Force Base .....	72 Units .....	\$10,756,000
Oklahoma .....	Tinker Air Force Base .....	41 Units .....	\$6,000,000
Texas .....	Lackland Air Force Base .....	48 Units .....	\$7,500,000
Portugal .....	Lajes Field, Azores ....	75 Units .....	\$12,964,000
		Total .....	\$203,411,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$17,093,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$129,952,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,948,052,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$730,520,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$30,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$8,741,000.



(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$36,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, \$350,456,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) \$25,811,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes;

(2) \$1,000,000, which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(3) \$3,500,000, which represents the combination of savings in military family housing support resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

## TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Military housing improvement program.

Sec. 2404. Energy conservation projects.

Sec. 2405. Authorization of appropriations, Defense Agencies.

Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.

Sec. 2407. Condition on obligation of military construction funds for drug interdiction and counter-drug activities.

### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Chemical Demilitarization .....	Blue Grass Army Depot, Kentucky ....	\$206,800,000
Defense Education Activity .....	Laurel Bay, South Carolina .....	\$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina .....	\$10,570,000
Defense Logistics Agency	Defense Distribution New Cum- berland, Pennsylvania .....	\$5,000,000
	Elmendorf Air Force Base, Alaska .....	\$23,500,000
	Eielson Air Force Base, Alaska .....	\$26,000,000
	Fairchild Air Force Base, Washington	\$12,400,000
	Various Locations .....	\$1,300,000
Defense Manpower Data Center .....	Presidio, Monterey, California .....	\$28,000,000
National Security Agency	Fort Meade, Maryland .....	\$2,946,000
Special Operations Com- mand .....	Fleet Combat Training Center, Dam Neck, Virginia .....	\$4,700,000
	Fort Benning, Georgia .....	\$10,200,000
	Fort Bragg, North Carolina .....	\$20,100,000
	Mississippi Army Ammunition Plant, Mississippi .....	\$9,600,000
	Naval Amphibious Base, Coronado, California .....	\$6,000,000
TRICARE Management Agency .....	Andrews Air Force Base, Maryland ...	\$3,000,000
	Cheatham Annex, Virginia .....	\$1,650,000
	Davis-Monthan Air Force Base, Ari- zona .....	\$10,000,000
	Fort Lewis, Washington .....	\$5,500,000
	Fort Riley, Kansas .....	\$6,000,000
	Fort Sam Houston, Texas .....	\$5,800,000
	Fort Wainwright, Alaska .....	\$133,000,000
	Los Angeles Air Force Base, Cali- fornia .....	\$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina .....	\$3,500,000
	Moody Air Force Base, Georgia .....	\$1,250,000
	Naval Air Station, Jacksonville, Flor- ida .....	\$3,780,000
	Naval Air Station, Norfolk, Virginia ..	\$4,050,000
	Naval Air Station, Patuxent River, Maryland .....	\$4,150,000
	Naval Air Station, Pensacola, Florida	\$4,300,000
	Naval Air Station, Whidbey Island, Washington .....	\$4,700,000
	Patrick Air Force Base, Florida .....	\$1,750,000
	Travis Air Force Base, California .....	\$7,500,000
	Wright-Patterson Air Force Base, Ohio .....	\$3,900,000
	Total .....	\$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations

and locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities .....	Manta, Ecuador .....	\$32,000,000
Defense Education Activity .....	Andersen Air Force Base, Guam .....	\$44,170,000
Defense Logistics Agency	Andersen Air Force Base, Guam .....	\$24,300,000
TRICARE Management Agency .....	Naval Security Group Activity, Sabana Seca, Puerto Rico .....	\$4,000,000
	Yongsan, Korea .....	\$41,120,000
	Total .....	\$145,590,000

**SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$50,000.

**SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.**

Of the amount authorized to be appropriated by section 2405(a)(8)(C), \$2,000,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

**SEC. 2404. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of \$1,268,000.

**SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$1,362,185,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$145,590,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$54,200,000.

(6) For energy conservation projects authorized by section 2404, \$1,268,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$689,711,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, \$50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$41,440,000 of which not more than \$35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, \$2,000,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102-190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586), and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337, 108 Stat. 3040), \$7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), \$61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), \$35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), \$66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), \$61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of this Act, \$11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) \$115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) \$184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$124,350,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes, and of such total reduction, \$93,000,000 represents savings from military construction for chemical demilitarization.

**SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.**

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775) is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program, by striking “\$179,000,000” in the amount column and inserting “\$203,500,000”; and

(2) by striking the amount identified as the total in the amount column and inserting “\$549,954,000”.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking “\$179,000,000” and inserting “\$203,500,000”.

**SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.**

In addition to the conditions specified in section 1024 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table

in section 2401(b) under the heading “Drug Interdiction and Counter-Drug Activities” may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

## **TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

### **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of \$81,000,000.

## **TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

Sec. 2602. Modification of authority to carry out fiscal year 1998 project.

### **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$205,448,000; and

(B) for the Army Reserve, \$107,149,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$25,389,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$253,918,000; and

(B) for the Air Force Reserve, \$52,784,000.

(b) ADJUSTMENT.—(1) The amounts authorized to be appropriated pursuant to subsection (a) are reduced as follows:

(A) In paragraph (1)(A), by \$4,223,000.

(B) In paragraph (1)(B), by \$2,891,000.

(C) In paragraph (2), by \$674,000.

(D) In paragraph (3)(A), by \$5,652,000.

(E) In paragraph (3)(B), by \$2,080,000.

(2) The reductions specified in paragraph (1) represent the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

**SEC. 2602. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1998 PROJECT.**

Section 2603 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85), as amended by section 2602 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2198), is amended—

(1) by striking “agreement with the State of Utah under which the State” and inserting “agreement with the State of Utah, the University of Utah, or both, under which the State or the University”; and

(2) by adding at the end the following new sentence: “The Secretary may accept funds paid under such an agreement and use the funds, in such amounts as provided in advance in appropriations Acts, to carry out the project.”.

## **TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

Sec. 2702. Extension of authorizations of certain fiscal year 1997 projects.

Sec. 2703. Extension of authorizations of certain fiscal year 1996 projects.

Sec. 2704. Effective date.

**SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS  
REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic

Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2201, 2202, 2401, and 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Navy: Extension of 1997 Project Authorizations**

State	Installation or location	Project	Amount
Florida .....	Naval Station Mayport .....	Family Housing Construction (100 units) ....	\$10,000,000
Maine .....	Naval Station Brunswick .....	Family Housing Construction (72 units) .....	\$10,925,000
North Carolina .....	Marine Corps Base Camp Lejeune .....	Family Housing Construction (94 units) .....	\$10,110,000
South Carolina .....	Marine Corps Air Station Beaufort ....	Family Housing Construction (140 units) ....	\$14,000,000
Texas .....	Naval Complex Corpus Christi .....	Family Housing Construction (104 units) ....	\$11,675,000
	Naval Air Station Kingsville .....	Family Housing Construction (48 units) .....	\$7,550,000
Virginia .....	Marine Corps Combat Development Command, Quantico ....	Sanitary Land- fill .....	\$8,900,000
Washington .....	Naval Station Everett	Family Housing Construction (100 units) ....	\$15,015,000



**Defense Agencies: Extension of 1997 Project Authorization**

State	Installation or location	Project	Amount
Colorado .....	Pueblo Chemical Activity .....	Ammunition Demilitarization Facility	\$203,500,000

**Army National Guard: Extension of 1997 Project Authorization**

State	Installation or location	Project	Amount
Mississippi .....	Camp Shelby .....	Multipurpose Range Complex (Phase II) .....	\$5,000,000

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (a), as provided in sections 2202 and 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Navy: Extension of 1996 Project Authorization**

State	Installation or location	Project	Amount
California .....	Camp Pendleton .....	Family Housing Construction (138 units) ....	\$20,000,000

**Army National Guard: Extension of 1996 Project Authorizations**

State	Installation or location	Project	Amount
Mississippi .....	Camp Shelby .....	Multipurpose Range Complex (Phase I)	\$5,000,000
Missouri .....	National Guard Training Site, Jefferson City .....	Multipurpose Range .....	\$2,236,000

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1999; or
- (2) the date of the enactment of this Act.

## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2801. Exemption from notice and wait requirements of military construction projects supported by burdensharing funds undertaken for war or national emergency.
- Sec. 2802. Development of Ford Island, Hawaii.
- Sec. 2803. Expansion of entities eligible to participate in alternative authority for acquisition and improvement of military housing.
- Sec. 2804. Restriction on authority to acquire or construct ancillary supporting facilities for housing units.
- Sec. 2805. Planning and design for military construction projects for reserve components.
- Sec. 2806. Modification of limitations on reserve component facility projects for certain safety projects.
- Sec. 2807. Sense of Congress on use of incremental funding to carry out military construction projects.

### Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Extension of authority for lease of real property for special operations activities.
- Sec. 2812. Enhancement of authority relating to utility privatization.
- Sec. 2813. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
- Sec. 2814. Operations of Naval Academy dairy farm.
- Sec. 2815. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.
- Sec. 2816. Designation of missile intelligence building at Redstone Arsenal, Alabama, as the Richard C. Shelby Center for Missile Intelligence.

### Subtitle C—Defense Base Closure and Realignment

- Sec. 2821. Economic development conveyances of base closure property.
- Sec. 2822. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

### Subtitle D—Land Conveyances

#### PART I—ARMY CONVEYANCES

- Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
- Sec. 2832. Land exchange, Rock Island Arsenal, Illinois.
- Sec. 2833. Land conveyance, Army Reserve Center, Bangor, Maine.
- Sec. 2834. Land conveyance, Army Reserve Center, Kankakee, Illinois.
- Sec. 2835. Land conveyance, Army Reserve Center, Cannon Falls, Minnesota.
- Sec. 2836. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
- Sec. 2837. Land conveyances, Army docks and related property, Alaska.
- Sec. 2838. Land conveyance, Fort Huachuca, Arizona.
- Sec. 2839. Land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.
- Sec. 2840. Land conveyances, Twin Cities Army Ammunition Plant, Minnesota.
- Sec. 2841. Repair and conveyance of Red Butte Dam and Reservoir, Salt Lake City, Utah.
- Sec. 2842. Modification of land conveyance, Joliet Army Ammunition Plant, Illinois.

#### PART II—NAVY CONVEYANCES

- Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
- Sec. 2852. Land conveyance, Marine Corps Air Station, Cherry Point, North Carolina.
- Sec. 2853. Land conveyance, Newport, Rhode Island.
- Sec. 2854. Land conveyance, Naval Training Center, Orlando, Florida.
- Sec. 2855. One-year delay in demolition of radio transmitting facility towers at Naval Station, Annapolis, Maryland, to facilitate conveyance of towers.
- Sec. 2856. Clarification of land exchange, Naval Reserve Readiness Center, Portland, Maine.

- Sec. 2857. Revision to lease authority, Naval Air Station, Meridian, Mississippi.  
Sec. 2858. Land conveyances, Norfolk, Virginia.

**PART III—AIR FORCE CONVEYANCES**

- Sec. 2861. Land conveyance, Newington Defense Fuel Supply Point, New Hampshire.  
Sec. 2862. Land conveyance, Tyndall Air Force Base, Florida.  
Sec. 2863. Land conveyance, Port of Anchorage, Alaska.  
Sec. 2864. Land conveyance, Forestport Test Annex, New York.  
Sec. 2865. Land conveyance, McClellan Nuclear Radiation Center, California.

**Subtitle E—Other Matters**

- Sec. 2871. Acceptance of guarantees in connection with gifts to military service academies.  
Sec. 2872. Acquisition of State-held inholdings, east range of Fort Huachuca, Arizona.  
Sec. 2873. Enhancement of Pentagon renovation activities.

**Subtitle F—Expansion of Arlington National Cemetery**

- Sec. 2881. Transfer from Navy Annex, Arlington, Virginia.  
Sec. 2882. Transfer from Fort Myer, Arlington, Virginia.

**Subtitle A—Military Construction Program  
and Military Family Housing Changes**

**SEC. 2801. EXEMPTION FROM NOTICE AND WAIT REQUIREMENTS OF  
MILITARY CONSTRUCTION PROJECTS SUPPORTED BY  
BURDENSARING FUNDS UNDERTAKEN FOR WAR OR  
NATIONAL EMERGENCY.**

(a) EXEMPTION.—Subsection (e) of section 2350j of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) A military construction project under subsection (d) may be carried out without regard to the requirement in paragraph (1) and the limitation in paragraph (2) if the project is necessary to support the armed forces in the country or region in which the project is carried out by reason of a declaration of war, or a declaration by the President of a national emergency pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.), that is in force at the time of the commencement of the project.

“(B) When a decision is made to carry out a military construction project under subparagraph (A), the Secretary of Defense shall submit to the congressional committees specified in subsection (g)—

“(i) a notice of the decision; and

“(ii) a statement of the current estimated cost of the project, including the cost of any real property transaction in connection with the project.”.

(b) CONFORMING AMENDMENT.—Subsection (g) of such section is amended by striking “subsection (e)(1)” and inserting “subsection (e)”.

**SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.**

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2814. Special authority for development of Ford Island, Hawaii**

“(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

“(2) The Secretary of the Navy may not exercise any authority under this section until—

“(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

“(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

“(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

“(A) is excess to the needs of the Navy and all of the other armed forces; and

“(B) will promote the purpose of this section.

“(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

“(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

“(A) is not needed for current operations of the Navy and all of the other armed forces; and

“(B) will promote the purpose of this section.

“(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such other terms as the Secretary considers appropriate to protect the interests of the United States.

“(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

“(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

“(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

“(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

“(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

“(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

“(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

“(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

“(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

“(A) The construction or improvement of facilities at Ford Island.

“(B) The restoration or rehabilitation of real property at Ford Island.

“(C) The provision of property support services for property or facilities at Ford Island.

“(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

“(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

“(A) a detailed description of the transaction; and

“(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

“(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

“(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the ‘Ford Island Improvement Account’.

“(2) There shall be deposited into the account the following amounts:

“(A) Amounts authorized and appropriated to the account.

“(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

“(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriations Acts, funds in the Ford Island Improvement Account may be used as follows:

“(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

“(B) To carry out improvements of property or facilities at Ford Island.

“(C) To obtain property support services for property or facilities at Ford Island.

“(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy,

the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

“(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

“(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

“(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

“(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

“(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

“(1) Sections 2667 and 2696 of this title.

“(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

“(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

“(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

“(l) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term ‘property support service’ means the following:

“(1) Any utility service or other service listed in section 2686(a) of this title.

“(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.”.

(2) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2814. Special authority for development of Ford Island, Hawaii.”.

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

“(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.”.

**SEC. 2803. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

- (1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and
- (2) by inserting after paragraph (4) the following new paragraph:
  - “(5) The term ‘eligible entity’ means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”.
- (b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking “private persons” and inserting “eligible entities”.
- (c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—
  - (1) in subsection (a)(1)—
    - (A) by striking “persons in the private sector” and inserting “an eligible entity”; and
    - (B) by striking “such persons” and inserting “the eligible entity”; and
  - (2) in subsection (b)(1)—
    - (A) by striking “any person in the private sector” and inserting “an eligible entity”; and
    - (B) by striking “the person” and inserting “the eligible entity”.
- (d) INVESTMENTS.—Section 2875 of such title is amended—
  - (1) in subsection (a), by striking “nongovernmental entities” and inserting “an eligible entity”;
  - (2) in subsection (c)—
    - (A) by striking “a nongovernmental entity” both places it appears and inserting “an eligible entity”; and
    - (B) by striking “the entity” each place it appears and inserting “the eligible entity”;
  - (3) in subsection (d), by striking “nongovernmental” and inserting “eligible”; and
  - (4) in subsection (e), by striking “a nongovernmental entity” and inserting “an eligible entity”.
- (e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking “private persons” and inserting “eligible entities”.
- (f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking “private”.
- (g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking “private persons” and inserting “eligible entities”.
- (h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

**“§ 2875. Investments”.**

- (2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

“2875. Investments.”.

**SEC. 2804. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.**

Section 2881 of title 10, United States Code, is amended—

- (1) by inserting “(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—” before “Any project”; and
- (2) by adding at the end the following new subsection:

“(b) **RESTRICTION.**—A project referred to in subsection (a) may not include the acquisition or construction of an ancillary supporting facility if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

- “(1) the Army and Air Force Exchange Service;
- “(2) the Navy Exchange Service Command;
- “(3) a Marine Corps exchange;
- “(4) the Defense Commissary Agency; or
- “(5) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.”.

**SEC. 2805. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.**

Section 18233(f)(1) of title 10, United States Code, is amended by inserting “design,” after “planning,”.

**SEC. 2806. MODIFICATION OF LIMITATIONS ON RESERVE COMPONENT FACILITY PROJECTS FOR CERTAIN SAFETY PROJECTS.**

(a) **EXEMPTION FROM NOTICE AND WAIT REQUIREMENT.**—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) An unspecified minor military construction project (as defined in section 2805(a) of this title) that is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening.”.

(b) **AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.**—Subsection (b) of such section is amended to read as follows:

“(b) Under such regulations as the Secretary of Defense may prescribe, the Secretary may spend, from appropriations available for operation and maintenance, amounts necessary to carry out any project authorized under section 18233(a) of this title costing not more than—

- “(1) the amount specified in section 2805(c)(1) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or
- “(2) the amount specified in section 2805(c)(2) of this title, in the case of any other project.”.

**SEC. 2807. SENSE OF CONGRESS ON USE OF INCREMENTAL FUNDING TO CARRY OUT MILITARY CONSTRUCTION PROJECTS.**

It is the sense of Congress that—

(1) in preparing the budget for each fiscal year for military construction for submission to Congress under section 1105 of title 31, United States Code, the President should request an amount of funds for each proposed military construction project that is sufficient to produce a complete and usable facility or a complete and usable improvement to an existing facility;

(2) in limited instances, large military construction projects may be funded in phases consistent with established practices for such projects; and

(3) the President should not request, and Congress should not agree to adopt, a general practice of authorizing or appropriating funds for military construction projects based on historical outlay rates for military construction.



## **Subtitle B—Real Property and Facilities Administration**

### **SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.**

Section 2680(d) of title 10, United States Code, is amended by striking “September 30, 2000” and inserting “September 30, 2005”.

### **SEC. 2812. ENHANCEMENT OF AUTHORITY RELATING TO UTILITY PRIVATIZATION.**

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.”.

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking “Easements” and inserting “Real property, easements,”.

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).”.

### **SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.**

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting “involving real property under the control of the Secretary of a military department” after “transactions”; and

(2) by adding at the end the following new paragraph:

“(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.”.

### **SEC. 2814. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.**

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.”.

**SEC. 2815. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.**

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term “Utah national defense lands” means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land designation or management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions, and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

**SEC. 2816. DESIGNATION OF MISSILE INTELLIGENCE BUILDING AT REDSTONE ARSENAL, ALABAMA, AS THE RICHARD C. SHELBY CENTER FOR MISSILE INTELLIGENCE.**

(a) DESIGNATION.—The newly-constructed missile intelligence building located at Redstone Arsenal in Huntsville, Alabama, and housing a field agency of the Defense Intelligence Agency shall be known and designated as the “Richard C. Shelby Center for Missile Intelligence”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the missile intelligence building referred to in subsection (a) shall be deemed to be a reference to the “Richard C. Shelby Center for Missile Intelligence”.

## **Subtitle C—Defense Base Closure and Realignment**

### **SEC. 2821. ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY.**

(a) 1990 LAW.—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting “or realigned” after “closed”; and

(B) by inserting “for purposes of job generation on the installation” before the period at the end;

(2) by redesignating subparagraphs (C), (D), (E), and (F) as subparagraphs (E), (F), (G), and (J), respectively;

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) The transfer of property of a military installation under subparagraph (A) shall be without consideration if the redevelopment authority with respect to the installation—

“(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the transfer under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

“(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) For purposes of subparagraph (B), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

“(i) Road construction.

“(ii) Transportation management facilities.

“(iii) Storm and sanitary sewer construction.

“(iv) Police and fire protection facilities and other public facilities.

“(v) Utility construction.

“(vi) Building rehabilitation.

“(vii) Historic property preservation.

“(viii) Pollution prevention equipment or facilities.

“(ix) Demolition.

“(x) Disposal of hazardous materials generated by demolition.

“(xi) Landscaping, grading, and other site or public improvements.

“(xii) Planning for or the marketing of the development and reuse of the installation.

“(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).”;

(4) in subparagraph (F), as redesignated by paragraph (2)—

(A) by striking “(i)”; and

(B) by striking clause (ii); and

(5) by inserting after subparagraph (F), as so redesignated, the following new subparagraphs:

“(H)(i) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into before April 21, 1999, the Secretary may modify the agreement, and in so doing compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States, if—

“(I) the Secretary determines that as a result of changed economic circumstances, a modification of the agreement is necessary;

“(II) the terms of the modification do not require the return of any payments that have been made to the Secretary;

“(III) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States with respect to in-kind consideration; and

“(IV) the cash consideration to which the United States is entitled under the modified agreement, when combined with the cash consideration to be received by the United States for the disposal of other real property assets on the installation, are as sufficient as they were under the original agreement to fund the reserve account established under section 204(b)(7)(C) of the Defense Authorization Amendments and Base Closure and Realignment Act, with the depreciated value of the investment made with commissary store funds or non-appropriated funds in property disposed of pursuant to the agreement being modified, in accordance with section 2906(d).

“(ii) When exercising the authority granted by clause (i), the Secretary may waive some or all future payments if, and to the extent that, the Secretary determines such waiver is necessary.

“(iii) With the exception of the requirement that the transfer be without consideration, the requirements of subparagraphs (B), (C), and (D) shall be applicable to any agreement modified pursuant to clause (i).

“(I) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into during the period beginning on April 21, 1999, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2000, at the request of the redevelopment authority concerned, the Secretary shall modify the agreement to conform to all the requirements of subparagraphs (B), (C), and (D). Such a modification may include the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.”.

(b) 1988 LAW.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by inserting “or realigned” after “closed”; and

(B) by inserting “for purposes of job generation on the installation” before the period at the end;

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (E), (F), and (I), respectively;

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) The transfer of property of a military installation under subparagraph (A) shall be without consideration if the redevelopment authority with respect to the installation—

“(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the transfer under subparagraph (A) shall be used to support the economic redevelopment of, or related to, the installation; and

“(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) For purposes of subparagraph (B), the use of proceeds from a sale or lease described in such subparagraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

“(i) Road construction.

“(ii) Transportation management facilities.

“(iii) Storm and sanitary sewer construction.

“(iv) Police and fire protection facilities and other public facilities.

“(v) Utility construction.

“(vi) Building rehabilitation.

“(vii) Historic property preservation.

“(viii) Pollution prevention equipment or facilities.

“(ix) Demolition.

“(x) Disposal of hazardous materials generated by demolition.

“(xi) Landscaping, grading, and other site or public improvements.

“(xii) Planning for or the marketing of the development and reuse of the installation.

“(D) The Secretary may recoup from a redevelopment authority such portion of the proceeds from a sale or lease described in subparagraph (B) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in subparagraph (B).”;

(4) in subparagraph (E), as redesignated by paragraph (2)—

(A) by striking “(i)”; and

(B) by striking clause (ii); and

(5) by inserting after subparagraph (F) the following new subparagraphs:

“(G)(i) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into before April 21, 1999, the Secretary may modify the agreement, and in so doing compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States, if—

“(I) the Secretary determines that as a result of changed economic circumstances, a modification of the agreement is necessary;

“(II) the terms of the modification do not require the return of any payments that have been made to the Secretary;

“(III) the terms of the modification do not compromise, waive, adjust, release, or reduce any right, title, claim, lien, or demand of the United States with respect to in-kind consideration; and

“(IV) the cash consideration to which the United States is entitled under the modified agreement, when combined with the cash consideration to be received by the United States for the disposal of other real property assets on the installation, are as sufficient as they were under the original agreement to fund the reserve account established under paragraph (7)(C), with the depreciated value of the investment made with commissary store funds or nonappropriated funds in property disposed of pursuant to the agreement being modified, in accordance with section 2906(d) of the Defense Base Closure and Realignment Act of 1990.

“(ii) When exercising the authority granted by clause (i), the Secretary may waive some or all future payments if, and to the extent that, the Secretary determines such waiver is necessary.

“(iii) With the exception of the requirement that the transfer be without consideration, the requirements of subparagraphs (B), (C), and (D) shall be applicable to any agreement modified pursuant to clause (i).

“(H) In the case of an agreement for the transfer of property of a military installation under this paragraph that was entered into during the period beginning on April 21, 1999, and ending on the date of enactment of the National Defense Authorization Act for Fiscal Year 2000, at the request of the redevelopment authority concerned, the Secretary shall modify the agreement to conform to all the requirements of subparagraphs (B), (C), and (D). Such a modification may include the compromise, waiver, adjustment, release, or reduction of any right, title, claim, lien, or demand of the United States under the agreement.”.

**SEC. 2822. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.**

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury

until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).”.

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: “After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.”.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after “this part” the following: “and no later than 60 days after the closure of the Account under subsection (a)(3)”; and

(2) in subsection (e), by striking “the termination of the authority of the Secretary to carry out a closure or realignment under this part” and inserting “the closure of the Account under subsection (a)(3)”.

## **Subtitle D—Land Conveyances**

### **PART I—ARMY CONVEYANCES**

#### **SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.**

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

#### **SEC. 2832. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance

and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, BANGOR, MAINE.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Bangor, Maine (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 5 acres and containing the Army Reserve Center in Bangor, Maine, known as the Harold S. Slager Army Reserve Center, for the purpose of permitting the City to develop the parcel for educational purposes.

(b) ALTERNATIVE CONVEYANCE AUTHORITY.—If at the time of the conveyance authorized by subsection (a) the Secretary has transferred jurisdiction over any of the property to be conveyed to the Administrator of General Services, the Administrator shall make the conveyance of such property under this section.

(c) FEDERAL SCREENING.—(1) If any of the property authorized to be conveyed by subsection (a) is under the jurisdiction of the Administrator as of the date of the enactment of this Act, the Administrator shall conduct with respect to such property the screening for further Federal use otherwise required by subsection (a) of section 2696 of title 10, United States Code.

(2) Subsections (b) through (d) of such section 2696 shall apply to the screening under paragraph (1) as if the screening were a screening conducted under subsection (a) of such section. For purposes of such subsection (b), the date of the enactment of the provision of law authorizing the conveyance of the property authorized to be conveyed by this section shall be the date of the enactment of this Act.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the conveyance authorized by subsection (a) is made, if the official making the conveyance determines that the conveyed property is not being used for the purpose specified in such subsection, all right, title, and interest in and to the property shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination under this subsection shall be made on the record after an opportunity for a hearing.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the official



having jurisdiction over the property at the time of the conveyance. The cost of the survey shall be borne by the City.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The official having jurisdiction over the property authorized to be conveyed by subsection (a) at the time of the conveyance may require such additional terms and conditions in connection with the conveyance as that official considers appropriate to protect the interests of the United States.

**SEC. 2834. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) **REVERSIONARY INTEREST.**—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2835. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the “District”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) **REVERSIONARY INTEREST.**—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right,

title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2836. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the “Borough”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) **REVERSION.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2837. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.**

(a) **JUNEAU NATIONAL GUARD DOCK.**—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock, for the purpose of permitting the recipient to use the parcel for navigation-related commerce.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock, for the purpose of permitting the recipient to use the parcel for economic development.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) REVERSIONARY INTERESTS.—During the five-year period beginning on the date the Secretary makes a conveyance authorized under this section, if the Secretary determines that the real property conveyed by that conveyance is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsections (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2838. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans' Services of the State of Arizona (in this section referred to as the "Department"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Department to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Department.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2839. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2840. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.**

(a) **CONVEYANCE TO CITY AUTHORIZED.**—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) **CONVEYANCE TO COUNTY AUTHORIZED.**—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) **CONSIDERATION.**—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2841. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the “District”), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) **FUNDS FOR IMPROVEMENT OF DAM AND RESERVOIR.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for

purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah. The amount of funds made available may not exceed \$6,000,000.

(2) The District shall use funds made available to the District under paragraph (1) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in such paragraph.

(c) **RESPONSIBILITY FOR MAINTENANCE AND OPERATION.**—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(d) **DESCRIPTION OF PROPERTY.**—The legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2842. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.**

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 605) is amended—

(1) by inserting “(1)” before “The conveyance”; and

(2) by adding at the end the following new paragraph:

“(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.”.

16 USC 1609  
note.

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.**

(a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the “City”), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) **AUTHORITY TO CONVEY WITHOUT CONSIDERATION.**—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) **CONDITION OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) **REVERSION.**—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) **LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.**—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) **INTERIM LEASE.**—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the tenant occupying the property as of the date of the enactment of this Act (in this section referred to as the “current tenant”) under the terms and conditions of the lease for the property in effect on that date (in this section referred to as the “existing lease”) or a successor lease.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, and the current tenant is in compliance with the lease, the Secretary shall continue to lease the property to the current tenant under the terms and conditions applicable to the first three years of the existing lease pursuant to the existing lease for the property.

(3) If the property has not been conveyed by deed under this section within six years after the date of the enactment of this Act, the Secretary may extend or renegotiate the existing lease.

(g) **MAINTENANCE OF PROPERTY.**—(1) If the existing lease is continued under subsection (f), the current tenant of the real property covered by the lease shall be responsible for maintenance of the property as provided for in the existing lease, any extension thereof, or any successor lease.

(2) To the extent provided in advance in appropriations Acts, the Secretary shall be responsible for maintaining the real property to be conveyed under this section after the date of the termination

of the lease with the current tenant or the date the property is vacated by the current tenant, whichever is later, until such time as the property is conveyed by deed under this section.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2852. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the “State”), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2853. LAND CONVEYANCE, NEWPORT, RHODE ISLAND.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Newport, Rhode Island (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 15 acres and known as the Connell Manor housing area, which is located on Ranger Road and is bounded to the north by Coddington Highway, to the west and south by city streets, and to the east by private properties.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount sufficient to cover the cost, as determined by the Secretary—

(1) to carry out any environmental assessments and any other studies, analyses, and assessments that may be required under Federal law in connection with the conveyance; and

(2) to sever and realign utility systems as may be necessary to complete the conveyance.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2854. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.**

The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

**SEC. 2855. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE CONVEYANCE OF TOWERS.**

(a) **DEMOLITION DELAY.**—During the one-year period beginning on the date of the enactment of this Act, funds authorized to be appropriated by this or any other Act may not obligated or expended by the Secretary of the Navy to demolish the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland, that are otherwise scheduled for demolition as of that date.

(b) **CONVEYANCE OF TOWERS.**—The Secretary may convey, without consideration, to the State of Maryland or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in and to the naval radio transmitting towers described in subsection (a) if, during the period specified in such subsection, the recipient agrees to accept the towers in an as is condition.

(c) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2856. CLARIFICATION OF LAND EXCHANGE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.**

(a) **CLARIFICATION ON CONVEYEE.**—Subsection (a)(1) of section 2852 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2220) is amended by striking “Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the ‘Corporation’)” and inserting “Gulf of Maine Aquarium Development Corporation, Portland, Maine, a non-profit education and research institute (in this section referred to as the ‘Aquarium’)”.

(b) **CONFORMING AMENDMENTS.**—Such section is further amended by striking “the Corporation” each place it appears and inserting “the Aquarium”.

**SEC. 2857. REVISION TO LEASE AUTHORITY, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.**

Section 2837 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat.



2798), as amended by section 2853 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2009), is amended—

(1) in subsection (a)(1), by striking “22,000 square feet” and inserting “27,000 square feet”; and

(2) in subsection (b)(2), by striking “20 percent” and inserting “25 percent”.

**SEC. 2858. LAND CONVEYANCES, NORFOLK, VIRGINIA.**

(a) **CONVEYANCES AUTHORIZED.**—The Secretary of the Navy may convey to the Commonwealth of Virginia (in this section referred to as the “Commonwealth”), all right, title, and interest of the United States in and to such parcels of real property in the Norfolk, Virginia, area as the Secretary and the Commonwealth jointly determine to be required for the projects referred to in subsection (d).

(b) **GRANTS OF EASEMENT OR RIGHT-OF-WAY.**—The Secretary may grant to the Commonwealth such easements, rights-of-way, or other interests in land under the jurisdiction of the Secretary as the Secretary and the Commonwealth jointly determine to be required for the projects referred to in subsection (d).

(c) **CONSIDERATION.**—(1) As consideration for the grant of easements and rights-of-way under subsection (b), the Secretary may require the Commonwealth—

(A) to provide in the Virginia Transportation Improvement Plan for improved access for ingress and egress from Interstate Route 564 to the new air terminal at Naval Air Station, Norfolk, Virginia;

(B) to include funding for a project or projects necessary for such access in the Fiscal Year 2000–2001 Six Year Improvement Program of the Commonwealth of Virginia; and

(C) to relocate or replace (at no cost to the Department of the Navy) facilities of the Navy that are affected by the projects referred to in subsection (d).

(2) The consideration to be provided under this subsection for any grants of easement and right-of-way under this section shall be set forth in a memorandum of agreement between the Secretary and the Commonwealth.

(d) **COVERED PROJECTS.**—The projects referred to in this subsection are projects relating to highway construction, as follows:

(1) Project number 0337-122-F14, PE-101 (Back Gate).

(2) Project number 0337-122-F14, PE-102 (Front Gate).

(3) Project number 0564-122-108, PE-101 (Interstate Route 564 intermodal connector).

(e) **SENSE OF CONGRESS REGARDING CONSTRUCTION OF ACCESS TO NAVAL AIR STATION, NORFOLK, VIRGINIA.**—It is the sense of Congress that, by reason of the conveyances under subsection (a), the Commonwealth should work with the Secretary for purposes of constructing on Interstate Route 564 an interchange providing improved access to the new air terminal at Naval Air Station, Norfolk, Virginia.

(f) **EXEMPTION FROM FEDERAL SCREENING REQUIREMENT.**—The conveyances authorized by subsection (a) shall be made without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(g) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property conveyed under subsection (a), and of any easements, rights-of-way, or other interests granted under subsection (b), shall be determined by a survey or surveys satisfactory to the Secretary. The cost of the survey or surveys shall be borne by the Commonwealth.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance of any real property under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### **PART III—AIR FORCE CONVEYANCES**

#### **SEC. 2861. LAND CONVEYANCE, NEWINGTON DEFENSE FUEL SUPPLY POINT, NEW HAMPSHIRE.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the Pease Development Authority, New Hampshire (in this section referred to as the “Authority”), all right, title, and interest of the United States in and to parcels of real property, together with any improvements thereon, consisting of approximately 10.26 acres and located in Newington, New Hampshire, the site of the Newington Defense Fuel Supply Point.

(b) **RELATED PIPELINE AND EASEMENT.**—As part of the conveyance authorized by subsection (a), the Secretary may convey to the Authority, without consideration, all right, title, and interest of the United States in and to the following:

(1) The pipeline approximately 1.25 miles in length that runs between the property authorized to be conveyed under subsection (a) and former Pease Air Force Base, New Hampshire, and any facilities and equipment related thereto.

(2) An easement consisting of approximately 4.612 acres for purposes of activities relating to the pipeline.

(c) **CONDITION OF CONVEYANCE.**—The conveyance authorized by subsection (a) may only be made if the Authority agrees to make the fuel supply pipeline available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a), the easement to be conveyed under subsection (b)(2), and the pipeline to be conveyed under subsection (b)(1) shall be determined by surveys and other means satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary under the preceding sentence shall be borne by the Authority.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

#### **SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon,

consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the “Port”), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management, for the purpose of permitting the Port to use the parcels for economic development.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary concerned makes the conveyance authorized under subsection (a), if that Secretary determines that the real property conveyed by that Secretary is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to that property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary concerned under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

**SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the “Town”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) **REVERSIONARY INTEREST.**—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.**

(a) **CONVEYANCE AUTHORIZED.**—(1) Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the “Regents”), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(2) Pending the completion of all actions necessary to prepare the property described in paragraph (1) for conveyance under such paragraph, the Secretary may lease the property to the Regents.

(b) **INSPECTION OF PROPERTY.**—At an appropriate time before any conveyance or lease under subsection (a), the Secretary shall permit the Regents access to the property described in such subsection for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) **HOLD HARMLESS.**—(1)(A) The Secretary may not make the conveyance or lease authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not to exceed \$17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding section 2906(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance or lease authorized by subsection (a), enter into an agreement with the Regents under which the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance or lease that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed or lease, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

## Subtitle E—Other Matters

### SEC. 2871. ACCEPTANCE OF GUARANTEES IN CONNECTION WITH GIFTS TO MILITARY SERVICE ACADEMIES.

(a) UNITED STATES MILITARY ACADEMY.—(1) Chapter 403 of title 10, United States Code, is amended by inserting after section 4356 the following new section:

#### **“§ 4357. Acceptance of guarantees with gifts for major projects**

“(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Army may accept from a donor or donors a qualified

guarantee for the completion of a major project for the benefit of the Academy.

“(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

“(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Army may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

“(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Army may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

“(e) DEFINITIONS.—In this section:

“(1) MAJOR PROJECT.—The term ‘major project’ means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least \$1,000,000.

“(2) QUALIFIED GUARANTEE.—The term ‘qualified guarantee’, with respect to a major project, means a guarantee that—

“(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Army, is sufficient to defray a substantial portion of the total cost of the project;

“(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

“(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

“(D) is accompanied by—

“(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

“(ii) a qualified account control agreement.

“(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term ‘qualified account control agreement’, with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Army, and a major United States investment management firm that—

“(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

“(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

“(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

“(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

“(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term ‘major United States commercial bank’ means a commercial bank that—

“(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(B) is headquartered in the United States; and

“(C) has net assets in a total amount considered by the Secretary of the Army to qualify the bank as a major bank.

“(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term ‘major United States investment management firm’ means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) or a major United States commercial bank that—

“(A) is headquartered in the United States; and

“(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Army to qualify the firm as a major investment management firm.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4356 the following new item:

“4357. Acceptance of guarantees with gifts for major projects.”.

(b) NAVAL ACADEMY.—(1) Chapter 603 of title 10, United States Code, is amended by inserting after section 6974 the following new section:

**“§ 6975. Acceptance of guarantees with gifts for major projects**

“(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Navy may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Naval Academy.

“(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated

and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

“(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Navy may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

“(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Navy may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

“(e) DEFINITIONS.—In this section:

“(1) MAJOR PROJECT.—The term ‘major project’ means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least \$1,000,000.

“(2) QUALIFIED GUARANTEE.—The term ‘qualified guarantee’, with respect to a major project, means a guarantee that—

“(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Navy, is sufficient to defray a substantial portion of the total cost of the project;

“(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

“(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

“(D) is accompanied by—

“(i) an irrevocable and unconditional standby letter of credit for the benefit of the Naval Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

“(ii) a qualified account control agreement.

“(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term ‘qualified account control agreement’, with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Navy, and a major United States investment management firm that—

“(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

“(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Naval Academy with the highest priority



available for liens and security interests under applicable law;

“(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

“(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

“(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term ‘major United States commercial bank’ means a commercial bank that—

“(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(B) is headquartered in the United States; and

“(C) has net assets in a total amount considered by the Secretary of the Navy to qualify the bank as a major bank.

“(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term ‘major United States investment management firm’ means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) or a major United States commercial bank that—

“(A) is headquartered in the United States; and

“(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Navy to qualify the firm as a major investment management firm.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6974 the following new item:

“6975. Acceptance of guarantees with gifts for major projects.”.

(c) AIR FORCE ACADEMY.—(1) Chapter 903 of title 10, United States Code, is amended by inserting after section 9355 the following new section:

**“§ 9356. Acceptance of guarantees with gifts for major projects**

“(a) ACCEPTANCE AUTHORITY.—Subject to subsection (c), the Secretary of the Air Force may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Academy.

“(b) OBLIGATION AUTHORITY.—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

“(c) NOTICE OF PROPOSED ACCEPTANCE.—The Secretary of the Air Force may not accept a qualified guarantee under this section for the completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress.

“(d) PROHIBITION ON COMMINGLING OF FUNDS.—The Secretary of the Air Force may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

“(e) DEFINITIONS.—In this section:

“(1) MAJOR PROJECT.—The term ‘major project’ means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least \$1,000,000.

“(2) QUALIFIED GUARANTEE.—The term ‘qualified guarantee’, with respect to a major project, means a guarantee that—

“(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Air Force, is sufficient to defray a substantial portion of the total cost of the project;

“(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

“(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

“(D) is accompanied by—

“(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

“(ii) a qualified account control agreement.

“(3) QUALIFIED ACCOUNT CONTROL AGREEMENT.—The term ‘qualified account control agreement’, with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Air Force, and a major United States investment management firm that—

“(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

“(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available for liens and security interests under applicable law;

“(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

“(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

“(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term ‘major United States commercial bank’ means a commercial bank that—

“(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

“(B) is headquartered in the United States; and

“(C) has net assets in a total amount considered by the Secretary of the Air Force to qualify the bank as a major bank.

“(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term ‘major United States investment management firm’ means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) or a major United States commercial bank that—

“(A) is headquartered in the United States; and

“(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Air Force to qualify the firm as a major investment management firm.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9355 the following new item:

“9356. Acceptance of guarantees with gifts for major projects.”.

**SEC. 2872. ACQUISITION OF STATE-HELD INHOLDINGS, EAST RANGE OF FORT HUACHUCA, ARIZONA.**

(a) ACQUISITION AUTHORIZED.—(1) The Secretary of the Interior may acquire by eminent domain, but with the consent of the State of Arizona, all right, title, and interest (including any mineral rights) of the State of Arizona in and to unimproved Arizona State trust lands consisting of approximately 1,536.47 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(2) The Secretary may also acquire by eminent domain, but with the consent of the State of Arizona, any trust mineral estate of the State of Arizona located beneath the surface estates of the United States in one or more parcels of land consisting of approximately 12,943 acres in the Fort Huachuca East Range, Cochise County, Arizona.

(b) CONSIDERATION.—(1) Subject to subsection (c), as consideration for the acquisition by the United States of Arizona State trust lands and mineral interests under subsection (a), the Secretary, acting through the Bureau of Land Management, may convey to the State of Arizona all right, title, and interest of the United States, or some lesser interest, in one or more parcels of Federal land under the jurisdiction of the Bureau of Land Management in the State of Arizona.

(2) The lands or interests in land to be conveyed under this subsection shall be mutually agreed upon by the Secretary and the State of Arizona, as provided in subsection (c)(1).

(3) The value of the lands conveyed out of Federal ownership under this subsection either shall be equal to the value of the lands and mineral interests received by the United States under subsection (a) or, if not, shall be equalized by a payment made by the Secretary or the State of Arizona, as necessary.

(c) **CONDITIONS ON CONVEYANCE TO STATE.**—The Secretary may make the conveyance described in subsection (b) only if—

(1) the transfer of the Federal lands to the State of Arizona is acceptable to the State Land Commissioner; and

(2) the conveyance of lands and interests in lands under subsection (b) is accepted by the State of Arizona as full consideration for the land and mineral rights acquired by the United States under subsection (a) and terminates all right, title, and interest of all parties (other than the United States) in and to the acquired lands and mineral rights.

(d) **USE OF EMINENT DOMAIN.**—The Secretary may acquire the State lands and mineral rights under subsection (a) pursuant to the laws and regulations governing eminent domain.

(e) **DETERMINATION OF FAIR MARKET VALUE.**—Notwithstanding any other provision of law, the value of lands and interests in lands acquired or conveyed by the United States under this section shall be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisition, as published by the Department of Justice in 1992. The appraisal shall be subject to the review and acceptance by the Land Department of the State of Arizona and the Bureau of Land Management.

(f) **DESCRIPTIONS OF LAND.**—The exact acreage and legal descriptions of the lands and interests in lands acquired or conveyed by the United States under this section shall be determined by surveys that are satisfactory to the Secretary of the Interior and the State of Arizona.

(g) **WITHDRAWAL OF ACQUIRED LANDS FOR MILITARY PURPOSES.**—After acquisition, the lands acquired by the United States under subsection (a) may be withdrawn and reserved, in accordance with all applicable environmental laws, for use by the Secretary of the Army for military training and testing in the same manner as other Federal lands located in the Fort Huachuca East Range that were withdrawn and reserved for Army use through Public Land Order 1471 of 1957.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance and acquisition of lands and interests in land under this section as the Secretary considers appropriate to protect the interests of the United States and any valid existing rights.

(i) **COST REIMBURSEMENT.**—All costs associated with the processing of the acquisition of State trust lands and mineral interests under subsection (a) and the conveyance of public lands under subsection (b) shall be borne by the Secretary of the Army.

#### **SEC. 2873. ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.**

(a) **RENOVATION ENHANCEMENTS.**—The Secretary of Defense, in conjunction with the Pentagon Renovation Program, may design and construct secure secretarial office and support facilities and make security-related enhancements to the bus and subway station entrance at the Pentagon Reservation.

(b) **REPORT REQUIRED.**—As part of the report required under section 2674(a) of title 10, United States Code, in 2000, the Secretary of Defense shall include the estimated cost for the planning, design, construction, and installation of equipment for the enhancements authorized by subsection (a) and a revised estimate for the total cost of the renovation of the Pentagon Reservation.

## **Subtitle F—Expansion of Arlington National Cemetery**

### **SEC. 2881. TRANSFER FROM NAVY ANNEX, ARLINGTON, VIRGINIA.**

(a) **LAND TRANSFER REQUIRED.**—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over three parcels of real property consisting of approximately 36 acres and known as the Navy Annex (in this section referred to as the “Navy Annex property”).

(b) **USE OF LAND.**—(1) Subject to paragraph (2), the Secretary of the Army shall incorporate the Navy Annex property transferred under subsection (a) into Arlington National Cemetery.

(2) The Secretary of Defense may reserve not to exceed 10 acres of the Navy Annex property (of which not more than six acres may be north of the existing Columbia Pike) as a site for—

(A) a National Military Museum, if such site is recommended for such purpose by the Commission on the National Military Museum established under section 2901; and

(B) such other memorials that the Secretary of Defense considers compatible with Arlington National Cemetery.

(c) **REMEDICATION OF LAND FOR CEMETERY USE.**—Immediately after the transfer of administrative jurisdiction over the Navy Annex property, the Secretary of Defense shall provide for the removal of any improvements on that property and shall prepare the property for use as a part of Arlington National Cemetery.

(d) **ESTABLISHMENT OF MASTER PLAN.**—(1) The Secretary of Defense shall establish a master plan for the use of the Navy Annex property transferred under subsection (a).

(2) The master plan shall take into account (A) the report submitted by the Secretary of the Army on the expansion of Arlington National Cemetery required at page 787 of the Joint Explanatory Statement of the Committee of Conference to accompany the bill H.R. 3616 of the One Hundred Fifth Congress (House Report 105-436 of the 105th Congress), and (B) the recommendation (if any) of the Commission on the National Military Museum to use a portion of the Navy Annex property as the site for the National Military Museum.

(3) The master plan shall be established in consultation with the National Capital Planning Commission and only after coordination with appropriate officials of the Commonwealth of Virginia and of the County of Arlington, Virginia, with respect to matters pertaining to real property under the jurisdiction of those officials located in or adjacent to the Navy Annex property, including assessments of the effects on transportation, infrastructure, and utilities in that county by reason of the proposed uses of the Navy Annex property under subsection (b).

(4) Not later than 180 days after the date on which the Commission on the National Military Museum submits to Congress its

Deadline.

report under section 2903, the Secretary of Defense shall submit to Congress the master plan established under this subsection.

(e) IMPLEMENTATION OF MASTER PLAN.—The Secretary of Defense may implement the provisions of the master plan at any time after the Secretary submits the master plan to Congress.

(f) LEGAL DESCRIPTION.—In conjunction with the development of the master plan required by subsection (d), the Secretary of Defense shall determine the exact acreage and legal description of the portion of the Navy Annex property reserved under subsection (b)(2) and of the portion transferred under subsection (a) for incorporation into Arlington National Cemetery.

Deadline.

(g) REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Secretary of Defense a copy of the report to Congress on the expansion of Arlington National Cemetery required at page 787 of the Joint Explanatory Statement of the Committee of Conference to accompany the bill H.R. 3616 of the One Hundred Fifth Congress (House Report 105-736 of the 105th Congress).

(2) The Secretary of Defense shall include a description of the use of the Navy Annex property transferred under subsection (a) in the annual report to Congress under section 2674(a)(2) of title 10, United States Code, on the state of the renovation of the Pentagon Reservation.

(h) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction required by subsection (a) not later than the earlier of—

(1) January 1, 2010; or

(2) the date when the Navy Annex property is no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

#### **SEC. 2882. TRANSFER FROM FORT MYER, ARLINGTON, VIRGINIA.**

(a) LAND TRANSFER REQUIRED.—The Secretary of the Army shall modify the boundaries of Arlington National Cemetery and of Fort Myer to include in Arlington National Cemetery the following parcels of real property situated in Fort Myer, Arlington, Virginia:

(1) A parcel comprising approximately five acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) A parcel comprising approximately three acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(b) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary.

## **TITLE XXIX—COMMISSION ON NATIONAL MILITARY MUSEUM**

Sec. 2901. Establishment.

Sec. 2902. Duties of Commission.

Sec. 2903. Report.  
 Sec. 2904. Powers.  
 Sec. 2905. Commission procedures.  
 Sec. 2906. Personnel matters.  
 Sec. 2907. Miscellaneous administrative provisions.  
 Sec. 2908. Funding.  
 Sec. 2909. Termination of Commission.

**SEC. 2901. ESTABLISHMENT.**

10 USC 111 note.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the “Commission on the National Military Museum” (in this title referred to as the “Commission”).

(b) **COMPOSITION.**—(1) The Commission shall be composed of 11 voting members appointed from among individuals who have an expertise in military or museum matters as follows:

(A) Five shall be appointed by the President.

(B) Two shall be appointed by the Speaker of the House of Representatives, in consultation with the chairman of the Committee on Armed Services of the House of Representatives.

(C) One shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Armed Services of the House of Representatives.

(D) Two shall be appointed by the majority leader of the Senate, in consultation with the chairman of the Committee on Armed Services of the Senate.

(E) One shall be appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Armed Services of the Senate.

(2) The following shall be nonvoting members of the Commission:

(A) The Secretary of Defense.

(B) The Secretary of the Army.

(C) The Secretary of the Navy.

(D) The Secretary of the Air Force.

(E) The Secretary of Transportation.

(F) The Secretary of the Smithsonian Institution.

(G) The Chairman of the National Capital Planning Commission.

(H) The Chairperson of the Commission of Fine Arts.

(c) **CHAIRMAN.**—The President shall designate one of the individuals first appointed to the Commission under subsection (b)(1)(A) as the chairman of the Commission. President.

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) **INITIAL ORGANIZATION REQUIREMENTS.**—(1) All appointments to the Commission shall be made not later than 90 days after the date of the enactment of this Act. Deadline.

(2) The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

**SEC. 2902. DUTIES OF COMMISSION.**

10 USC 111 note.

(a) **STUDY OF NATIONAL MILITARY MUSEUM.**—The Commission shall conduct a study in order to make recommendations to Congress regarding an authorization for the construction of a national military museum in the National Capital Area.

(b) **STUDY ELEMENTS.**—In conducting the study, the Commission shall do the following:

(1) Determine whether existing military museums, historic sites, and memorials in the United States are adequate—

(A) to provide in a cost-effective manner for display of, and interaction with, adequately visited and adequately preserved artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged;

(B) to honor the service to the United States of the active and reserve members of the Armed Forces and the veterans of the United States;

(C) to educate current and future generations regarding the Armed Forces and the sacrifices of members of the Armed Forces and the Nation in furtherance of the defense of freedom; and

(D) to foster public pride in the achievements and activities of the Armed Forces.

(2) Determine whether adequate inventories of artifacts and representations of the Armed Forces and of the wars in which the United States has been engaged are available, either in current inventories or in private or public collections, for loan or other provision to a national military museum.

(3) Develop preliminary proposals for—

(A) the dimensions and design of a national military museum in the National Capital Area;

(B) the location of the museum in that Area; and

(C) the approximate cost of the final design and construction of the museum and of the costs of operating the museum.

(c) **ADDITIONAL DUTIES.**—If the Commission determines to recommend that Congress authorize the construction of a national military museum in the National Capital Area, the Commission shall also, as a part of the study under subsection (a), do the following:

(1) Recommend not fewer than three sites for the museum ranked by preference.

(2) Propose a schedule for construction of the museum.

(3) Assess the potential effects of the museum on the environment, facilities, and roadways in the vicinity of the site or sites where the museum is proposed to be located.

(4) Recommend the percentages of funding for the museum to be provided by the United States, State and local governments, and private sources, respectively.

(5) Assess the potential for fundraising for the museum during the 20-year period following the authorization of construction of the museum.

(6) Assess and recommend various governing structures for the museum, including a governing structure that places the museum within the Smithsonian Institution.

(d) **REQUIREMENTS FOR LOCATION ON NAVY ANNEX PROPERTY.**—In the case of a recommendation under subsection (c)(1) to authorize construction of a national military museum on the Navy Annex property authorized for reservation for such purpose by section 2871(b), the design of the national military museum on such property shall be subject to the following requirements:



(1) The design shall be prepared in consultation with the Superintendent of Arlington National Cemetery.

(2) The design may not provide for access by vehicles to the national military museum through Arlington National Cemetery.

**SEC. 2903. REPORT.**

10 USC 111 note.  
Deadline.

The Commission shall, not later than 12 months after the date of its first meeting, submit to Congress a report on its findings and conclusions under this title, including any recommendations under section 2902.

**SEC. 2904. POWERS.**

10 USC 111 note.

(a) **HEARINGS.**—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) **INFORMATION.**—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

**SEC. 2905. COMMISSION PROCEDURES.**

10 USC 111 note.

(a) **MEETINGS.**—The Commission shall meet at the call of the chairman.

(b) **QUORUM.**—(1) Six of the members appointed under section 2901(b)(1) shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) **COMMISSION.**—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) **AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.**—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

**SEC. 2906. PERSONNEL MATTERS.**

10 USC 111 note.

(a) **PAY OF MEMBERS.**—Members of the Commission appointed under section 2901(b)(1) shall serve without pay by reason of their work on the Commission.

(b) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) **STAFF.**—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director

and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

10 USC 111 note. **SEC. 2907. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) **POSTAL AND PRINTING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

10 USC 111 note. **SEC. 2908. FUNDING.**

(a) **IN GENERAL.**—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000.

(b) **REQUEST.**—Upon receipt of a written certification from the chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

(c) **AVAILABILITY OF CERTAIN FUNDS.**—Of the funds available for activities of the Commission under this section, \$2,000,000 shall be available for the activities, if any, of the Commission under section 2902(c).

10 USC 111 note. **SEC. 2909. TERMINATION OF COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its report under section 2903.

## TITLE XXX—MILITARY LAND WITHDRAWALS

Military Lands  
Withdrawal Act  
of 1999.

Sec. 3001. Short title.

### Subtitle A—Withdrawals Generally

- Sec. 3011. Withdrawals.
- Sec. 3012. Maps and legal descriptions.
- Sec. 3013. Termination of withdrawals in Military Lands Withdrawal Act of 1986.
- Sec. 3014. Management of lands.
- Sec. 3015. Duration of withdrawal and reservation.
- Sec. 3016. Extension of initial withdrawal and reservation.
- Sec. 3017. Ongoing decontamination.
- Sec. 3018. Delegation.
- Sec. 3019. Water rights.
- Sec. 3020. Hunting, fishing, and trapping.
- Sec. 3021. Mining and mineral leasing.
- Sec. 3022. Use of mineral materials.
- Sec. 3023. Immunity of United States.

### Subtitle B—Withdrawals in Arizona

- Sec. 3031. Barry M. Goldwater Range, Arizona.
- Sec. 3032. Military use of Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness.
- Sec. 3033. Maps and legal description.
- Sec. 3034. Water rights.
- Sec. 3035. Hunting, fishing, and trapping.
- Sec. 3036. Use of mineral materials.
- Sec. 3037. Immunity of United States.

### Subtitle C—Authorization of Appropriations

- Sec. 3041. Authorization of appropriations.

### SEC. 3001. SHORT TITLE.

This title may be cited as the “Military Lands Withdrawal Act of 1999”.

## Subtitle A—Withdrawals Generally

### SEC. 3011. WITHDRAWALS.

(a) NAVAL AIR STATION FALLON RANGES, NEVADA.—

(1) WITHDRAWAL AND RESERVATION.—(A) Subject to valid existing rights and except as otherwise provided in this subtitle, the lands established at the B–16, B–17, B–19, and B–20 Ranges, as referred to in paragraph (2), and all other areas within the boundary of such lands as depicted on the map referred to in such paragraph which may become subject to the operation of the public land laws, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(B) The lands and interests in lands within the boundaries established at the Dixie Valley Training Area, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and geothermal leasing laws, but not the mineral leasing laws.

(C) The lands withdrawn by subparagraphs (A) and (B) are reserved for use by the Secretary of the Navy for—

(i) testing and training for aerial bombing, missile firing, and tactical maneuvering and air support; and

(ii) other defense-related purposes consistent with the purposes specified in this subparagraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 204,953 acres of land in Churchill County, Nevada, as generally depicted as “Proposed Withdrawal Land” and “Existing Withdrawals” on the map entitled “Naval Air Station Fallon Ranges—Proposed Withdrawal of Public Lands for Range Safety and Training Purposes”, dated May 25, 1999, and filed in accordance with section 3012.

(3) RELATIONSHIP TO OTHER RESERVATIONS.—

(A) B-16 RANGE.—To the extent the withdrawal and reservation made by paragraph (1) for the B-16 Range withdraws lands currently withdrawn and reserved for use by the Bureau of Reclamation, the reservation made by that paragraph shall be the primary reservation for public safety management actions only, and the existing Bureau of Reclamation reservation shall be the primary reservation for all other management actions.

(B) SHOAL SITE.—The Secretary of Energy shall remain responsible and liable for the subsurface estate and all its activities at the “Shoal Site” withdrawn and reserved by Public Land Order Number 2771, as amended by Public Land Order Number 2834. The Secretary of the Navy shall be responsible for the management and use of the surface estate at the “Shoal Site” pursuant to the withdrawal and reservation made by paragraph (1).

Effective date.

(4) WATER RIGHTS.—Effective as of the date of the enactment of this Act, the Secretary of the Navy shall ensure that the Navy complies with the portion of the memorandum of understanding between the Department of the Navy and the United States Fish and Wildlife Service dated July 26, 1995, requiring the Navy to limit water rights to the maximum extent practicable, consistent with safety of operations, for Naval Air Station Fallon, Nevada, currently not more than 4,402 acre-feet of water per year.

(b) NELLIS AIR FORCE RANGE, NEVADA.—

(1) DEPARTMENT OF AIR FORCE.—Subject to valid existing rights and except as otherwise provided in this subtitle, the public lands described in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Air Force—

(A) as an armament and high hazard testing area;

(B) for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) for equipment and tactics development and testing; and

(D) for other defense-related purposes consistent with the purposes specified in this paragraph.

(2) DEPARTMENT OF ENERGY.—

(A) REVOCATION.—Public Land Order Number 1662, published in the Federal Register on June 26, 1958, is hereby revoked in its entirety.

(B) WITHDRAWAL.—Subject to valid existing rights, all lands within the boundary of the area labeled “Pahute

Mesa” as generally depicted on the map referred to in paragraph (4) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws.

(C) RESERVATION.—The lands withdrawn under subparagraph (B) are reserved for use by the Secretary of Energy as an integral part of the Nevada Test Site. Other provisions of this subtitle do not apply to the land withdrawn and reserved under this paragraph, except as provided in section 3017.

(3) DEPARTMENT OF INTERIOR.—Notwithstanding the Desert National Wildlife Refuge withdrawal and reservation made by Executive Order No. 7373, dated May 20, 1936, as amended by Public Land Order Number 4079, dated August 26, 1966, and Public Land Order Number 7070, dated August 4, 1994, the lands depicted as impact areas on the map referred to in paragraph (4) are, upon completion of the transfers authorized in paragraph (5)(F)(ii), transferred to the primary jurisdiction of the Secretary of the Air Force, who shall manage the lands in accordance with the memorandum of understanding referred to in paragraph (5)(E). The Secretary of the Interior shall retain secondary jurisdiction over the lands for wildlife conservation purposes.

(4) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by paragraphs (1) and (2) comprise approximately 2,919,890 acres of land in Clark, Lincoln, and Nye Counties, Nevada, as generally depicted on the map entitled “Nevada Test and Training Range, Proposed Withdrawal Extension”, dated April 22, 1999, and filed in accordance with section 3012.

(5) DESERT NATIONAL WILDLIFE REFUGE.—

(A) MANAGEMENT.—During the period of withdrawal and reservation of lands by this subtitle, the Secretary of the Interior shall exercise administrative jurisdiction over the Desert National Wildlife Refuge (except for the lands referred to in this subsection) through the United States Fish and Wildlife Service in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), this subtitle, and other laws applicable to the National Wildlife Refuge System.

(B) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subtitle or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), no mineral material resources may be obtained from the parts of the Desert National Wildlife Refuge that are not depicted as impact areas on the map referred to in paragraph (4), except in accordance with the procedures set forth in the memorandum of understanding referred to in subparagraph (E).

(C) ACCESS RESTRICTIONS.—If the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the Desert National Wildlife Refuge that is withdrawn by this subtitle, the Secretary of the Interior shall take action to effect and maintain such closure, including agreeing to amend the

memorandum of understanding referred to in subparagraph (E) to establish new or enhanced surface safety zones.

(D) EFFECT OF SUBTITLE.—Neither the withdrawal under paragraph (1) nor any other provision of this subtitle, except this subsection and subsections (a) and (b) of section 3014, shall be construed to effect the following:

(i) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System.

(ii) Any Executive order or public land order in effect on the date of the enactment of this Act with respect to the Desert National Wildlife Refuge.

(iii) Any memorandum of understanding between the Secretary of the Interior and the Secretary of the Air Force concerning the joint use of lands withdrawn for use by the Air Force within the external boundaries of the Desert National Wildlife Refuge, except to the extent the provisions of such memorandum of understanding are inconsistent with the provisions of this subtitle, in which case such memorandum of understanding shall be reviewed and amended to conform to the provisions of this title not later than 120 days after the date of the enactment of this Act.

(E) MEMORANDUM OF UNDERSTANDING.—(i) The Secretary of the Interior, in coordination with the Secretary of the Air Force, shall manage the portion of the Desert National Wildlife Refuge withdrawn by this subtitle, except for the lands referred to in paragraph (3), for the purposes for which the refuge was established, and to support current and future military aviation training needs consistent with the current memorandum of understanding between the Department of the Air Force and the Department of the Interior, including any extension or other amendment of such memorandum of understanding as provided under this subparagraph.

(ii) As part of the review of the existing memorandum of understanding provided for in this paragraph, the Secretary of the Interior and the Secretary of the Air Force shall extend the memorandum of understanding for a period that coincides with the duration of the withdrawal of the lands constituting Nellis Air Force Range under this subtitle.

(iii) Nothing in this paragraph shall be construed as prohibiting the Secretary of the Interior and the Secretary of the Air Force from revising the memorandum of understanding at any future time should they mutually agree to do so.

(iv) Amendments to the memorandum of understanding shall take effect 90 days after the date on which the Secretary of the Interior submits notice of such amendments to the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services of the Senate and the Committees on Resources and Armed Services of the House of Representatives.

Effective date.

(F) ACQUISITION OF REPLACEMENT PROPERTY.—(i) In addition to any other amounts authorized to be appropriated by section 3041, there are hereby authorized to be appropriated to the Secretary of the Air Force such sums as may be necessary for the replacement of National Wildlife Refuge System lands in Nevada covered by this subsection.

(ii) The Secretary of the Air Force may, using funds appropriated pursuant to the authorization of appropriations in clause (i) to—

(I) acquire lands, waters, or interests in lands or waters in Nevada pursuant to clause (i) which are acceptable to the Secretary of the Interior, and transfer such lands to the Secretary of the Interior; or

(II) transfer such funds to the Secretary of the Interior for the purpose of acquiring such lands.

(iii) The transfers authorized by clause (ii) shall be deemed complete upon written notification from the Secretary of the Interior to the Secretary of the Air Force that lands, or funds, equal to the amount appropriated pursuant to the authorization of appropriations in clause (i) have been received by the Secretary of the Interior from the Secretary of the Air Force.

(c) FORT GREELY AND FORT WAINWRIGHT TRAINING RANGES, ALASKA.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the Fort Greely East and West Training Ranges and the Yukon Training Range of Fort Wainwright, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 869,862 acres of land in the Fairbanks North Star Borough and the Unorganized Borough, Alaska, as generally depicted on the map entitled “Fort Wainwright and Fort Greely Regional Context Map”, dated June 3, 1987, and filed in accordance with section 3012.

(d) MCGREGOR RANGE, FORT BLISS, NEW MEXICO.—

(1) WITHDRAWAL AND RESERVATION.—Subject to valid existing rights and except as otherwise provided in this subtitle, all lands and interests in lands within the boundaries established at the McGregor Range of Fort Bliss, as referred to in paragraph (2), are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing and geothermal leasing laws. Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support associated with the Air Force Tactical Target Complex; and

(C) other defense-related purposes consistent with the purposes specified in this paragraph.

(2) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise 608,385 acres of land in Otero County, New Mexico, as generally depicted on the map entitled “McGregor Range Withdrawal”, dated June 3, 1999, and filed in accordance with section 3012.

#### **SEC. 3012. MAPS AND LEGAL DESCRIPTIONS.**

(a) PUBLICATION AND FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

Federal Register,  
publication.

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal descriptions of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Naval Air Station Fallon, Nevada, the offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service, the office of the commander, Nellis Air Force Base, Nevada, the office of the commander, Fort Bliss, Texas, the office of the commander, Fort Greely, Alaska, the office of the commander, Fort Wainwright, Alaska, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

#### **SEC. 3013. TERMINATION OF WITHDRAWALS IN MILITARY LANDS WITHDRAWAL ACT OF 1986.**

Except as otherwise provided in this title, the withdrawals made by the Military Lands Withdrawal Act of 1986 (Public Law 99-606) shall terminate after November 6, 2001.

#### **SEC. 3014. MANAGEMENT OF LANDS.**

(a) MANAGEMENT BY SECRETARY OF INTERIOR.—

(1) APPLICABLE LAW.—During the period of the withdrawal of lands under this subtitle, the Secretary of the Interior shall manage the lands withdrawn by section 3011 pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), other applicable law, and this subtitle. The Secretary shall manage the lands within the Desert National Wildlife Refuge in accordance with the National Wildlife Refuge



System Administration Act of 1966 (16 U.S.C. 668dd et seq.) and other applicable law. No provision of this subtitle, except sections 3011(b)(5)(D), 3020, and 3021, shall apply to the management of the Desert National Wildlife Refuge.

(2) ACTIVITIES AUTHORIZED.—To the extent consistent with applicable law and Executive orders, the lands withdrawn by section 3011 may be managed in a manner permitting—

(A) the continuation of grazing where permitted on the date of the enactment of this Act;

(B) the protection of wildlife and wildlife habitat;

(C) the control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3) NONMILITARY USES.—

(A) IN GENERAL.—All nonmilitary use of the lands referred to in paragraph (2), other than the uses described in that paragraph, shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this subtitle.

(B) LEASES, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary of the Interior may issue a lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of lands referred to in paragraph (2) only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—

(1) IN GENERAL.—If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of lands withdrawn by this subtitle, that Secretary may take such action as that Secretary determines necessary or desirable to effect and maintain such closure.

(2) LIMITATIONS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) NOTICE.—Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closure.

(c) MANAGEMENT PLAN.—The Secretary of the Interior, after consultation with the Secretary of the military department concerned, shall develop a plan for the management of each area withdrawn by section 3011 during the period of withdrawal under this subtitle. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to the conditions and restrictions specified in subsection (a)(3);

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such area; and

(4) be developed not later than two years after the date of the enactment of this Act.

(d) BRUSH AND RANGE FIRES.—

(1) IN GENERAL.—The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside lands withdrawn by section 3011 as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) ASSISTANCE.—Each memorandum of understanding required by subsection (e) shall—

(A) require the Bureau of Land Management to provide assistance in the suppression of fires under paragraph (1) upon the request of the Secretary of the military department concerned; and

(B) provide for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for any assistance so provided.

(e) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The Secretary of the Interior and the Secretary of the military department concerned shall, with respect to each lands withdrawn by section 3011, enter into a memorandum of understanding to implement the management plan for such lands under subsection (c).

(2) DURATION.—The duration of any memorandum of understanding for lands withdrawn by section 3011 shall be the same as the period of the withdrawal of such lands under this subtitle.

(f) ADDITIONAL MILITARY USES.—

(1) IN GENERAL.—Lands withdrawn by section 3011 (except lands within the Desert National Wildlife Refuge) may be used for defense-related purposes other than those specified in the applicable provisions of such section.

(2) NOTICE.—The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that lands withdrawn by this subtitle will be used for defense-related purposes other than those specified in the applicable provisions of section 3011.

(3) CONTENTS OF NOTICE.—A notice under paragraph (2) shall indicate the additional use or uses involved, the proposed duration of such use or uses, and the extent to which such use or uses will require that additional or more stringent conditions or restrictions be imposed on otherwise permitted non-military uses of the lands concerned, or portions thereof.

**SEC. 3015. DURATION OF WITHDRAWAL AND RESERVATION.**

(a) GENERAL TERMINATION DATE.—The withdrawal and reservation of lands by section 3011 shall terminate 25 years after November 6, 2001, except as otherwise provided in this subtitle and except for the withdrawals provided for under subsections (a) and (b) of section 3011 which shall terminate 20 years after November 6, 2001.

(b) COMMENCEMENT DATE FOR CERTAIN LANDS.—As to the lands withdrawn for military purposes by section 3011, but not withdrawn for military purposes by section 1 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), the withdrawal of such lands shall become effective on the date of the enactment of this Act.

(c) **OPENING DATE.**—On the date of the termination of the withdrawal and reservation of lands under this subtitle, such lands shall not be open to any form of appropriation under the public land laws, including the mineral laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

Federal Register,  
publication.

**SEC. 3016. EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.**

(a) **IN GENERAL.**—Not later than three years before the termination date of the initial withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned shall notify Congress and the Secretary of the Interior concerning whether the military department will have a continuing military need after such termination date for all or any portion of such lands.

(b) **DUTIES REGARDING CONTINUING MILITARY NEED.**—

(1) **IN GENERAL.**—If the Secretary of the military department concerned determines that there will be a continuing military need for any lands withdrawn by this subtitle, the Secretary of the military department concerned shall—

(A) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(B) file with the Secretary of the Interior, within one year after the notice required by subsection (a), an application for extension of the withdrawal and reservation of such lands.

(2) **APPLICATION FOR EXTENSION.**—Notwithstanding any general procedure of the Department of the Interior for processing Federal land withdrawals, an application for extension under paragraph (1) shall be considered complete if the application includes the following:

(A) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the military department concerned proposes to use or develop such resources during the period of extension.

(B) A copy of the most recent report prepared in accordance with the Sikes Act (16 U.S.C. 670 et seq.).

(c) **LEGISLATIVE PROPOSALS.**—The Secretary of the Interior and the Secretary of the military department concerned shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this subtitle is submitted to Congress not later than May 1 of the year preceding the year in which the withdrawal and reservation of such lands would otherwise terminate under this subtitle.

(d) **NOTICE OF INTENT REGARDING RELINQUISHMENT.**—If during the period of the withdrawal and reservation of lands under this subtitle, the Secretary of the military department concerned decides to relinquish all or any of the lands withdrawn and reserved by section 3011, such Secretary shall transmit a notice of intent to relinquish such lands to the Secretary of the Interior.

**SEC. 3017. ONGOING DECONTAMINATION.**

(a) PROGRAM.—Throughout the duration of the withdrawal of lands under this subtitle, the Secretary of the military department concerned shall, to the extent funds are available for such purpose, maintain a program of decontamination of such lands consistent with applicable Federal and State law.

(b) REPORTS.—

Deadline.

(1) REQUIREMENT.—Not later than 45 days after the date on which the President transmits to Congress the President's proposed budget for any fiscal year beginning after the date of the enactment of this Act, the Secretary of each military department shall transmit to the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives a description of the decontamination efforts undertaken on lands under this subtitle under the jurisdiction of such Secretary during the previous fiscal year and the decontamination activities proposed to be undertaken on such lands during the next fiscal year.

(2) REPORT ELEMENTS.—Each report shall specify the following:

(A) Amounts appropriated and obligated or expended for decontamination of such lands.

(B) The methods used to decontaminate such lands.

(C) The amounts and types of decontaminants removed from such lands.

(D) The estimated types and amounts of residual contamination on such lands.

(E) An estimate of the costs for full decontamination of such lands and the estimate of the time to complete such decontamination.

(c) DECONTAMINATION BEFORE RELINQUISHMENT.—

(1) DUTIES BEFORE NOTICE OF INTENT TO RELINQUISH.—Before transmitting a notice of intent to relinquish lands under section 3016(d), the Secretary of Defense, acting through the Secretary of the military department concerned, shall prepare a written determination concerning whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) DETERMINATION ACCOMPANIES NOTICE.—A copy of any determination prepared with respect to lands under paragraph (1) shall be transmitted together with the notice of intent to relinquish such lands under section 3016(d).

Federal Register,  
publication.

(3) PUBLICATION OF NOTICE AND DETERMINATION.—The Secretary of the Interior shall publish in the Federal Register a copy of any notice of intent to relinquish and determination concerning the contaminated state of the lands that is transmitted under this subsection.

(d) ALTERNATIVES TO DECONTAMINATION BEFORE RELINQUISHMENT.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, determines that decontamination of any land which is the subject of a notice of intent to relinquish under section 3016(d) is not practicable or economically feasible, or that such land cannot be decontaminated sufficiently to be opened to the operation of some or all of the public land laws, or if Congress does not appropriate sufficient

funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept such land for relinquishment.

(e) STATUS OF CONTAMINATED LANDS.—If because of their contaminated state the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this subtitle which have been proposed for relinquishment, or if at the expiration of the withdrawal of such lands by this subtitle the Secretary of the Interior determines that some of such lands are contaminated to an extent which prevents opening such lands to operation of the public land laws—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal of such lands under this subtitle, the Secretary of the military department concerned shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the military department concerned shall submit to the Secretary of the Interior and Congress a report on the status of such lands and all actions taken under this subsection.

(f) REVOCATION AUTHORITY.—

(1) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment under section 3016(d), may revoke the withdrawal and reservation of lands under this subtitle as it applies to such lands.

(2) ORDER.—Should a decision be made to revoke the withdrawal and reservation of lands under paragraph (1), the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

Federal Register,  
publication.

(A) terminate the withdrawal and reservation of such lands under this subtitle;

(B) constitute official acceptance of full jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date on which such lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

#### SEC. 3018. DELEGATION.

(a) MILITARY DEPARTMENTS.—The functions of the Secretary of Defense, or of the Secretary of a military department, under this subtitle may be delegated.

(b) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this subtitle may be delegated, except that an order described in section 3017(f)(2) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

#### SEC. 3019. WATER RIGHTS.

Nothing in this subtitle shall be construed to establish a reservation to the United States with respect to any water or water right on lands covered by section 3011. No provision of this subtitle shall be construed as authorizing the appropriation of water on lands covered by section 3011 by the United States after the date of the enactment of this Act, except in accordance with the law

of the State in which such lands are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

**SEC. 3020. HUNTING, FISHING, AND TRAPPING.**

All hunting, fishing, and trapping on lands withdrawn by this subtitle shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that hunting, fishing, and trapping within the Desert National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.

**SEC. 3021. MINING AND MINERAL LEASING.**

(a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—

(1) DETERMINATION.—As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands covered by section 3011 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) EXCEPTIONS.—The Secretary of the Interior may not make any determination otherwise required under paragraph (1) with respect to lands contained within the Desert National Wildlife Refuge in Nevada.

(3) NOTICE.—The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening under this subsection and specifying the opening date for such lands.

(b) OPENING LANDS.—On the date specified by the Secretary of the Interior in a notice published in the Federal Register under subsection (a), the land identified under that subsection as suitable for opening to the operation of one or more of the laws specified in that subsection shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term “common varieties” in that Act, shall be subject to location under the Mining Law of 1872 on lands covered by section 3011.

(d) REGULATIONS.—The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to carry out this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands covered by section 3011 for military purposes. Such regulations shall also contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the

Federal Register,  
publication.

Federal Register,  
publication.

Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, mining claims located pursuant to this subtitle shall be subject to the provisions of the mining laws. In the event of a conflict between such laws and this subtitle, this subtitle shall prevail.

(2) REGULATION UNDER FLPMA.—Any mining claim located under this subtitle shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—

(1) IN GENERAL.—Patents issued pursuant to this subtitle for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) RESERVATION.—All patents referred to in paragraph (1) shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on such lands.

(3) LOCATABLE MINERALS.—For purposes of this subsection, all minerals subject to location under the Mining Law of 1872 are referred to as “locatable minerals”.

**SEC. 3022. USE OF MINERAL MATERIALS.**

Notwithstanding any other provision of this subtitle (except as provided in section 3011(b)(5)(B)), or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the military department concerned may use sand, gravel, or similar mineral material resources of the type subject to disposition under that Act from lands withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such lands.

**SEC. 3023. IMMUNITY OF UNITED STATES.**

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands covered by section 3011.

## **Subtitle B—Withdrawals in Arizona**

**SEC. 3031. BARRY M. GOLDWATER RANGE, ARIZONA.**

(a) WITHDRAWAL AND RESERVATION.—

(1) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this title, all lands and interests in lands within the boundaries established at the Barry M. Goldwater Range, referred to in paragraph (3), are hereby withdrawn from all forms of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, and jurisdiction over such lands

and interests in lands is hereby transferred to the Secretary of the Navy and the Secretary of the Air Force.

(2) RESERVATION.—The lands withdrawn by paragraph (1) for the Barry M. Goldwater Range—East are reserved for use by the Secretary of the Air Force, and for the Barry M. Goldwater Range—West are reserved for use by the Secretary of the Navy, for—

(A) an armament and high-hazard testing area;

(B) training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support;

(C) equipment and tactics development and testing; and

(D) other defense-related purposes consistent with the purposes specified in this paragraph.

(3) LAND DESCRIPTION.—The public lands and interests in lands withdrawn and reserved by this subsection comprise approximately 1,650,200 acres of land in Maricopa, Pima, and Yuma Counties, Arizona, as generally depicted on the map entitled “Barry M. Goldwater Range Land Withdrawal”, dated June 17, 1999, and filed in accordance with section 3033.

(4) TERMINATION OF CURRENT WITHDRAWAL.—Except as otherwise provided in section 3032, as to the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), but not withdrawn for military purposes by this section, the withdrawal of such lands under that Act shall not terminate until after November 6, 2001, or until the relinquishment by the Secretary of the Air Force of such lands is accepted by the Secretary of the Interior. The withdrawal under that Act with respect to the Cabeza Prieta National Wildlife Refuge shall terminate on the date of the enactment of this Act.

(5) CHANGES IN USE.—The Secretary of the Navy and the Secretary of the Air Force shall consult with the Secretary of the Interior before using the lands withdrawn and reserved by this section for any purpose other than the purposes specified in paragraph (2).

(6) INDIAN TRIBES.—Nothing in this section shall be construed as altering any rights reserved for Indians by treaty or Federal law.

(7) STUDY.—(A) The Secretary of the Interior, in coordination with the Secretary of Defense, shall conduct a study of the lands referred to in subparagraph (C) that have important aboriginal, cultural, environmental, or archaeological significance in order to determine the appropriate method to manage and protect such lands following relinquishment of such lands by the Secretary of the Air Force. The study shall consider whether such lands can be better managed by the Federal Government or through conveyance of such lands to another appropriate entity.

(B) In carrying out the study required by subparagraph (A), the Secretary of the Interior shall work with the affected tribes and other Federal and State agencies having experience and knowledge of the matters covered by the study, including all applicable laws relating to the management of the resources referred to in subparagraph (A) on the lands referred to in that subparagraph.



(C) The lands referred to in subparagraph (A) are four tracts of land currently included within the military land withdrawal for the Barry M. Goldwater Air Force Range in the State of Arizona, but that have been identified by the Air Force as unnecessary for military purposes in the Air Force's Draft Legislative Environmental Impact Statement, dated September 1998, and are depicted in figure 2-1 at page 2-7 of such statement, as amended by figure A at page 177 of volume 2 of the Air Force's Final Legislative Environmental Impact Statement, dated March 1999, as the following:

(i) Area 1 (the Sand Tank Mountains) containing approximately 83,554 acres.

(ii) Area 9 (the Sentinel Plain) containing approximately 24,756 acres.

(iii) Area 13 (lands surrounding the Ajo Airport) containing approximately 2,779 acres.

(iv) Interstate 8 Vicinity Non-renewal Area containing approximately 1,090 acres.

(D) Not later than one year after the date of the enactment of this Act, the Secretary of the Interior shall submit to Congress a report containing the results of the study required by subparagraph (A). Deadline.

(b) MANAGEMENT OF WITHDRAWN AND RESERVED LANDS.—

(1) GENERAL MANAGEMENT AUTHORITY.—(A) During the period of the withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall manage the lands withdrawn and reserved by this section for the military purposes specified in this section, and in accordance with the integrated natural resource management plan prepared pursuant to paragraph (3).

(B) Responsibility for the natural and cultural resources management of the lands referred to in subparagraph (A), and the enforcement of Federal laws related thereto, shall not transfer under that subparagraph before the earlier of—

(i) the date on which the integrated natural resources management plan required by paragraph (3) is completed; or

(ii) November 6, 2001.

(C) The Secretary of the Interior may, if appropriate, transfer responsibility for the natural and cultural resources of the lands referred to in subparagraph (A) to the Department of the Interior pursuant to paragraph (7).

(2) ACCESS RESTRICTIONS.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force may take such action as the Secretary of the Navy or the Secretary of the Air Force determines necessary or desirable to effect and maintain such closure.

(B) Any closure under this paragraph shall be limited to the minimum areas and periods that the Secretary of the Navy or the Secretary of the Air Force determines are required for the purposes specified in subparagraph (A).

(C) Before any nonemergency closure under this paragraph not specified in the integrated natural resources management

plan required by paragraph (3), the Secretary of the Navy or the Secretary of the Air Force shall consult with the Secretary of the Interior and, where such closure may affect tribal lands, treaty rights, or sacred sites, the Secretary of the Navy or the Secretary of the Air Force shall consult, at the earliest practicable time, with affected Indian tribes.

(D) Immediately before and during any closure under this paragraph, the Secretary of the Navy or the Secretary of the Air Force shall post appropriate warning notices and take other steps, as necessary, to notify the public of such closure.

Deadline.

(3) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—  
(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare an integrated natural resources management plan for the lands withdrawn and reserved by this section.

(B) The Secretary of the Navy and the Secretary of the Interior may jointly prepare a separate plan pursuant to this paragraph.

(C) Any disagreement concerning the contents of a plan under this paragraph, or any subsequent amendments to the plan, shall be resolved by the Secretary of the Navy for the West Range and the Secretary of the Air Force for the East Range, after consultation with the Secretary of the Interior through the State Director, Bureau of Land Management and, as appropriate, the Regional Director, United States Fish and Wildlife Service. This authority may be delegated to the installation commanders.

(D) Any plan under this paragraph shall be prepared and implemented in accordance with the Sikes Act (16 U.S.C. 670 et seq.) and the requirements of this section.

(E) A plan under this paragraph for lands withdrawn and reserved by this section shall—

(i) include provisions for proper management and protection of the natural and cultural resources of such lands, and for sustainable use by the public of such resources to the extent consistent with the military purposes for which such lands are withdrawn and reserved by this section;

(ii) be developed in consultation with affected Indian tribes and include provisions that address how the Secretary of the Navy and the Secretary of the Air Force intend to—

(I) meet the trust responsibilities of the United States with respect to Indian tribes, lands, and rights reserved by treaty or Federal law affected by the withdrawal and reservation;

(II) allow access to and ceremonial use of sacred sites to the extent consistent with the military purposes for which such lands are withdrawn and reserved; and

(III) provide for timely consultation with affected Indian tribes;

(iii) provide that any hunting, fishing, and trapping on such lands be conducted in accordance with the provisions of section 2671 of title 10, United States Code;

(iv) provide for continued livestock grazing and agricultural out-leasing where it currently exists in accordance with the provisions of section 2667 of title 10, United States Code, and at the discretion of the Secretary of the Navy or the Secretary of the Air Force, as the case may be;

(v) identify current test and target impact areas and related buffer or safety zones;

(vi) provide that the Secretary of the Navy and the Secretary of the Air Force—

(I) shall take necessary actions to prevent, suppress, and manage brush and range fires occurring within the boundaries of the Barry M. Goldwater Range, as well as brush and range fires occurring outside the boundaries of the Barry M. Goldwater Range resulting from military activities; and

(II) may obligate funds appropriated or otherwise available to the Secretaries to enter into memoranda of understanding, and cooperative agreements that shall reimburse the Secretary of the Interior for costs incurred under this clause;

(vii) provide that all gates, fences, and barriers constructed on such lands after the date of the enactment of this Act be designed and erected to allow wildlife access, to the extent practicable and consistent with military security, safety, and sound wildlife management use;

(viii) incorporate any existing management plans pertaining to such lands, to the extent that the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, upon reviewing such plans, mutually determine that incorporation of such plans into a plan under this paragraph is appropriate;

(ix) include procedures to ensure that the periodic reviews of the plan under the Sikes Act are conducted jointly by the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, and that affected States and Indian tribes, and the public, are provided a meaningful opportunity to comment upon any substantial revisions to the plan that may be proposed; and

(x) provide procedures to amend the plan as necessary.

(4) MEMORANDA OF UNDERSTANDING AND COOPERATIVE AGREEMENTS.—(A) The Secretary of the Navy and the Secretary of the Air Force may enter into memoranda of understanding or cooperative agreements with the Secretary of the Interior or other appropriate Federal, State, or local agencies, Indian tribes, or other public or private organizations or institutions for purposes of implementing an integrated natural resources management plan prepared under paragraph (3).

(B) Any memorandum of understanding or cooperative agreement under subparagraph (A) affecting integrated natural resources management may be combined, where appropriate, with any other memorandum of understanding or cooperative agreement entered into under this subtitle, and shall not be subject to the provisions of chapter 63 of title 31, United States Code.

(5) PUBLIC REPORTS.—(A)(i) Concurrent with each review of the integrated natural resources management plan under paragraph (3) pursuant to subparagraph (E)(ix) of that paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall jointly prepare and issue a report describing changes in the condition of the lands withdrawn and reserved by this section from the later of the date of any previous report under this paragraph or the date of the environmental impact statement prepared to support this section.

(ii) Any report under clause (i) shall include a summary of current military use of the lands referred to in that clause, any changes in military use of the lands since the previous report, and efforts related to the management of natural and cultural resources and environmental remediation of the lands during the previous five years.

(iii) Any report under this subparagraph may be combined with any report required by the Sikes Act.

(iv) Any disagreements concerning the contents of a report under this subparagraph shall be resolved by the Secretary of the Navy and the Secretary of the Air Force. This authority may be delegated to the installation commanders.

(B)(i) Before the finalization of any report under this paragraph, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall invite interested members of the public to review and comment on the report, and shall hold at least one public meeting concerning the report in a location or locations reasonably accessible to persons who may be affected by management of the lands addressed by the report.

(ii) Each public meeting under clause (i) shall be announced not less than 15 days before the date of the meeting by advertisements in local newspapers of general circulation, publication of an announcement in the Federal Register, and any other means considered necessary.

(C) The final version of any report under this paragraph shall be made available to the public and submitted to appropriate committees of Congress.

(6) INTERGOVERNMENTAL EXECUTIVE COMMITTEE.—(A) Not later than two years after the date of the enactment of this Act, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall, by memorandum of understanding, establish an intergovernmental executive committee comprised of selected representatives from interested Federal agencies, as well as at least one elected officer (or other authorized representative) from State government and at least one elected officer (or other authorized representative) from each local and tribal government as may be designated at the discretion of the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior.

(B) The intergovernmental executive committee shall be established solely for the purpose of exchanging views, information, and advice relating to the management of the natural and cultural resources of the lands withdrawn and reserved by this section.

Federal Register,  
publication.

Deadline.

(C) The intergovernmental executive committee shall operate in accordance with the terms set forth in the memorandum of understanding under subparagraph (A), which shall specify the Federal agencies and elected officers or representatives of State, local, and tribal governments to be invited to participate.

(D) The memorandum of understanding under subparagraph (A) shall establish procedures for creating a forum for exchanging views, information, and advice relating to the management of natural and cultural resources on the lands concerned, procedures for rotating the chair of the intergovernmental executive committee, and procedures for scheduling regular meetings.

(E) The Secretary of the Navy and the Secretary of the Air Force shall, in consultation with the Secretary of the Interior, appoint an individual to serve as coordinator of the intergovernmental executive committee. The duties of the coordinator shall be included in the memorandum of understanding under subparagraph (A). The coordinator shall not be a member of the committee.

(7) TRANSFER OF MANAGEMENT RESPONSIBILITY.—(A)(i) If the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has failed to manage lands withdrawn and reserved by this section for military purposes in accordance with the integrated natural resource management plan for such lands under paragraph (3), and that failure to do so is resulting in significant and verifiable degradation of the natural or cultural resources of such lands, the Secretary of the Interior shall give the Secretary of the Navy or the Secretary of the Air Force, as the case may be, written notice of such determination, a description of the deficiencies in management practices by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, and an explanation of the methodology employed in reaching the determination.

(ii) Not later than 60 days after the date a notification under clause (i) is received, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall submit a response to the Secretary of the Interior, which response may include a plan of action for addressing any deficiencies identified in the notice in the conduct of management responsibility and for preventing further significant degradation of the natural or cultural resources of the lands concerned.

Deadline.

(iii) If, not earlier than three months after the date a notification under clause (i) is received, the Secretary of the Interior determines that deficiencies identified in the notice are not being corrected, and that significant and verifiable degradation of the natural or cultural resources of the lands concerned is continuing, the Secretary of the Interior may, not earlier than 90 days after the date on which the Secretary of the Interior submits to the committees referred to in section 3032(d)(3) notice and a report on the determination, transfer management responsibility for the natural and cultural resources of such lands from the Secretary of the Navy or the Secretary of the Air Force, as the case may be, to the Secretary of the Interior in accordance with a schedule for such transfer established by the Secretary of the Interior.

(B) After a transfer of management responsibility pursuant to subparagraph (A), the Secretary of the Interior may transfer management responsibility back to the Secretary of the Navy or the Secretary of the Air Force if the Secretary of the Interior determines that adequate procedures and plans have been established to ensure that the lands concerned will be adequately managed by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in accordance with the integrated natural resources management plan for such lands under paragraph (3).

(C) For any period during which the Secretary of the Interior has management responsibility under this paragraph for lands withdrawn and reserved by this section, the integrated natural resources management plan for such lands under paragraph (3), including any amendments to the plan, shall remain in effect, pending the development of a management plan prepared pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), in cooperation with the Secretary of the Navy or the Secretary of the Air Force.

(D) Assumption by the Secretary of the Interior pursuant to this paragraph of management responsibility for the natural and cultural resources of lands shall not affect the use of such lands for military purposes, and the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall continue to direct military activities on such lands.

(8) PAYMENT FOR SERVICES.—The Secretary of the Navy and the Secretary of the Air Force shall assume all costs for implementation of an integrated natural resources management plan under paragraph (3), including payment to the Secretary of the Interior under section 1535 of title 31, United States Code, for any costs the Secretary of the Interior incurs in providing goods or services to assist the Secretary of the Navy or the Secretary of the Air Force, as the case may be, in the implementation of the integrated natural resources management plan.

(9) DEFINITIONS.—In this subsection:

(A) The term “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479 et seq.).

(B) The term “sacred site” means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or its designee, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, but only to the extent that the tribe or its designee, has informed the Secretary of the Navy or the Secretary of the Air Force of the existence of such site. Neither the Secretary of the Department of Defense, the Secretary of the Navy, the Secretary of the Air Force, nor the Secretary of the Interior shall be required under section 552 of title 5, United States Code, to make available to the public any information concerning the location, character, or use of any traditional Indian religious or sacred site located on lands withdrawn and reserved by this subsection.

(c) ENVIRONMENTAL REQUIREMENTS.—

(1) DURING WITHDRAWAL AND RESERVATION.—Throughout the duration of the withdrawal and reservation of lands by this section, including the duration of any renewal or extension, and with respect both to the activities undertaken by the Secretary of the Navy and the Secretary of the Air Force on such lands and to all activities occurring on such lands during such times as the Secretary of the Navy and the Secretary of the Air Force may exercise management jurisdiction over such lands, the Secretary of the Navy and the Secretary of the Air Force shall—

(A) be responsible for and pay all costs related to the compliance of the Department of the Navy or the Department of the Air Force, as the case may be, with applicable Federal, State, and local environmental laws, regulations, rules, and standards;

(B) carry out and maintain in accordance with the requirements of all regulations, rules, and standards issued by the Department of Defense pursuant to chapter 160 of title 10, United States Code, relating to the Defense Environmental Restoration Program, the joint board on ammunition storage established under section 172 of that title, and Executive Order No. 12580, a program to address—

(i) any release or substantial threat of release attributable to military munitions (including unexploded ordnance) and other constituents; and

(ii) any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation; and

(C) provide to the Secretary of the Interior a copy of any report prepared by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, pursuant to any Federal, State, or local environmental law, regulation, rule, or standard.

(2) BEFORE RELINQUISHMENT OR TERMINATION.—

(A) ENVIRONMENTAL REVIEW.—(i) Upon notifying the Secretary of the Interior that the Secretary of the Navy or the Secretary of the Air Force intends, pursuant to subsection (f), to relinquish jurisdiction over lands withdrawn and reserved by this section, the Secretary of the Navy or the Secretary of the Air Force shall provide to the Secretary of the Interior an environmental baseline survey, military range assessment, or other environmental review characterizing the environmental condition of the land, air, and water resources affected by the activities undertaken by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, on and over such lands.

(ii) If hazardous substances were stored for one year or more, known to have been released or disposed of, or if a substantial threat of release exists, on lands referred to in clause (i), any environmental review under that clause shall include notice of the type and quantity of such hazardous substances and notice of the time during which such storage, release, substantial threat of release, or disposal took place.

(B) MEMORANDUM OF UNDERSTANDING.—(i) In addition to any other requirements under this section, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior may enter into a memorandum of understanding to implement the environmental remediation requirements of this section.

(ii) The memorandum of understanding under clause (i) may include appropriate, technically feasible, and mutually acceptable cleanup standards that the concerned Secretaries believe environmental remediation activities shall achieve and a schedule for completing cleanup activities to meet such standards.

(iii) Cleanup standards under clause (ii) shall be consistent with any legally applicable or relevant and appropriate standard, requirement, criteria, or limitation otherwise required by law.

(C) ENVIRONMENTAL REMEDIATION.—With respect to lands to be relinquished pursuant to subsection (f), the Secretary of the Navy or the Secretary of the Air Force shall take all actions necessary to address any release or substantial threat of release, regardless of its source, occurring on or emanating from such lands during the period of withdrawal and reservation under this section. To the extent practicable, all such response actions shall be taken before the termination of the withdrawal and reservation of such lands under this section.

(D) CONSULTATION.—If the Secretary of the Interior accepts the relinquishment of jurisdiction over any lands withdrawn and reserved by this section before all necessary response actions under this section have been completed, the Secretary of the Interior shall consult with the Secretary of the Navy or the Secretary of the Air Force, as the case may be, before undertaking or authorizing any activities on such lands that may affect existing releases, interfere with the installation, maintenance, or operation of any response action, or expose any person to a safety or health risk associated with either the releases or the response action being undertaken.

(3) RESPONSIBILITY AND LIABILITY.—(A) The Secretary of the Navy and the Secretary of the Air Force, and not the Secretary of the Interior, shall be responsible for and conduct the necessary remediation of all releases or substantial threats of release, whether located on or emanating from lands withdrawn and reserved by this section, and whether known at the time of relinquishment or termination or subsequently discovered, attributable to management of the lands withdrawn and reserved by this section by the Secretary of the Navy or the Secretary of the Air Force, as the case may be, or the use, management, storage, release, treatment, or disposal of hazardous materials, hazardous substances, hazardous wastes, pollutants, contaminants, petroleum products and their derivatives, military munitions, or other constituents on such lands by the Secretary of the Navy or the Secretary of the Air Force, as the case may be.

(B) Responsibility under subparagraph (A) shall include liability for any costs or claims asserted against the United States for activities referred to in that subparagraph.



(C) Nothing in this paragraph is intended to prevent the United States from bringing a cost recovery, contribution, or other action against third persons or parties the Secretary of the Navy or the Secretary of the Air Force reasonably believes may have contributed to a release or substantial threat of release.

(4) OTHER FEDERAL AGENCIES.—If the Secretary of the Navy or the Secretary of the Air Force delegates responsibility or jurisdiction to another Federal agency over, or permits another Federal agency to operate on, lands withdrawn and reserved by this section, the agency shall assume all responsibility and liability described in paragraph (3) for their activities with respect to such lands.

(5) DEFINITIONS.—In this subsection:

(A)(i) The term “military munitions”—

(I) means all ammunition products and components produced or used by or for the Department of Defense or the Armed Services for national defense and security, including military munitions under the control of the Department of Defense, the Coast Guard, the Department of Energy, and National Guard personnel;

(II) includes confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by and for Department of Defense components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof; and

(III) includes nonnuclear components of nuclear devices managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) have been completed.

(ii) The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof.

(B) The term “unexploded ordnance” means military munitions that have been primed, fused, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard or potential hazard, to operations, installation, personnel, or material, and remain unexploded either by malfunction, design, or other cause.

(C) The term “other constituents” means potentially hazardous compounds, mixtures, or elements that are released from military munitions or unexploded ordnance or result from other activities on military ranges.

(d) DURATION OF WITHDRAWAL AND RESERVATIONS.—

(1) IN GENERAL.—Unless extended pursuant to subsection (e), the withdrawal and reservation of lands by this section shall terminate 25 years after the date of the enactment of this Act, except as otherwise provided in subsection (f)(4).

(2) OPENING.—On the date of the termination of the withdrawal and reservation of lands by this section, such lands shall not be open to any form of appropriation under the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, until the Secretary of the Interior publishes in the Federal Register an appropriate order stating the date upon which such lands shall be restored to the public domain and opened.

(e) EXTENSION OF INITIAL WITHDRAWAL AND RESERVATION.—

(1) IN GENERAL.—Not later than three years before the termination date of the initial withdrawal and reservation of lands by this section, the Secretary of the Navy and the Secretary of the Air Force shall notify Congress and the Secretary of the Interior concerning whether the Navy or Air Force, as the case may be, will have a continuing military need, after such termination date, for all or any portion of such lands.

(2) DUTIES REGARDING CONTINUING MILITARY NEED.—(A) If the Secretary of the Navy or the Secretary of the Air Force determines that there will be a continuing military need for any lands withdrawn by this section, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall—

(i) consult with the Secretary of the Interior concerning any adjustments to be made to the extent of, or to the allocation of management responsibility for, such lands; and

(ii) file with the Secretary of the Interior, not later than one year after the notice required by paragraph (1), an application for extension of the withdrawal and reservation of such lands.

(B) The general procedures of the Department of the Interior for processing Federal Land withdrawals notwithstanding, any application for extension under this paragraph shall be considered complete if it includes the following:

(i) The information required by section 3 of the Engle Act (43 U.S.C. 157), except that no information shall be required concerning the use or development of mineral, timber, or grazing resources unless, and to the extent, the Secretary of the Navy or the Secretary of the Air Force proposes to use or develop such resources during the period of extension.

(ii) A copy of the most recent public report prepared in accordance with subsection (b)(5).

Deadline.

(3) LEGISLATIVE PROPOSALS.—The Secretary of the Interior, the Secretary of the Navy, and the Secretary of the Air Force shall ensure that any legislative proposal for the extension of the withdrawal and reservation of lands under this section is submitted to Congress not later than May 1 of the year preceding the year in which the existing withdrawal and reservation would otherwise terminate under this section.

(f) TERMINATION AND RELINQUISHMENT.—

Deadline.

(1) NOTICE OF INTENT TO RELINQUISH.—At any time during the withdrawal and reservation of lands under this section, but not later than three years before the termination of the withdrawal and reservation, if the Secretary of the Navy or the Secretary of the Air Force determines that there is no

continuing military need for lands withdrawn and reserved by this section, or any portion of such lands, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, shall notify the Secretary of the Interior of an intent to relinquish jurisdiction over such lands, which notice shall specify the proposed date of relinquishment.

(2) **AUTHORITY TO ACCEPT RELINQUISHMENT.**—The Secretary of the Interior may accept jurisdiction over any lands covered by a notice of intent to relinquish jurisdiction under this subsection if the Secretary of the Interior determines that the Secretary of the Navy or the Secretary of the Air Force has taken the environmental response actions required under this section.

(3) **ORDER.**—If the Secretary of the Interior accepts jurisdiction over lands covered by a notice of intent to relinquish jurisdiction under this subsection before the termination date of the withdrawal and reservation of such lands under this section, the Secretary of the Interior shall publish in the Federal Register an appropriate order that shall—

Federal Register,  
publication.

(A) terminate the withdrawal and reservation of such lands under this section;

(B) constitute official acceptance of administrative jurisdiction over such lands by the Secretary of the Interior; and

(C) state the date upon which such lands shall be opened to the operation of the general land laws, including the mining laws and the mineral leasing and geothermal leasing laws, if appropriate.

(4) **JURISDICTION PENDING RELINQUISHMENT.**—(A) Notwithstanding the termination date, unless and until the Secretary of the Interior accepts jurisdiction of land proposed for relinquishment under this subsection, or until the Administrator of General Services accepts jurisdiction of such lands under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 251 et seq.), such lands shall remain under the jurisdiction of the Secretary of the Navy or the Secretary of the Air Force, as the case may be, for the limited purposes of—

(i) environmental response actions under this section; and

(ii) continued land management responsibilities pursuant to the integrated natural resources management plan for such lands under subsection (b)(3).

(B) For any land that the Secretary of the Interior determines to be suitable for return to the public domain, but does not agree with the Secretary of the Navy or the Secretary of the Air Force that all necessary environmental response actions under this section have been taken, the Secretary of the Navy or the Secretary of the Air Force, as the case may be, and the Secretary of the Interior shall resolve the dispute in accordance with any applicable dispute resolution process.

(C) For any land that the Secretary of the Interior determines to be unsuitable for return to the public domain, the Secretary of the Interior shall immediately notify the Administrator of General Services.

(5) **SCOPE OF FUNCTIONS.**—All functions described under this subsection, including transfers, relinquishes, extensions,

and other determinations, may be made on a parcel-by-parcel basis.

(g) **DELEGATIONS OF FUNCTIONS.**—The functions of the Secretary of the Interior under this section may be delegated, except that the following determinations and decisions may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, an Assistant Secretary of the Interior, or the Director, Bureau of Land Management:

(1) Decisions to accept transfer, relinquishment, or jurisdiction of lands under this section and to open such lands to operation of the public land laws.

(2) Decisions to transfer management responsibility from or to a military department pursuant to subsection (b)(7).

**SEC. 3032. MILITARY USE OF CABEZA PRIETA NATIONAL WILDLIFE REFUGE AND CABEZA PRIETA WILDERNESS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The historic use of the areas designated as the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness by the Marine Corps and the Air Force has been integral to the effective operation of the Barry M. Goldwater Air Force Range.

(2) Continued use of the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness by the Marine Corps and the Air Force to support military aviation training will remain necessary to ensure the readiness of the Armed Forces.

(3) The historic use of the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness by the Marine Corps and the Air Force has coexisted for many years with the wildlife conservation and wilderness purposes for which the refuge and wilderness were established.

(4) The designation of the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness recognizes the area as one of our nation's most ecologically and culturally valuable areas.

(b) **MANAGEMENT AND USE OF REFUGE AND WILDERNESS.**—

(1) **IN GENERAL.**—The Secretary of the Interior, in coordination with the Secretary of the Navy and the Secretary of the Air Force, shall manage the Cabeza Prieta National Wildlife Refuge and Cabeza Prieta Wilderness—

(A) for the purposes for which the refuge and wilderness were established; and

(B) to support current and future military aviation training needs consistent with the November 21, 1994, memorandum of understanding among the Department of the Interior, the Department of the Navy, and the Department of the Air Force, including any extension or other amendment of such memorandum of understanding under this section.

(2) **CONSTRUCTION.**—Except as otherwise provided in this section, nothing in this subtitle shall be construed to effect the following:

(A) The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge System.

(B) Any Executive order or public land order in effect on the date of the enactment of this Act with respect to the Cabeza Prieta National Wildlife Refuge.

(c) EXTENSION OF MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior, the Secretary of the Navy, and the Secretary of the Air Force shall extend the memorandum of understanding referred to in subsection (b)(1)(B). The memorandum of understanding shall be extended for a period that coincides with the duration of the withdrawal and reservation of the Barry M. Goldwater Air Force Range made by section 3031.

(d) OTHER AMENDMENTS OF MEMORANDUM OF UNDERSTANDING.—

(1) AMENDMENTS TO MEET MILITARY AVIATION TRAINING NEEDS.—(A) When determined by the Secretary of the Navy or the Secretary of the Air Force to be essential to support military aviation training, the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior shall negotiate amendments to the memorandum of understanding referred to in subsection (b)(1)(B) in order—

(i) to revise existing or establish new low-level training routes or to otherwise accommodate low-level overflight;

(ii) to establish new or enlarged areas closed to public use as surface safety zones; or

(iii) to accommodate the maintenance, upgrade, replacement, or installation of existing or new associated ground instrumentation.

(B) Any amendment of the memorandum of understanding shall be consistent with the responsibilities under law of the Secretary of the Navy, the Secretary of the Air Force, and the Secretary of the Interior, respectively.

(C) As provided by the existing provisions of the National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57) and the Arizona Desert Wilderness Act of 1990 (Public Law 101-628), amendments to the memorandum of understanding to revise existing or establish new low-level training routes or to otherwise accommodate low-level overflight are not subject to compatibility determinations nor precluded by the designation of lands within the Cabeza Prieta National Wildlife Refuge as wilderness.

(D) Amendments to the memorandum of understanding with respect to the upgrade or replacement of existing associated ground instrumentation or the installation of new associated ground instrumentation shall not be precluded by the existing designation of lands within the Cabeza Prieta National Wildlife Refuge as wilderness to the extent that the Secretary of the Interior, after consultation with the Secretary of the Navy and the Secretary of the Air Force, determines that such actions, considered both individually and cumulatively, create similar or less impact than the existing ground instrumentation permitted by the Arizona Desert Wilderness Act of 1990.

(2) OTHER AMENDMENTS.—The Secretary of the Interior, the Secretary of the Navy, or the Secretary of the Air Force may initiate renegotiation of the memorandum of understanding at any time to address other needed changes, and the memorandum of understanding may be amended to

accommodate such changes by the mutual consent of the parties consistent with their respective responsibilities under law.

(3) **EFFECTIVE DATE OF AMENDMENTS.**—Amendments to the memorandum of understanding shall take effect 90 days after the date on which the Secretary of the Interior submits notice of such amendments to the Committees on Environment and Public Works, Energy and Natural Resources, and Armed Services of the Senate and the Committees on Resources and Armed Services of the House of Representatives.

(e) **ACCESS RESTRICTIONS.**—If the Secretary of the Navy or the Secretary of the Air Force determines that military operations, public safety, or national security require the closure to the public of any road, trail, or other portion of the Cabeza Prieta National Wildlife Refuge or the Cabeza Prieta Wilderness, the Secretary of the Interior shall take such action as is determined necessary or desirable to effect and maintain such closure, including agreeing to amend the memorandum of understanding to establish new or enhanced surface safety zones.

(f) **STATUS OF CONTAMINATED LANDS.**—

(1) **DECONTAMINATION.**—Throughout the duration of the withdrawal of the Barry M. Goldwater Range under section 3031, the Secretary of the Navy and the Secretary of the Air Force shall, to the extent that funds are made available for such purpose, carry out a program of decontamination of the portion of the Cabeza Prieta National Wildlife Refuge and the Cabeza Prieta Wilderness used for military training purposes that maintains a level of cleanup of such lands equivalent to the level of cleanup of such lands as of the date of the enactment of this Act. Any environmental contamination of the Cabeza Prieta National Wildlife Refuge or the Cabeza Prieta Wilderness caused or contributed to by the Department of the Navy or the Department of the Air Force shall be the responsibility of the Department of the Navy or the Department of the Air Force, respectively, and not the responsibility of the Department of the Interior.

(2) **CONSTRUCTION.**—Nothing in this subsection shall be construed as constituting or effecting a relinquishment within the meaning of section 8 of the Military Lands Withdrawal Act of 1986 (Public Law 99-606).

#### **SEC. 3033. MAPS AND LEGAL DESCRIPTION.**

(a) **PUBLICATION AND FILING.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved by this subtitle; and

(2) file maps and the legal description of the lands withdrawn and reserved by this subtitle with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) **TECHNICAL CORRECTIONS.**—Such maps and legal description shall have the same force and effect as if included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal description.

(c) **AVAILABILITY FOR PUBLIC INSPECTION.**—Copies of such maps and legal descriptions shall be available for public inspection in

Federal Register,  
publication.

the offices of the Director and appropriate State Directors and field office managers of the Bureau of Land Management, the office of the commander, Luke Air Force Base, Arizona, the office of the commander, Marine Corps Air Station, Yuma, Arizona, and the Office of the Secretary of Defense.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this section.

(e) DELEGATIONS.—

(1) MILITARY DEPARTMENTS.—The functions of the Secretary of Defense, or of the Secretary of a military department, under this section may be delegated.

(2) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this section may be delegated.

#### **SEC. 3034. WATER RIGHTS.**

Nothing in this subtitle shall be construed to establish a reservation to the United States with respect to any water or water right on lands covered by section 3031 or 3032. No provision of this subtitle shall be construed as authorizing the appropriation of water on lands covered by section 3031 or 3032 by the United States after the date of the enactment of this Act, except in accordance with the law of the State in which such lands are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

#### **SEC. 3035. HUNTING, FISHING, AND TRAPPING.**

All hunting, fishing, and trapping on lands withdrawn by this subtitle shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code, except that hunting, fishing, and trapping within the Cabeza Prieta National Wildlife Refuge shall be conducted in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Recreation Use of Wildlife Areas Act of 1969 (16 U.S.C. 460k et seq.), and other laws applicable to the National Wildlife Refuge System.

#### **SEC. 3036. USE OF MINERAL MATERIALS.**

Notwithstanding any other provision of this subtitle or the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.), the Secretary of the military department concerned may use sand, gravel, or similar mineral material resources of the type subject to disposition under that Act from lands withdrawn and reserved by this subtitle if use of such resources is required for construction needs on such lands.

#### **SEC. 3037. IMMUNITY OF UNITED STATES.**

The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands covered by section 3031.

## **Subtitle C—Authorization of Appropriations**

### **SEC. 3041. AUTHORIZATION OF APPROPRIATIONS.**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

## **DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZA- TIONS AND OTHER AUTHORIZATIONS**

## **TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

### **Subtitle A—National Security Programs Authorizations**

- Sec. 3101. Weapons activities.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Defense environmental management privatization.

### **Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds.

### **Subtitle C—Program Authorizations, Restrictions, and Limitations**

- Sec. 3131. Prohibition on use of funds for certain activities under formerly utilized site remedial action program.
- Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3133. Nuclear weapons stockpile life extension program.
- Sec. 3134. Procedures for meeting tritium production requirements.
- Sec. 3135. Independent cost estimate of accelerator production of tritium.
- Sec. 3136. Nonproliferation initiatives and activities.
- Sec. 3137. Support of theater ballistic missile defense activities of the Department of Defense.

### **Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence**

- Sec. 3141. Short title.
- Sec. 3142. Commission on Safeguards, Security, and Counterintelligence at Department of Energy facilities.
- Sec. 3143. Background investigations of certain personnel at Department of Energy facilities.
- Sec. 3144. Conduct of security clearances.
- Sec. 3145. Protection of classified information during laboratory-to-laboratory exchanges.
- Sec. 3146. Restrictions on access to national laboratories by foreign visitors from sensitive countries.
- Sec. 3147. Department of Energy regulations relating to the safeguarding and security of Restricted Data.
- Sec. 3148. Increased penalties for misuse of Restricted Data.
- Sec. 3149. Supplement to plan for declassification of Restricted Data and formerly Restricted Data.



- Sec. 3150. Notice to congressional committees of certain security and counterintelligence failures within nuclear energy defense programs.
- Sec. 3151. Annual report by the President on espionage by the People's Republic of China.
- Sec. 3152. Report on counterintelligence and security practices at national laboratories.
- Sec. 3153. Report on security vulnerabilities of national laboratory computers.
- Sec. 3154. Counterintelligence polygraph program.
- Sec. 3155. Definitions of national laboratory and nuclear weapons production facility.
- Sec. 3156. Definition of Restricted Data.

#### **Subtitle E—Matters Relating to Personnel**

- Sec. 3161. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
- Sec. 3162. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
- Sec. 3163. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.
- Sec. 3164. Whistleblower protection program.

#### **Subtitle F—Other Matters**

- Sec. 3171. Requirement for plan to improve reprogramming processes.
- Sec. 3172. Integrated fissile materials management plan.
- Sec. 3173. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
- Sec. 3174. Sense of Congress regarding technology transfer coordination for Department of Energy national laboratories.
- Sec. 3175. Pilot program for project management oversight regarding Department of Energy construction projects.
- Sec. 3176. Pilot program of Department of Energy to authorize use of prior year unobligated balances for accelerated site cleanup at Rocky Flats Environmental Technology Site, Colorado.
- Sec. 3177. Proposed schedule for shipments of waste from Rocky Flats Environmental Technology Site, Colorado, to Waste Isolation Pilot Plant, New Mexico.
- Sec. 3178. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.
- Sec. 3179. Extension of review of Waste Isolation Pilot Plant, New Mexico.

## **Subtitle A—National Security Programs Authorizations**

### **SEC. 3101. WEAPONS ACTIVITIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of \$4,489,995,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$2,252,300,000, to be allocated as follows:

(A) For core stockpile stewardship, \$1,743,500,000, to be allocated as follows:

(i) For operation and maintenance, \$1,610,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$133,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$8,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$26,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 99-D-102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,900,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

Project 99-D-104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,400,000.

Project 99-D-105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 99-D-106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, \$6,500,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, \$7,005,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$61,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,640,000.

Project 96-D-104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,900,000.

(B) For inertial fusion, \$475,700,000, to be allocated as follows:

(i) For operation and maintenance, \$227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), \$248,100,000, to be allocated as follows:

Project 96-D-111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, \$248,100,000.

(C) For technology partnership and education, \$33,100,000, of which \$14,500,000 shall be allocated for technology partnership and \$18,600,000 shall be allocated for education.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,023,300,000, to be allocated as follows:

(A) For operation and maintenance, \$1,864,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$158,679,000, to be allocated as follows:

Project 99-D-122, rapid reactivation, various locations, \$11,700,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, \$17,000,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, \$3,429,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$11,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, \$21,800,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, \$3,150,000.

Project 98-D-125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, \$33,000,000.

Project 98-D-126, accelerator production of tritium, various locations, \$31,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$4,800,000.

Project 95-D-102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$18,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$3,500,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$241,500,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (3) of that subsection, reduced by \$27,105,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of \$5,495,868,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201;

110 Stat. 2836; 42 U.S.C. 7274n) in the amount of \$1,069,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$980,919,000, to be allocated as follows:

(A) For operation and maintenance, \$892,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$88,290,000, to be allocated as follows:

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, \$3,100,000.

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, \$7,200,000.

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, \$2,977,000.

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$16,860,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, \$2,590,000.

Project 97-D-450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 97-D-470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, \$12,220,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, \$24,441,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering and Environmental Laboratory, Idaho, \$11,971,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$931,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,919,948,000, to be allocated as follows:

(A) For operation and maintenance, \$2,873,697,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$46,251,000, to be allocated as follows:

Project 00-D-401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, \$7,000,000.

Project 99-D-403, privatization phase I infrastructure support, Richland, Washington, \$13,988,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$20,516,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$4,060,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$8,987,000.

(4) **SCIENCE AND TECHNOLOGY.**—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$230,500,000.

(5) **PROGRAM DIRECTION.**—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$339,409,000.

(b) **ADJUSTMENTS.**—(1) The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by \$44,400,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

(2) The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by \$8,300,000.

#### **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of \$1,805,959,000, to be allocated as follows:

(1) **NONPROLIFERATION AND NATIONAL SECURITY.**—For nonproliferation and national security, \$732,100,000, to be allocated as follows:

(A) For verification and control technology, \$497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, \$221,000,000, to be allocated as follows:

(I) For operation and maintenance, \$215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$6,000,000, to be allocated as follows:

Project 00-D-192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, \$6,000,000.

(ii) For arms control, \$276,000,000.

(B) For nuclear safeguards and security, \$59,100,000.

(C) For international nuclear safety, \$24,700,000.

- (D) For security investigations, \$44,100,000.
- (E) For emergency management, \$21,000,000.
- (F) For highly enriched uranium transparency implementation, \$15,750,000.
- (G) For program direction, \$90,450,000.
- (2) INTELLIGENCE.—For intelligence, \$36,059,000.
- (3) COUNTERINTELLIGENCE.—For counterintelligence, \$39,200,000.
- (4) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, \$30,000,000, to be allocated as follows:
  - (A) For worker and community transition, \$26,500,000.
  - (B) For program direction, \$3,500,000.
- (5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, \$200,000,000, to be allocated as follows:
  - (A) For operation and maintenance, \$129,766,000.
  - (B) For program direction, \$7,343,000.
  - (C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$62,891,000, to be allocated as follows:
    - Project 00-D-142, immobilization and associated processing facility, various locations, \$21,765,000.
    - Project 99-D-141, pit disassembly and conversion facility, various locations, \$28,751,000.
    - Project 99-D-143, mixed oxide fuel fabrication facility, various locations, \$12,375,000.
- (6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, \$98,000,000, to be allocated as follows:
  - (A) For the Office of Environment, Safety, and Health (Defense), \$73,231,000.
  - (B) For program direction, \$24,769,000.
- (7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, \$3,000,000.
- (8) NAVAL REACTORS.—For naval reactors, \$677,600,000, to be allocated as follows:
  - (A) For naval reactors development, \$657,000,000, to be allocated as follows:
    - (i) For operation and maintenance, \$633,000,000.
    - (ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$24,000,000, to be allocated as follows:
      - GPN-101 general plant projects, various locations, \$9,000,000.
      - Project 98-D-200, site laboratory/facility upgrade, various locations, \$3,000,000.
      - Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$12,000,000.
  - (B) For program direction, \$20,600,000.
- (b) ADJUSTMENTS.—(1) The total amount authorized to be appropriated pursuant to subsection (a) is the sum of the amounts

authorized to be appropriated in paragraphs (1) through (8) of that subsection, reduced by \$10,000,000.

(2) The amount authorized to be appropriated pursuant to subsection (a)(1)(D) is reduced by \$20,000,000 to reflect an offset provided by user organizations for security investigations.

**SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

(a) **DEFENSE NUCLEAR WASTE DISPOSAL.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$112,000,000.

(b) **ADJUSTMENT.**—The amount authorized to be appropriated pursuant to subsection (a) is reduced by \$39,000,000.

**SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$228,000,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$5,000,000.

Project 98-PVT-5, environmental management and waste disposal, Oak Ridge, Tennessee, \$20,000,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, \$106,000,000.

Project 97-PVT-2, advanced mixed waste treatment facility, Idaho Falls, Idaho, \$110,000,000.

Project 97-PVT-3, transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

(b) **EXPLANATION OF ADJUSTMENT.**—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by \$25,000,000 for use of prior year balances of funds for defense environmental management privatization.

## **Subtitle B—Recurring General Provisions**

**SEC. 3121. REPROGRAMMING.**

(a) **IN GENERAL.**—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) **REPORT.**—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action

proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

#### **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

#### **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

#### **SEC. 3124. FUND TRANSFER AUTHORITY.**

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were



authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) **TRANSFER WITHIN DEPARTMENT OF ENERGY.**—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) **LIMITATION.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) **NOTICE TO CONGRESS.**—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

#### **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.**

(a) **REQUIREMENT FOR CONCEPTUAL DESIGN.**—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for such design must be specifically authorized by law.

**SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.**

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

**SEC. 3128. AVAILABILITY OF FUNDS.**

(a) **IN GENERAL.**—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

**SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) **LIMITATIONS.**—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed \$5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds

or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

## **Subtitle C—Program Authorizations, Restrictions, and Limitations**

### **SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.**

10 USC 2701  
note.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

### **SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DIS- POSITION OF LEGACY NUCLEAR MATERIALS.**

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

42 USC 2121  
note.

**SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.**

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) **ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.**—(1) The program under subsection (a) shall be carried out through the element of the Department of Energy with responsibility for defense programs.

(2) For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

(c) **PROGRAM PLAN.**—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the effective life of the weapons in the nuclear weapons stockpile. The plan shall include the following:

(1) Mechanisms to provide for the remanufacture, refurbishment, and modernization of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of information necessary for carrying out the program, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each nuclear weapons laboratory and production plant of the Department, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(5) An identification of the funds needed, in the current fiscal year and in each of the next five fiscal years, to carry out the program.

Deadline.

(d) **ANNUAL SUBMITTAL OF PLAN.**—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

Deadline.

(e) **GAO ASSESSMENT.**—Not later than 30 days after the submission of the plan under subsection (d)(1) or any update of the plan under subsection (d)(2), the Comptroller General shall submit to the committees referred to in subsection (d)(1) an assessment of

whether the program can be carried out under the plan or the update (as applicable)—

- (1) in the current fiscal year, given the budget for that fiscal year; and
- (2) in future fiscal years.

(f) **SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.**—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

**SEC. 3134. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.**

(a) **PRODUCTION OF NEW TRITIUM.**—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) **SUPPORT.**—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) **DESIGN AND ENGINEERING DEVELOPMENT.**—The Secretary shall—

- (1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

- (2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

**SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.**

(a) **INDEPENDENT COST ESTIMATE.**—(1) The Secretary of Energy shall obtain an independent cost estimate of the accelerator production of tritium.

(2) The estimate shall be obtained from an entity not within the Department of Energy.

(3) The estimate shall be conducted at the highest possible level of detail, but in no event at a level of detail below that currently defined by the Secretary as Type III, "parametric estimate".

(b) **REPORT.**—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate obtained pursuant to subsection (a).

Deadline.

**SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.**

(a) **INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.**—(1) Not more than 35 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program (IPP) may be obligated or expended by the

Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initiatives for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiatives for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term “country of proliferation concern” means any country so designated by the Director of Central Intelligence for purposes of the Initiatives for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiatives for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiatives for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) Funds appropriated for the Initiatives for Proliferation Prevention program may not be used to pay any tax or customs duty levied by the government of the Russian Federation. In the

Reports.  
Deadline.

event payment of such a tax or customs duty with such funds is unavoidable, the Secretary of Energy shall—

(A) after such payment, submit a report to the congressional defense committees explaining the particular circumstances making such payment under the Initiatives for Proliferation Prevention program with such funds unavoidable; and

(B) ensure that sufficient additional funds are provided to the Initiatives for Proliferation Prevention Program to offset the amount of such payment.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding whether or not the mechanisms for job creation under each program are likely to lead to the creation of the jobs intended to be created by that program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of that program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any inter-agency participation in or contribution to the initiative.

Reports.  
Deadline.

(c) REPORT.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the Initiatives for Proliferation Prevention program and the Nuclear Cities Initiative.

Deadline.

(2) The report shall include the following:

(A) A strategic plan for the Initiatives for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiatives for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiatives for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) **NUCLEAR CITIES INITIATIVE DEFINED.**—For purposes of this section, the term “Nuclear Cities Initiative” means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

**SEC. 3137. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.**

(a) **FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.**—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, \$25,000,000 shall be available for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) **MEMORANDUM OF UNDERSTANDING.**—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2034).

(c) **METHOD OF FUNDING.**—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.



## **Subtitle D—Matters Relating to Safeguards, Security, and Counterintelligence**

Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999.  
42 USC 7383 note.

### **SEC. 3141. SHORT TITLE.**

This subtitle may be cited as the “Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999”.

### **SEC. 3142. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.**

42 USC 7383.

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities (in this section referred to as the “Commission”).

(b) **MEMBERSHIP AND ORGANIZATION.**—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the chairman of that Committee.

(C) Two shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years, to be designated at the time of appointment.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years, to be designated at the time of appointment.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the chairman of the Committee on Armed Services of the Senate, in consultation with the chairman

of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The initial members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) DUTIES.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

(d) REPORT.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on

Deadline.

the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation by reason of their service on the Commission.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The members and employees of the Commission shall hold security clearances appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) FUNDING.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than \$1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.

42 USC 7274m  
note.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

- (A) by striking “(a) IN GENERAL.—”; and
- (B) by striking subsection (b).

**SEC. 3143. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.**

(a) IN GENERAL.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a national laboratory or nuclear weapons production facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) COMPLIANCE.—The Secretary shall have 15 months from the date of the enactment of this Act to meet the requirement in subsection (a).

**SEC. 3144. CONDUCT OF SECURITY CLEARANCES.**

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Subsection e. of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended—

(1) by inserting “(1)” before “If”; and

(2) by adding at the end the following new paragraph:

“(2) In the case of an individual employed in a program known as a Special Access Program or a Personnel Security and Assurance Program, any investigation required by subsections a., b., and c. of this section shall be made by the Federal Bureau of Investigation.”

42 USC 2165  
note.

(b) COMPLIANCE.—The Director of the Federal Bureau of Investigation shall have 18 months from the date of the enactment of this Act to meet the responsibilities of the Bureau under subsection e.(2) of section 145 of the Atomic Energy Act of 1954, as added by subsection (a).

Deadline.

(c) REPORT.—(1) Not later than six months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the committees specified in paragraph (2) a report on the implementation of the responsibilities of the Bureau under subsection e.(2) of that section. That report shall include the following:

(A) An assessment of the capability of the Bureau to execute the additional clearance requirements, to include additional post-initial investigations.

(B) An estimate of the additional resources required, to include funding, to support the expanded use of the Bureau to conduct the additional investigations.

(C) The extent to which contractor personnel are and would be used in the clearance process.

(2) The committees referred to in paragraph (1) are the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 3145. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.** 42 USC 7383b.

(a) **PROVISION OF TRAINING.**—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) **COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.**—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

**SEC. 3146. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.** 42 USC 7383c.

(a) **BACKGROUND REVIEW REQUIRED.**—The Secretary of Energy may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) **MORATORIUM PENDING CERTIFICATION.**—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory other than areas accessible to the general public any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

Deadlines.

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress the certifications described in paragraph (3).

(3) The certifications referred to in paragraph (2) are one certification each by the Director of Counterintelligence of the Department of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence, of each of the following:

(A) That the foreign visitors program at that facility complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the foreign visitors program at that facility complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the foreign visitors program at that facility includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the foreign visitors program at that facility does not pose an undue risk to the national security interests of the United States.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—The moratorium under subsection (b) shall not apply—

(1) to activities relating to cooperative threat reduction with states of the former Soviet Union; or

(2) to the materials protection control and accounting program of the Department.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

(g) DEFINITIONS.—For purposes of this section:

(1) The term “background review”, commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries as in effect on January 1, 1999.

**SEC. 3147. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.**

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.— 42 USC 2282b.

“a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

“b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.

“d. In the case of an entity specified in subsection d. of section 234A—

“(1) the assessment of any civil penalty under subsection a. against that entity may not be made until the entity enters into a new contract with the Department of Energy or an extension of a current contract with the Department; and

“(2) the total amount of civil penalties under subsection a. in a fiscal year may not exceed the total amount of fees

paid by the Department of Energy to that entity in that fiscal year.”.

42 USC 2282b.

(b) **APPLICABILITY.**—Subsection a. of section 234B of the Atomic Energy Act of 1954, as added by subsection (a), applies to any violation after the date of the enactment of this Act.

(c) **CLARIFYING AMENDMENT.**—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting “SAFETY” before “REGULATIONS”.

(d) **CLERICAL AMENDMENT.**—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”.

**SEC. 3148. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.**

(a) **COMMUNICATION OF RESTRICTED DATA.**—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking “\$20,000” and inserting “\$100,000”; and

(2) in clause b., by striking “\$10,000” and inserting “\$500,000”.

(b) **RECEIPT OF RESTRICTED DATA.**—Section 225 of such Act (42 U.S.C. 2275) is amended by striking “\$20,000” and inserting “\$100,000”.

(c) **DISCLOSURE OF RESTRICTED DATA.**—Section 227 of such Act (42 U.S.C. 2277) is amended by striking “\$2,500” and inserting “\$12,500”.

50 USC 435 note.

**SEC. 3149. SUPPLEMENT TO PLAN FOR DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.**

(a) **SUPPLEMENT TO PLAN.**—The Secretary of Energy and the Archivist of the United States shall, after consultation with the members of the National Security Council and in consultation with the Secretary of Defense and the heads of other appropriate Federal agencies, develop a supplement to the plan required under subsection (a) of section 3161 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2260; 50 U.S.C. 435 note).

(b) **CONTENTS OF SUPPLEMENT.**—The supplement shall provide for the application of that plan (including in particular the element of the plan required by section 3161(b)(1) of that Act) to all records subject to Executive Order No. 12958 that were determined before the date of the enactment of that Act to be suitable for declassification.

(c) **LIMITATION ON DECLASSIFICATION OF RECORDS.**—All records referred to in subsection (b) shall be treated, for purposes of section 3161(c) of that Act, in the same manner as records referred to in section 3161(a) of that Act.

(d) **SUBMISSION OF SUPPLEMENT.**—The Secretary of Energy shall submit the supplement required under subsection (a) to the recipients of the plan referred to in section 3161(d) of that Act.



**SEC. 3150. NOTICE TO CONGRESSIONAL COMMITTEES OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.** 42 USC 7383d.

(a) **REQUIRED NOTIFICATION.**—The Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a notification of each significant nuclear defense intelligence loss. Any such notification shall be provided only after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate.

(b) **SIGNIFICANT NUCLEAR DEFENSE INTELLIGENCE LOSSES.**—In this section, the term “significant nuclear defense intelligence loss” means any national security or counterintelligence failure or compromise of classified information at a facility of the Department of Energy or operated by a contractor of the Department that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(c) **MANNER OF NOTIFICATION.**—Notification of a significant nuclear defense intelligence loss under subsection (a) shall be provided, in accordance with the procedures established pursuant to subsection (d), not later than 30 days after the date on which the Department of Energy determines that the loss has taken place. Deadline.

(d) **PROCEDURES.**—The Secretary of Energy and the Committees on Armed Services of the Senate and House of Representatives shall each establish such procedures as may be necessary to protect from unauthorized disclosure classified information, information relating to intelligence sources and methods, and sensitive law enforcement information that is submitted to those committees pursuant to this section and that are otherwise necessary to carry out the provisions of this section.

(e) **STATUTORY CONSTRUCTION.**—(1) Nothing in this section shall be construed as authority to withhold any information from the Committees on Armed Services of the Senate and House of Representatives on the grounds that providing the information to those committees would constitute the unauthorized disclosure of classified information, information relating to intelligence sources and methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to the Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the congressional intelligence committees are kept fully informed of the intelligence activities of the United States and for those committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of those committees.

**SEC. 3151. ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE’S REPUBLIC OF CHINA.** 42 USC 7383e.

(a) **ANNUAL REPORT REQUIRED.**—The President shall transmit to Congress an annual report on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People’s Republic of China, particularly with respect to—

	(1) the theft of sophisticated United States nuclear weapons design information; and
	(2) the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.
Deadline.	(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than March 1, 2000.
42 USC 7383f.	<b>SEC. 3152. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.</b>
Deadline.	(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).
	(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:
	(1) The number of employees, including full-time counterintelligence and security professionals and contractor employees.
	(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.
	(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.
	(4) A description of the requirement that an employee report the travel to sensitive countries of that employee (whether or not the travel was for official business).
	(5) The number of trips by individuals who traveled to sensitive countries, with identification of the sensitive countries visited.
42 USC 7383g.	<b>SEC. 3153. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.</b>
Deadline.	(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report on the security vulnerabilities of the computers of the national laboratories.
	(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called “red team” of individuals to perform an operational evaluation of the security vulnerabilities of the computers of one or more national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.
Deadline.	(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.
Deadline.	(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and

the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) FIRST REPORT.—The first report under this section shall be the report for the year 2000. That report shall cover each of the national laboratories.

**SEC. 3154. COUNTERINTELLIGENCE POLYGRAPH PROGRAM.**

42 USC 7383h.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of a contractor of the Department.

(c) HIGH-RISK PROGRAMS.—For purposes of this section, high-risk programs are the programs known as—

(1) Special Access Programs; and

(2) Personnel Security and Assurance Programs.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have initial access to any high-risk program unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program unless that person undergoes a counterintelligence polygraph examination within five years after that person has initial access, and thereafter—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term “counterintelligence polygraph examination” means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

(g) REGULATIONS.—The Secretary shall prescribe any regulations necessary to carry out this section. Those regulations shall include procedures, to be developed in consultation with the Federal Bureau of Investigation, for—

(1) identifying and addressing “false positive” results of polygraph examinations; and

(2) ensuring that adverse personnel actions not be taken against an individual solely by reason of that individual's physiological reaction to a question in a polygraph examination, unless reasonable efforts are first made to independently determine through alternative means the veracity of that individual's response to that question.

(h) **PLAN FOR EXTENSION OF PROGRAM.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a plan on extending the program required by this section. The plan shall provide for the administration of counterintelligence polygraph examinations in accordance with the program to each covered person who has access to—

- (1) the programs known as Personnel Assurance Programs; and
- (2) the information identified as Sensitive Compartmented Information.

42 USC 7383i.

**SEC. 3155. DEFINITIONS OF NATIONAL LABORATORY AND NUCLEAR WEAPONS PRODUCTION FACILITY.**

For purposes of this subtitle:

(1) The term “national laboratory” means any of the following:

- (A) The Lawrence Livermore National Laboratory, Livermore, California.
- (B) The Los Alamos National Laboratory, Los Alamos, New Mexico.
- (C) The Sandia National Laboratories, Albuquerque, New Mexico and Livermore, California.

(2) The term “nuclear weapons production facility” means any of the following:

- (A) The Kansas City Plant, Kansas City, Missouri.
- (B) The Pantex Plant, Amarillo, Texas.
- (C) The Y–12 Plant, Oak Ridge, Tennessee.
- (D) The tritium operations at the Savannah River Site, Aiken, South Carolina.
- (E) The Nevada Test Site, Nevada.

42 USC 7383j.

**SEC. 3156. DEFINITION OF RESTRICTED DATA.**

In this subtitle, the term “Restricted Data” has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

## Subtitle E—Matters Relating to Personnel

5 USC 5597 note.

**SEC. 3161. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

(a) **EXTENSION.**—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (as contained in section 101(f) of division A of Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments under such section 663 to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) **REPORT.**—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the Director of the Office of Personnel Management and the specified congressional committees a report describing how the Department has, by reason of the provisions of subsection (a), paid voluntary separation payments under such section 663. Deadline.

(2) The report under paragraph (1) shall—

(A) include the occupations and grade levels of each employee with respect to whom the Department has, by reason of the provisions of subsection (a), paid voluntary separation payments under such section 663; and

(B) describe how the paying of such payments by reason of the provisions of subsection (a) relates to the restructuring plans of the Department.

(3) For purposes of this subsection, the term “specified congressional committees” means the following:

(A) The Committee on Armed Services, the Committee on Government Reform, and the Committee on Commerce of the House of Representatives.

(B) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

**SEC. 3162. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.**

(a) **IN GENERAL.**—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking “the Secretary” in the second sentence and all that follows through “provide educational assistance” and inserting “the Secretary shall provide educational assistance”;

(2) by striking the semicolon after “complex” in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) **ELIGIBLE INDIVIDUALS.**—Subsection (b) of such section is amended by inserting “are United States citizens who” in the matter preceding paragraph (1) after “program”.

(c) **COVERED FACILITIES.**—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

“(5) The Lawrence Livermore National Laboratory, Livermore, California.

“(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

“(7) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.”.

(d) **AGREEMENT REQUIRED.**—Subsection (f) of such section is amended to read as follows:

“(f) **AGREEMENT.**—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

“(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant’s agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.”.

Deadline.

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, \$5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 42 U.S.C. 2121 note), as amended by this section.

**SEC. 3163. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.**

(a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS COUNCIL.—

(1) Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The Council shall meet not less often than once every three months.”.

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

“(3)(A) Whenever the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs has been vacant a period of more than 6 months, the Secretary of Energy shall designate a qualified individual to serve as acting staff director of the Council until the position of that Assistant to the Secretary is filled.

“(B) An individual appointed under subparagraph (A) shall possess substantial technical and policy experience relevant to the management and oversight of nuclear weapons programs.”.

(b) REVITALIZATION OF JOINT NUCLEAR WEAPONS COUNCIL.—

(1) The Secretary of Defense and the Secretary of Energy shall jointly prepare, and not later than March 15, 2000, submit to the committees specified in subsection (g), a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—Section 179(f) of title 10, United States Code, is amended by adding at the end the following:

“(3) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

Deadline.

“(4) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

“(5) An assessment of the extent to which the requirements referred to in paragraph (4) are being addressed by the Department of Energy as of that date.”.

(d) NUCLEAR MISSION MANAGEMENT PLAN.—(1) The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission. 10 USC 113 note.

(2) The plan shall do the following:

(A) Articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters.

(B) Establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required.

(C) Establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission.

(3) The plan shall take into account the following:

(A) Requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission.

(B) The relevant programs and plans of the military departments and the Defense Agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) NUCLEAR EXPERTISE RETENTION MEASURES.—(1) Not later than March 15, 2000, the Secretary of Energy and Secretary of Defense shall submit to the committees specified in subsection (g) a joint plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and the contractors of those departments in order to maintain the United States nuclear deterrent force indefinitely. Deadline.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A statement of measures that will be taken to retain such skills and capabilities.

(D) A proposal for recruitment measures to address the loss of such skills or capabilities.

(E) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(F) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(G) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department of Energy, the Department of Defense, and

the contractors of those departments in the event of an urgent future need for such skills and capabilities.

(f) **REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES.**—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) **INCLUSION OF REPORTS IN ANNUAL STOCKPILE CERTIFICATION.**—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted.”.

(g) **SPECIFIED COMMITTEES.**—The committees specified in this subsection are the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

42 USC 7239.

Establishment.

**SEC. 3164. WHISTLEBLOWER PROTECTION PROGRAM.**

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall establish a program to ensure that covered individuals may not be discharged, demoted, or otherwise discriminated against as a reprisal for making protected disclosures.

(b) **COVERED INDIVIDUALS.**—For purposes of this section, a covered individual is an individual who is an employee of the Department of Energy, or of a contractor of the Department, who is engaged in the defense activities of the Department.

(c) **PROTECTED DISCLOSURES.**—For purposes of this section, a protected disclosure is a disclosure—

(1) made by a covered individual who takes appropriate steps to protect the security of the information in accordance with guidance provided under this section;

(2) made to a person or entity specified in subsection (d); and

(3) of classified or other information that the covered individual reasonably believes to provide direct and specific evidence of any of the following:

(A) A violation of law or Federal regulation.

(B) Gross mismanagement, a gross waste of funds, or abuse of authority.

(C) A false statement to Congress on an issue of material fact.

(d) **PERSONS AND ENTITIES TO WHICH DISCLOSURES MAY BE MADE.**—A person or entity specified in this subsection is any of the following:

(1) A member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Government to which the disclosed information relates.

(2) An employee of Congress who is a staff member of such a committee and has an appropriate security clearance for access to information of the type disclosed.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.



(5) Any other element of the Government designated by the Secretary as authorized to receive information of the type disclosed.

(e) OFFICIAL CAPACITY OF PERSONS TO WHOM INFORMATION IS DISCLOSED.—A member of, or an employee of Congress who is a staff member of, a committee of Congress specified in subsection (d) who receives a protected disclosure under this section does so in that member or employee's official capacity as such a member or employee.

(f) ASSISTANCE AND GUIDANCE.—The Secretary, acting through the Inspector General of the Department of Energy, shall provide assistance and guidance to each covered individual who seeks to make a protected disclosure under this section. Such assistance and guidance shall include the following:

(1) Identifying the persons or entities under subsection (d) to which that disclosure may be made.

(2) Advising that individual regarding the steps to be taken to protect the security of the information to be disclosed.

(3) Taking appropriate actions to protect the identity of that individual throughout that disclosure.

(4) Taking appropriate actions to coordinate that disclosure with any other Federal agency or agencies that originated the information.

(g) REGULATIONS.—The Secretary shall prescribe regulations to ensure the security of any information disclosed under this section.

(h) NOTIFICATION TO COVERED INDIVIDUALS.—The Secretary shall notify each covered individual of the following:

(1) The rights of that individual under this section.

(2) The assistance and guidance provided under this section.

(3) That the individual has a responsibility to obtain that assistance and guidance before seeking to make a protected disclosure.

(i) COMPLAINT BY COVERED INDIVIDUALS.—If a covered individual believes that that individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the individual may submit a complaint relating to such matter to the Director of the Office of Hearings and Appeals of the Department of Energy.

(j) INVESTIGATION BY OFFICE OF HEARINGS AND APPEALS.—

(1) For each complaint submitted under subsection (i), the Director of the Office of Hearings and Appeals shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Director determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Director shall submit a report on each investigation undertaken under paragraph (1)(B) to— Reports.

(A) the individual who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(k) REMEDIAL ACTION.—(1) Whenever the Secretary determines that a covered individual has been discharged, demoted, or otherwise discriminated against as a reprisal for making a protected disclosure under this section, the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(1) RELATIONSHIP TO OTHER LAWS.—The protections provided by this section are independent of, and not subject to any limitations that may be provided in, the Whistleblower Protection Act of 1989 (Public Law 101-512) or any other law that may provide protection for disclosures of information by employees of the Department of Energy or of a contractor of the Department.

Deadline.

(m) ANNUAL REPORT.—(1) Not later than 30 days after the commencement of each fiscal year, the Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the investigations undertaken under subsection (j)(1)(B) during the preceding fiscal year, including a summary of the results of each such investigation.

(2) A report under paragraph (1) may not identify or otherwise provide any information about an individual submitting a complaint under this section without the consent of the individual.

(n) IMPLEMENTATION REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report describing the implementation of the program required by this section.

## Subtitle F—Other Matters

### SEC. 3171. REQUIREMENT FOR PLAN TO IMPROVE REPROGRAMMING PROCESSES.

Deadline.

Not later than November 15, 1999, the Secretary of Energy shall submit to the congressional defense committees a report on improving the reprogramming processes relating to the defense activities of the Department of Energy. The report shall include a plan to ensure that the reprogramming requests of the Department relating to those activities are submitted in a timely and disciplined manner.

### SEC. 3172. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) PLAN.—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of coordinating or integrating the responsibilities of the Office of Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear Energy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams

containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan required by subsection (a) to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than March 31, 2000. Deadline.

**SEC. 3173. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.** 50 USC 435 note.

(a) AMOUNTS FOR DECLASSIFICATION OF RECORDS.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order No. 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) CERTIFICATION REQUIRED WITH RESPECT TO AUTOMATIC DECLASSIFICATION OF RECORDS.—No records of the Department of Energy that have not as of the date of the enactment of this Act been reviewed for declassification shall be subject to automatic declassification unless the Secretary of Energy certifies to Congress that such declassification would not harm the national security.

(c) REPORT ON AUTOMATIC DECLASSIFICATION OF DEPARTMENT OF ENERGY RECORDS.—Not later than February 1, 2001, the Secretary of Energy shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the efforts of the Department of Energy relating to the declassification of classified records under the control of the Department of Energy. Such report shall include the following: Deadline.

(1) An assessment of whether the Department will be able to review all relevant records for declassification before any date established for automatic declassification.

(2) An estimate of the number of records, if any, that the Department will be unable to review for declassification before any such date and the effect on national security of the automatic declassification of those records.

(3) An estimate of the length of time by which any such date would need to be extended to avoid the automatic declassification of records that have not yet been reviewed as of such date.

**SEC. 3174. SENSE OF CONGRESS REGARDING TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.**

(a) TECHNOLOGY TRANSFER COORDINATION.—It is the sense of Congress that, within 90 days after the date of the enactment of this Act, the Secretary of Energy should ensure, for each national laboratory, the following: Deadline.

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term “national laboratory” means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

42 USC 7257  
note.

**SEC. 3175. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.**

(a) REQUIREMENT.—(1) The Secretary of Energy shall carry out a pilot program on use of project management oversight services (in this section referred to as “PMO services”) for construction projects of the Department of Energy.

(2) The purpose of the pilot program shall be to provide a basis for determining whether or not the use of competitively procured, external PMO services for those construction projects would permit the Department to control excessive costs and schedule delays associated with those construction projects that have large capital costs.

(b) PROJECTS COVERED BY PROGRAM.—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.

(2) Each project selected by the Secretary shall be a project having capital construction costs anticipated to be not less than \$25,000,000.

(c) SERVICES UNDER PROGRAM.—The PMO services used under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project.

(2) Determining whether or not a project is on schedule.

(3) Determining whether or not a project is within budget.

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

(5) Determining whether or not a project is being carried out efficiently and effectively.

(6) Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.

(d) PROCUREMENT OF SERVICES UNDER PROGRAM.—Any PMO services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—

(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) REPORT.—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the assessment of the Secretary as to the feasibility and desirability of using PMO services for construction projects of the Department. Deadline.

**SEC. 3176. PILOT PROGRAM OF DEPARTMENT OF ENERGY TO AUTHORIZE USE OF PRIOR YEAR UNOBLIGATED BALANCES FOR ACCELERATED SITE CLEANUP AT ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.**

(a) AUTHORITY TO USE AMOUNTS.—The Secretary of Energy shall carry out a pilot program under which the Secretary may use prior year unobligated balances in the defense environment management account for the closure project of the Department of Energy at the Rocky Flats Environmental Technology Site, Colorado, for purposes of meeting accelerated cleanup schedule milestones with respect to that closure project. The amount of prior year unobligated balances that are obligated under the pilot program in any fiscal year may not exceed \$15,000,000.

(b) NOTICE OF INTENT TO USE AUTHORITY.—Not less than 30 days before any obligation of funds under the pilot program under subsection (a), the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such obligation. Deadline.

(c) REPORT ON PILOT PROGRAM.—Not later than July 31, 2002, the Secretary shall submit to the congressional defense committees and the Committee on Commerce of the House of Representatives a report on the implementation of the pilot program carried out under subsection (a). The report shall include the following: Deadline.

(1) Any use of the authority under that pilot program.

(2) The recommendations of the Secretary as to whether—  
(A) the termination date in subsection (d) should be extended; and

(B) the authority under that pilot program should be applied to additional closure projects of the Department.

(d) TERMINATION.—The authority to obligate funds under the pilot program shall cease to be in effect at the close of September 30, 2002.

**SEC. 3177. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO, TO WASTE ISOLATION PILOT PLANT, NEW MEXICO.**

(a) SUBMITTAL OF PROPOSED SCHEDULE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services and the Committee on Commerce of the House of Representatives a proposed schedule for shipment of mixed and unmixed transuranic waste from the Rocky Flats Environmental Technology Site, Colorado, to the Waste Isolation Pilot Plant, New Mexico. The proposed schedule shall identify a schedule for certifying, producing, and delivering appropriate shipping containers.

(b) REQUIREMENTS REGARDING SCHEDULE.—In preparing the schedule required under subsection (a), the Secretary shall assume the following:

(1) That the Rocky Flats Environmental Technology Site will have a closure date that is in 2006.

(2) That all waste that is transferable from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Environmental Technology Site by that closure date as specified in the current 2006 Rocky Flats Environmental Technology Site Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Environmental Technology Site to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

**SEC. 3178. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.**

Deadline.

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address and make recommendations on the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site affect ongoing cleanup at the site.

(2) How failure to make decisions with respect to the future use of the Rocky Flats site affect ongoing cleanup at that site.

(3) Whether the Secretary of Energy could provide additional flexibility to the contractor at the Rocky Flats site in order to accelerate the cleanup of that site.

(4) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to accelerate the closure of the Rocky Flats site.

(5) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the Rocky Flats site.

(6) The possibility of closure of the Rocky Flats site by 2006.

(7) The actions that should be taken by the Secretary or Congress to ensure that the Rocky Flats site will be closed by 2006.

(8) The impact of the schedule to transport mixed and unmixed transuranic waste on the ability of the Secretary to close the Rocky Flats site by 2006.

**SEC. 3179. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.**

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking “nine additional one-year periods” and inserting “fourteen additional one-year periods”.

## TITLE XXXII—NATIONAL NUCLEAR SECURITY ADMINISTRATION

National Nuclear  
Security  
Administration  
Act.

- Sec. 3201. Short title.
- Sec. 3202. Under Secretary for Nuclear Security of Department of Energy.
- Sec. 3203. Establishment of policy for National Nuclear Security Administration.
- Sec. 3204. Organization of Department of Energy counterintelligence and intelligence programs and activities.

### Subtitle A—Establishment and Organization

- Sec. 3211. Establishment and mission.
- Sec. 3212. Administrator for Nuclear Security.
- Sec. 3213. Status of Administration and contractor personnel within Department of Energy.
- Sec. 3214. Deputy Administrator for Defense Programs.
- Sec. 3215. Deputy Administrator for Defense Nuclear Nonproliferation.
- Sec. 3216. Deputy Administrator for Naval Reactors.
- Sec. 3217. General Counsel.
- Sec. 3218. Staff of Administration.

### Subtitle B—Matters Relating to Security

- Sec. 3231. Protection of national security information.
- Sec. 3232. Office of Defense Nuclear Counterintelligence and Office of Defense Nuclear Security.
- Sec. 3233. Counterintelligence programs.
- Sec. 3234. Procedures relating to access by individuals to classified areas and information of Administration.
- Sec. 3235. Government access to information on Administration computers.
- Sec. 3236. Congressional oversight of special access programs.

### Subtitle C—Matters Relating to Personnel

- Sec. 3241. Authority to establish certain scientific, engineering, and technical positions.
- Sec. 3242. Voluntary early retirement authority.
- Sec. 3243. Severance pay.
- Sec. 3244. Continued coverage of health care benefits.

### Subtitle D—Budget and Financial Management

- Sec. 3251. Separate treatment in budget.
- Sec. 3252. Planning, programming, and budgeting process.
- Sec. 3253. Future-years nuclear security program.

### Subtitle E—Miscellaneous Provisions

- Sec. 3261. Environmental protection, safety, and health requirements.
- Sec. 3262. Compliance with Federal Acquisition Regulation.
- Sec. 3263. Sharing of technology with Department of Defense.
- Sec. 3264. Use of capabilities of national security laboratories by entities outside the Administration.

### Subtitle F—Definitions

- Sec. 3281. Definitions.

### Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

- Sec. 3291. Functions transferred.
- Sec. 3292. Transfer of funds and employees.
- Sec. 3293. Pay levels.
- Sec. 3294. Conforming amendments.
- Sec. 3295. Transition provisions.
- Sec. 3296. Applicability of preexisting laws and regulations.
- Sec. 3297. Report containing implementation plan of Secretary of Energy.
- Sec. 3298. Classification in United States Code.
- Sec. 3299. Effective dates.

### SEC. 3201. SHORT TITLE.

This title may be cited as the “National Nuclear Security Administration Act”.

50 USC 2401  
note.

**SEC. 3202. UNDER SECRETARY FOR NUCLEAR SECURITY OF DEPARTMENT OF ENERGY.**

Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is amended by adding at the end the following new subsection:

“(c)(1) There shall be in the Department an Under Secretary for Nuclear Security, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) The Under Secretary for Nuclear Security shall be appointed from among persons who—

“(A) have extensive background in national security, organizational management, and appropriate technical fields; and

“(B) are well qualified to manage the nuclear weapons, nonproliferation, and materials disposition programs of the National Nuclear Security Administration in a manner that advances and protects the national security of the United States.

“(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act. In carrying out the functions of the Administrator, the Under Secretary shall be subject to the authority, direction, and control of the Secretary. Such authority, direction, and control may be delegated only to the Deputy Secretary of Energy, without redelegation.”.

**SEC. 3203. ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) ESTABLISHMENT OF POLICY FOR ADMINISTRATION.—The Department of Energy Organization Act is amended by adding at the end of title II (42 U.S.C. 7131 et seq.) the following new section:

“ESTABLISHMENT OF POLICY FOR NATIONAL NUCLEAR SECURITY  
ADMINISTRATION

42 USC 7144.

“SEC. 213. (a) The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

“(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

“(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary’s responsibilities under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 212 the following new item:

“213. Establishment of policy for National Nuclear Security Administration.”.



**SEC. 3204. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTER-INTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.**

(a) ESTABLISHMENT OF OFFICES.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended by inserting after section 213, as added by section 3203(a), the following new sections:

“ESTABLISHMENT OF SECURITY, COUNTERINTELLIGENCE, AND  
INTELLIGENCE POLICIES

“SEC. 214. The Secretary shall be responsible for developing and promulgating the security, counterintelligence, and intelligence policies of the Department. The Secretary may use the immediate staff of the Secretary to assist in developing and promulgating those policies. 42 USC 7144a.

“OFFICE OF COUNTERINTELLIGENCE

“SEC. 215. (a) There is within the Department an Office of Counterintelligence. 42 USC 7144b.

“(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to counterintelligence.

“(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

“(c)(1) The Director of the Office shall be responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

“(2) The Director of the Office shall be responsible for establishing policy for the personnel assurance programs of the Department.

“(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the counterintelligence programs and activities at Department facilities.

“(d)(1) Not later than March 1 each year, the Director of the Office shall submit a report on the status and effectiveness of the counterintelligence programs and activities at each Department facility during the preceding year. Each such report shall be submitted to the following:

Reports.  
Deadline.

“(A) The Secretary.

“(B) The Director of Central Intelligence.

“(C) The Director of the Federal Bureau of Investigation.

“(D) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

“(E) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

“(2) Each such report shall include for the year covered by the report the following:

“(A) A description of the status and effectiveness of the counterintelligence programs and activities at Department facilities.

“(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

“(i) the number of violations that were investigated;

and

“(ii) the number of violations that remain unresolved.

“(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

“(D) The adequacy of the Department’s procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

“(E) A determination of whether each Department of Energy national laboratory is in full compliance with all departmental security requirements and, in the case of any such laboratory that is not, what measures are being taken to bring that laboratory into compliance.

Deadline.

“(3) Not less than 30 days before the date that the report required by paragraph (1) is submitted, the director of each Department of Energy national laboratory shall certify in writing to the Director of the Office whether that laboratory is in full compliance with all departmental security requirements and, if not, what measures are being taken to bring that laboratory into compliance and a schedule for implementing those measures.

“(4) Each report under this subsection as submitted to the committees referred to in subparagraphs (D) and (E) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### “OFFICE OF INTELLIGENCE

42 USC 7144c.

“SEC. 216. (a) There is within the Department an Office of Intelligence.

“(b)(1) The head of the Office shall be the Director of the Office of Intelligence, which shall be a position in the Senior Executive Service. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select the Director of the Office from among individuals who have substantial expertise in matters relating to foreign intelligence.

“(c) Subject to the authority, direction, and control of the Secretary, the Director of the Office shall perform such duties and exercise such powers as the Secretary may prescribe.”.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Department of Energy Organization Act is amended by inserting after the item relating to section 213, as added by section 3203(b), the following new items:

“214. Establishment of security, counterintelligence, and intelligence policies.

“215. Office of Counterintelligence.

“216. Office of Intelligence.”.

## Subtitle A—Establishment and Organization

### SEC. 3211. ESTABLISHMENT AND MISSION.

50 USC 2401.

(a) **ESTABLISHMENT.**—There is established within the Department of Energy a separately organized agency to be known as the National Nuclear Security Administration (in this title referred to as the “Administration”).

(b) **MISSION.**—The mission of the Administration shall be the following:

(1) To enhance United States national security through the military application of nuclear energy.

(2) To maintain and enhance the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(3) To provide the United States Navy with safe, militarily effective nuclear propulsion plants and to ensure the safe and reliable operation of those plants.

(4) To promote international nuclear safety and non-proliferation.

(5) To reduce global danger from weapons of mass destruction.

(6) To support United States leadership in science and technology.

(c) **OPERATIONS AND ACTIVITIES TO BE CARRIED OUT CONSISTENT WITH CERTAIN PRINCIPLES.**—In carrying out the mission of the Administration, the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration.

### SEC. 3212. ADMINISTRATOR FOR NUCLEAR SECURITY.

50 USC 2402.

(a) **IN GENERAL.**—(1) There is at the head of the Administration an Administrator for Nuclear Security (in this title referred to as the “Administrator”).

(2) Pursuant to subsection (c) of section 202 of the Department of Energy Organization Act (42 U.S.C. 7132), as added by section 3202 of this Act, the Under Secretary for Nuclear Security of the Department of Energy serves as the Administrator.

(b) **FUNCTIONS.**—The Administrator has authority over, and is responsible for, all programs and activities of the Administration (except for the functions of the Deputy Administrator for Naval Reactors specified in the Executive order referred to in section 3216(b)), including the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation, guidance, and execution, and other financial matters.

(4) Resource requirements determination and allocation.

(5) Program management and direction.

(6) Safeguards and security.

(7) Emergency management.

(8) Integrated safety management.

(9) Environment, safety, and health operations.

(10) Administration of contracts, including the management and operations of the nuclear weapons production facilities and the national security laboratories.

(11) Intelligence.

(12) Counterintelligence.

(13) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel in accordance with subtitle C of this title.

(14) Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(15) Legal matters.

(16) Legislative affairs.

(17) Public affairs.

(18) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

(c) **PROCUREMENT AUTHORITY.**—The Administrator is the senior procurement executive for the Administration for the purposes of section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(d) **POLICY AUTHORITY.**—The Administrator may establish Administration-specific policies, unless disapproved by the Secretary of Energy.

50 USC 2403.

**SEC. 3213. STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL WITHIN DEPARTMENT OF ENERGY.**

(a) **STATUS OF ADMINISTRATION PERSONNEL.**—Each officer or employee of the Administration, in carrying out any function of the Administration—

(1) shall be responsible to and subject to the authority, direction, and control of—

(A) the Secretary acting through the Administrator and consistent with section 202(c)(3) of the Department of Energy Organization Act;

(B) the Administrator; or

(C) the Administrator's designee within the Administration; and

(2) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy.

(b) **STATUS OF CONTRACTOR PERSONNEL.**—Each officer or employee of a contractor of the Administration, in carrying out any function of the Administration, shall not be responsible to, or subject to the authority, direction, or control of, any officer, employee, or agent of the Department of Energy who is not an employee of the Administration, except for the Secretary of Energy consistent with section 202(c)(3) of the Department of Energy Organization Act.

(c) **CONSTRUCTION OF SECTION.**—Subsections (a) and (b) may not be interpreted to in any way preclude or interfere with the communication of technical findings derived from, and in accord with, duly authorized activities between (1) the head, or any contractor employee, of a national security laboratory or of a nuclear weapons production facility, and (2) the Department of Energy, the President, or Congress.

**SEC. 3214. DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS.**

50 USC 2404.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Programs, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Programs shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Maintaining and enhancing the safety, reliability, and performance of the United States nuclear weapons stockpile, including the ability to design, produce, and test, in order to meet national security requirements.

(2) Directing, managing, and overseeing the nuclear weapons production facilities and the national security laboratories.

(3) Directing, managing, and overseeing assets to respond to incidents involving nuclear weapons and materials.

(c) **RELATIONSHIP TO LABORATORIES AND FACILITIES.**—The head of each national security laboratory and nuclear weapons production facility shall, consistent with applicable contractual obligations, report to the Deputy Administrator for Defense Programs.

**SEC. 3215. DEPUTY ADMINISTRATOR FOR DEFENSE NUCLEAR NON-PROLIFERATION.**

50 USC 2405.

(a) **IN GENERAL.**—There is in the Administration a Deputy Administrator for Defense Nuclear Nonproliferation, who is appointed by the President, by and with the advice and consent of the Senate.

(b) **DUTIES.**—Subject to the authority, direction, and control of the Administrator, the Deputy Administrator for Defense Nuclear Nonproliferation shall perform such duties and exercise such powers as the Administrator may prescribe, including the following:

(1) Preventing the spread of materials, technology, and expertise relating to weapons of mass destruction.

(2) Detecting the proliferation of weapons of mass destruction worldwide.

(3) Eliminating inventories of surplus fissile materials usable for nuclear weapons.

(4) Providing for international nuclear safety.

**SEC. 3216. DEPUTY ADMINISTRATOR FOR NAVAL REACTORS.**

50 USC 2406.

(a) **IN GENERAL.**—(1) There is in the Administration a Deputy Administrator for Naval Reactors. The director of the Naval Nuclear Propulsion Program provided for under the Naval Nuclear Propulsion Executive Order shall serve as the Deputy Administrator for Naval Reactors.

(2) Within the Department of Energy, the Deputy Administrator shall report to the Secretary of Energy through the Administrator and shall have direct access to the Secretary and other senior officials in the Department.

(b) **DUTIES.**—The Deputy Administrator shall be assigned the responsibilities, authorities, and accountability for all functions of the Office of Naval Reactors under the Naval Nuclear Propulsion Executive Order.

(c) **EFFECT ON EXECUTIVE ORDER.**—Except as otherwise specified in this section and notwithstanding any other provision of

this title, the provisions of the Naval Nuclear Propulsion Executive Order remain in full force and effect until changed by law.

(d) NAVAL NUCLEAR PROPULSION EXECUTIVE ORDER.—As used in this section, the Naval Nuclear Propulsion Executive Order is Executive Order No. 12344, dated February 1, 1982 (42 U.S.C. 7158 note) (as in force pursuant to section 1634 of the Department of Defense Authorization Act, 1985 (Public Law 98–525; 42 U.S.C. 7158 note)).

50 USC 2407.

**SEC. 3217. GENERAL COUNSEL.**

There is a General Counsel of the Administration. The General Counsel is the chief legal officer of the Administration.

50 USC 2408.

**SEC. 3218. STAFF OF ADMINISTRATION.**

(a) IN GENERAL.—The Administrator shall maintain within the Administration sufficient staff to assist the Administrator in carrying out the duties and responsibilities of the Administrator.

(b) RESPONSIBILITIES.—The staff of the Administration shall perform, in accordance with applicable law, such of the functions of the Administrator as the Administrator shall prescribe. The Administrator shall assign to the staff responsibility for the following functions:

(1) Personnel.

(2) Legislative affairs.

(3) Public affairs.

(4) Liaison with other elements of the Department of Energy and with other Federal agencies, State, tribal, and local governments, and the public.

## Subtitle B—Matters Relating to Security

50 USC 2421.

**SEC. 3231. PROTECTION OF NATIONAL SECURITY INFORMATION.**

(a) POLICIES AND PROCEDURES REQUIRED.—The Administrator shall establish procedures to ensure the maximum protection of classified information in the possession of the Administration.

(b) PROMPT REPORTING.—The Administrator shall establish procedures to ensure prompt reporting to the Administrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the management of classified information by personnel of the Administration.

50 USC 2422.

**SEC. 3232. OFFICE OF DEFENSE NUCLEAR COUNTERINTELLIGENCE AND OFFICE OF DEFENSE NUCLEAR SECURITY.**

(a) ESTABLISHMENT.—(1) There are within the Administration—

(A) an Office of Defense Nuclear Counterintelligence; and

(B) an Office of Defense Nuclear Security.

(2) Each office established under paragraph (1) shall be headed by a Chief appointed by the Secretary of Energy. The Administrator shall recommend to the Secretary suitable candidates for each such position.

(b) CHIEF OF DEFENSE NUCLEAR COUNTERINTELLIGENCE.—(1) The head of the Office of Defense Nuclear Counterintelligence is the Chief of Defense Nuclear Counterintelligence, who shall report to the Administrator and shall implement the counterintelligence policies directed by the Secretary and Administrator.

(2) The Secretary shall appoint the Chief, in consultation with the Director of the Federal Bureau of Investigation, from among

individuals who have special expertise in counterintelligence. If an individual to serve as the Chief of Defense Nuclear Counterintelligence is a Federal employee of an entity other than the Administration, the service of that employee as Chief shall not result in any loss of employment status, right, or privilege by that employee.

(3) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning counterintelligence matters.

(4) The Chief shall be responsible for—

(A) the development and implementation of the counterintelligence programs of the Administration to prevent the disclosure or loss of classified or other sensitive information; and

(B) the development and administration of personnel assurance programs within the Administration.

(c) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Secretary and Administrator.

(2) The Chief shall have direct access to the Secretary and all other officials of the Department and the contractors of the Department concerning security matters.

(3) The Chief shall be responsible for the development and implementation of security programs for the Administration, including the protection, control and accounting of materials, and for the physical and cyber security for all facilities of the Administration.

**SEC. 3233. COUNTERINTELLIGENCE PROGRAMS.**

50 USC 2423.

(a) NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES.—The Administrator shall, at each national security laboratory and nuclear weapons production facility, establish and maintain a counterintelligence program adequate to protect national security information at that laboratory or production facility.

(b) OTHER FACILITIES.—The Administrator shall, at each Administration facility not described in subsection (a) at which Restricted Data is located, assign an employee of the Office of Defense Nuclear Counterintelligence who shall be responsible for and assess counterintelligence matters at that facility.

**SEC. 3234. PROCEDURES RELATING TO ACCESS BY INDIVIDUALS TO CLASSIFIED AREAS AND INFORMATION OF ADMINISTRATION.**

50 USC 2424.

The Administrator shall establish appropriate procedures to ensure that any individual is not permitted unescorted access to any classified area, or access to classified information, of the Administration until that individual has been verified to hold the appropriate security clearances.

**SEC. 3235. GOVERNMENT ACCESS TO INFORMATION ON ADMINISTRATION COMPUTERS.**

50 USC 2425.

(a) PROCEDURES REQUIRED.—The Administrator shall establish procedures to govern access to information on Administration computers. Those procedures shall, at a minimum, provide that any individual who has access to information on an Administration

computer shall be required as a condition of such access to provide to the Administrator written consent which permits access by an authorized investigative agency to any Administration computer used in the performance of the duties of such employee during the period of that individual's access to information on an Administration computer and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN ADMINISTRATION COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of an Administration computer shall have any expectation of privacy in the use of that computer.

(c) DEFINITION.—For purposes of this section, the term “authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

50 USC 2426.

**SEC. 3236. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.**

(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report on special access programs of the Administration.

(2) Each such report shall set forth—

(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

(B) for each such program in that budget, the following:

(i) A brief description of the program.

(ii) A brief discussion of the major milestones established for the program.

(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

Deadline.

(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—(1) Not later than February 1 of each year, the Administrator shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program; and

(B) justification for such designation.

(2) A report under paragraph (1) with respect to a program shall include—

(A) the current estimate of the total program cost for the program; and

(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.



(3) In this subsection, the term “new special access program” means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—(1) Whenever a change in the classification of a special access program of the Administration is planned to be made or whenever classified information concerning a special access program of the Administration is to be declassified and made public, the Administrator shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

(2) Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change or public announcement is to occur.

Deadline.

(3) If the Administrator determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Administration, the Administrator may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Administration as a special access program, the Administrator shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER AUTHORITY.—(1) The Administrator may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Administrator determines that inclusion of that information in the report would adversely affect the national security. The Administrator may waive the report-and-wait requirement in subsection (f) if the Administrator determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

(2) If the Administrator exercises the authority provided under paragraph (1), the Administrator shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

- (1) the congressional defense committees are notified of the program; and
- (2) a period of 30 days elapses after such notification is received.

## Subtitle C—Matters Relating to Personnel

50 USC 2441. **SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS.**

The Administrator may, for the purposes of carrying out the responsibilities of the Administrator under this title, establish not more than 300 scientific, engineering, and technical positions in the Administration, appoint individuals to such positions, and fix the compensation of such individuals. Subject to the limitations in the preceding sentence, the authority of the Administrator to make appointments and fix compensation with respect to positions in the Administration under this section shall be equivalent to, and subject to the limitations of, the authority under section 161 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(d)) to make appointments and fix compensation with respect to officers and employees described in such section.

50 USC 2442. **SEC. 3242. VOLUNTARY EARLY RETIREMENT AUTHORITY.**

(a) **AUTHORITY.**—An employee of the Department of Energy who is separated from the service under conditions described in subsection (b) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity in accordance with the provisions in chapter 83 or 84 of title 5, United States Code, as applicable.

(b) **CONDITIONS OF SEPARATION.**—Subsection (a) applies to an employee who—

(1) has been employed continuously by the Department of Energy for more than 30 days before the date on which the Secretary of Energy makes the determination required under paragraph (4)(A);

(2) is serving under an appointment that is not limited by time;

(3) has not received a decision notice of involuntary separation for misconduct or unacceptable performance that is pending decision; and

(4) is separated from the service voluntarily during a period with respect to which—

(A) the Secretary of Energy determines that the Department of Energy is undergoing a major reorganization as a result of the establishment of the National Nuclear Security Administration; and

(B) the employee is within the scope of an offer of voluntary early retirement (as defined by organizational unit, occupational series or level, geographical location, any other similar factor that the Office of Personnel Management determines appropriate, or any combination of such definitions of scope), as determined by the Secretary under regulations prescribed by the Office.

(c) **TREATMENT OF EMPLOYEES.**—For purposes of chapters 83 and 84 of title 5, United States Code (including for purposes of computation of an annuity under such chapters), an employee entitled to an annuity under this section shall be treated as an employee entitled to an annuity under section 8336(d) or 8414(b) of such title, as applicable.

(d) **DEFINITIONS.**—As used in this section, the terms “employee” and “annuity”—

(1) with respect to individuals covered by the Civil Service Retirement System established in subchapter III of chapter 83 of title 5, United States Code, have the meaning of such terms as used in such chapter; and

(2) with respect to individuals covered by the Federal Employees Retirement System established in chapter 84 of such title, have the meaning of such terms as used in such chapter.

(e) LIMITATION AND TERMINATION OF AUTHORITY.—The authority provided in subsection (a)—

(1) may be applied with respect to a total of not more than 600 employees of the Department of Energy; and

(2) shall expire on September 30, 2003.

#### **SEC. 3243. SEVERANCE PAY.**

Section 5595 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) In the case of an employee of the Department of Energy who is entitled to severance pay under this section as a result of the establishment of the National Nuclear Security Administration, the Secretary of Energy may, upon application by the employee, pay the total amount of the severance pay to the employee in one lump sum.

“(2)(A) If an employee paid severance pay in a lump sum under this subsection is reemployed by the Government of the United States or the government of the District of Columbia at such time that, had the employee been paid severance pay in regular pay periods under subsection (b), the payments of such pay would have been discontinued under subsection (d) upon such reemployment, the employee shall repay to the Department of Energy an amount equal to the amount of severance pay to which the employee was entitled under this section that would not have been paid to the employee under subsection (d) by reason of such reemployment.

“(B) The period of service represented by an amount of severance pay repaid by an employee under subparagraph (A) shall be considered service for which severance pay has not been received by the employee under this section.

“(C) Amounts repaid to the Department of Energy under this paragraph shall be credited to the appropriation available for the pay of employees of the agency for the fiscal year in which received. Amounts so credited shall be merged with, and shall be available for the same purposes and the same period as, the other funds in that appropriation.

“(3) If an employee fails to repay to the Department of Energy an amount required to be repaid under paragraph (2)(A), that amount is recoverable from the employee as a debt due the United States.”.

#### **SEC. 3244. CONTINUED COVERAGE OF HEALTH CARE BENEFITS.**

Section 8905a(d)(4)(A) of title 5, United States Code, is amended by inserting “, or the Department of Energy due to a reduction in force resulting from the establishment of the National Nuclear Security Administration” after “reduction in force”.

## Subtitle D—Budget and Financial Management

50 USC 2451.

**SEC. 3251. SEPARATE TREATMENT IN BUDGET.**

(a) **PRESIDENT'S BUDGET.**—In each budget submitted by the President to the Congress under section 1105 of title 31, United States Code, amounts requested for the Administration shall be set forth separately within the other amounts requested for the Department of Energy.

(b) **BUDGET JUSTIFICATION MATERIALS.**—In the budget justification materials submitted to Congress in support of each such budget, the amounts requested for the Administration shall be specified in individual, dedicated program elements.

50 USC 2452.

**SEC. 3252. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.**

The Administrator shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Administration comport with sound financial and fiscal management principles. Those procedures shall, at a minimum, provide for the planning, programming, and budgeting of activities of the Administration using funds that are available for obligation for a limited number of years.

50 USC 2453.

**SEC. 3253. FUTURE-YEARS NUCLEAR SECURITY PROGRAM.**

(a) **SUBMISSION TO CONGRESS.**—The Administrator shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years nuclear security program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years nuclear security program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

(b) **ELEMENTS.**—Each future-years nuclear security program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) A description of the anticipated workload requirements for each Administration site during that five-fiscal year period.

(c) **EFFECT OF BUDGET ON STOCKPILE.**—The Administrator shall include in the materials the Administrator submits to Congress in support of the budget for any fiscal year that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Administration for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2257; 42 U.S.C. 2121 note).

(d) **CONSISTENCY IN BUDGETING.**—(1) The Administrator shall ensure that amounts described in subparagraph (A) of paragraph

(2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years nuclear security program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

(e) TREATMENT OF MANAGEMENT CONTINGENCIES.—Nothing in this section shall be construed to prohibit the inclusion in the future-years nuclear security program of amounts for management contingencies, subject to the requirements of subsection (d).

## Subtitle E—Miscellaneous Provisions

### SEC. 3261. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS. 50 USC 2461.

(a) COMPLIANCE REQUIRED.—The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements.

(b) PROCEDURES REQUIRED.—The Administrator shall develop procedures for meeting such requirements.

(c) RULE OF CONSTRUCTION.—Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs.

### SEC. 3262. COMPLIANCE WITH FEDERAL ACQUISITION REGULATION. 50 USC 2462.

The Administrator shall establish procedures to ensure that the mission and programs of the Administration are executed in full compliance with all applicable provisions of the Federal Acquisition Regulation issued pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

### SEC. 3263. SHARING OF TECHNOLOGY WITH DEPARTMENT OF DEFENSE. 50 USC 2463.

The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administration and the Department of Defense to further national security objectives.

### SEC. 3264. USE OF CAPABILITIES OF NATIONAL SECURITY LABORATORIES BY ENTITIES OUTSIDE THE ADMINISTRATION. 50 USC 2464.

The Secretary, in consultation with the Administrator, shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b), of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate

entities, including the use of those capabilities to support efforts to defend against weapons of mass destruction.

## Subtitle F—Definitions

50 USC 2471.

### SEC. 3281. DEFINITIONS.

For purposes of this title:

(1) The term “national security laboratory” means any of the following:

(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(C) Lawrence Livermore National Laboratory, Livermore, California.

(2) The term “nuclear weapons production facility” means any of the following:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y–12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and the Congress, determines to be consistent with the mission of the Administration.

(3) The term “classified information” means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

(4) The term “Restricted Data” has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

(5) The term “congressional defense committees” means—

(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

## Subtitle G—Amendatory Provisions, Transition Provisions, and Effective Dates

50 USC 2481.

### SEC. 3291. FUNCTIONS TRANSFERRED.

(a) TRANSFERS.—There are hereby transferred to the Administrator all national security functions and activities performed immediately before the date of the enactment of this Act by the following elements of the Department of Energy:

(1) The Office of Defense Programs.

(2) The Office of Nonproliferation and National Security.

(3) The Office of Fissile Materials Disposition.

(4) The nuclear weapons production facilities.

(5) The national security laboratories.

(6) The Office of Naval Reactors.

(b) **AUTHORITY TO TRANSFER ADDITIONAL FUNCTIONS.**—The Secretary of Energy may transfer to the Administrator any other facility, mission, or function that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

(c) **ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.**—In the case of any environmental remediation and waste management activity of any element specified in subsection (a), the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department.

**SEC. 3292. TRANSFER OF FUNDS AND EMPLOYEES.**

50 USC 2482.

(a) **TRANSFER OF FUNDS.**—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

(A) be credited to any applicable appropriation account of the Administration; or

(B) be credited to a new account that may be established on the books of the Department of the Treasury; and shall be merged with the funds already credited to that account and accounted for as one fund.

(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

(b) **PERSONNEL.**—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.

**SEC. 3293. PAY LEVELS.**

(a) **UNDER SECRETARY FOR NUCLEAR SECURITY.**—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary, Department of Energy” and inserting “Under Secretaries of Energy (2)”.

(b) **DEPUTY ADMINISTRATORS.**—Section 5315 of such title is amended by adding at the end the following new item:

“Deputy Administrators of the National Nuclear Security Administration (3), but if the Deputy Administrator for Naval Reactors is an officer of the Navy on active duty, (2).”.

**SEC. 3294. CONFORMING AMENDMENTS.**

(a) **REDUCTION IN NUMBER OF ASSISTANT SECRETARIES OF ENERGY.**—(1) Section 5315 of title 5, United States Code, is amended by striking “(8)” after “Assistant Secretaries of Energy” and inserting “(6)”.

(2) Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended in the first sentence by striking “eight” and inserting “six”.

(b) **FUNCTIONS REQUIRED TO BE ASSIGNED TO ASSISTANT SECRETARIES OF ENERGY.**—Subsection (a) of section 203 of the Department of Energy Organization Act (42 U.S.C. 7133) is amended by striking paragraph (5).

(c) **OFFICE OF NAVAL REACTORS.**—Section 309 of the Department of Energy Organization Act (42 U.S.C. 7158) is amended—

(1) by striking subsection (b);

(2) by striking “(a)”; and

(3) by striking “Assistant Secretary to whom the Secretary has assigned the function listed in section 203(a)(2)(E)” and inserting “Under Secretary for Nuclear Security”.

(d) **OFFICE OF FISSILE MATERIALS DISPOSITION.**—(1) Section 212 of the Department of Energy Organization Act (42 U.S.C. 7143) is repealed.

(2) The table of contents at the beginning of such Act is amended by striking the item relating to section 212.

(e) **REPEAL OF RESTATED PROVISION RELATING TO DOE SPECIAL ACCESS PROGRAMS; CONFORMING AMENDMENT.**—(1)(A) Section 93 of the Atomic Energy Act of 1954 (42 U.S.C. 2122a) is repealed.

(B) The table of contents at the beginning of such Act is amended by striking the item relating to section 93.

(2) Clause (ii) of section 1152(g)(1)(B) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 50 U.S.C. 435 note) is amended to read as follows:

“(ii) the National Nuclear Security Administration (which is required to submit reports on special access programs under section 3236 of the National Nuclear Security Administration Act); or”.

(f) **REPEAL OF FIVE-YEAR BUDGET REQUIREMENT FOR DOE NATIONAL SECURITY PROGRAMS.**—Section 3155 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2841; 42 U.S.C. 7271b) is repealed.

50 USC 2483.

Deadlines.

**SEC. 3295. TRANSITION PROVISIONS.**

(a) **COMPLIANCE WITH FINANCIAL PRINCIPLES.**—(1) The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with sound financial and fiscal management principles specified in section 3252 is achieved not later than October 1, 2000.

(2) In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with those principles not later than such date.

(3) Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.



(b) INITIAL REPORT FOR FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—The first report under section 3253 shall be submitted in conjunction with the budget submitted for fiscal year 2001.

(c) PROCEDURES FOR COMPUTER ACCESS.—The regulations to implement the procedures under section 3235 shall be prescribed not later than 90 days after the effective date of this title.

Regulations.  
Deadline.

(d) COMPLIANCE WITH FAR.—(1) The Under Secretary of Energy for Nuclear Security shall ensure that the compliance with the Federal Acquisition Regulation specified in section 3262 is achieved not later than October 1, 2000.

Deadlines.

(2) In carrying out paragraph (1), the Under Secretary of Energy for Nuclear Security shall conduct a review and develop a plan to bring applicable activities of the Administration into full compliance with the Federal Acquisition Regulation not later than such date.

(3) Not later than January 1, 2000, the Under Secretary of Energy for Nuclear Security shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of that review and a description of that plan.

**SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.**

50 USC 2484.

Unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title that are applicable to functions of the Department of Energy specified in section 3291 shall continue to apply to the corresponding functions of the Administration.

**SEC. 3297. REPORT CONTAINING IMPLEMENTATION PLAN OF SECRETARY OF ENERGY.**

50 USC 2401  
note.

Not later than January 1, 2000, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the Secretary's plan for the implementation of the provisions of this title.

Deadline.

**SEC. 3298. CLASSIFICATION IN UNITED STATES CODE.**

50 USC 2401  
note.

Subtitles A through F of this title (other than provisions of those subtitles amending existing provisions of law) shall be classified to the United States Code as a new chapter of title 50, United States Code.

**SEC. 3299. EFFECTIVE DATES.**

50 USC 2401  
note.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this title shall take effect on March 1, 2000.

(b) EXCEPTIONS.—(1) Sections 3202, 3204, 3251, 3295, and 3297 shall take effect on the date of the enactment of this Act.

(2) Sections 3234 and 3235 shall take effect on the date of the enactment of this Act. During the period beginning on the date of the enactment of this Act and ending on the effective date of this title, the Secretary of Energy shall carry out those sections and any reference in those sections to the Administrator and the Administration shall be treated as references to the Secretary and the Department of Energy, respectively.

## TITLE XXXIII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### SEC. 3301. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, \$17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

## TITLE XXXIV—NATIONAL DEFENSE STOCKPILE

Sec. 3401. Authorized uses of stockpile funds.

Sec. 3402. Disposal of certain materials in National Defense Stockpile.

Sec. 3403. Limitations on previous authority for disposal of stockpile materials.

### SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to \$78,700,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

50 USC 98d note.

### SEC. 3402. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall make disposals from the National Defense Stockpile of materials in quantities as follows:

- (1) Beryllium metal, 250 short tons.
- (2) Chromium ferro alloy, 496,204 short tons.
- (3) Chromium metal, 5,000 short tons.
- (4) Palladium, 497,271 troy ounces.

(b) MANAGEMENT OF DISPOSAL TO ACHIEVE OBJECTIVES FOR RECEIPTS.—The President shall manage the disposal of materials under subsection (a) so as to result in receipts to the United States in amounts equal to—

- (1) \$10,000,000 during fiscal year 2000;
- (2) \$100,000,000 during the 5-fiscal year period ending September 30, 2004; and
- (3) \$300,000,000 during the 10-fiscal year period ending September 30, 2009.

(c) **MINIMIZATION OF DISRUPTION AND LOSS.**—The President may not dispose of the material under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) **DISPOSITION OF RECEIPTS.**—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(e) **RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.**—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) **INCREASED RECEIPTS UNDER PRIOR DISPOSAL AUTHORITY.**—(1) Section 3303(a)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat 2855; 50 U.S.C. 98d note) is amended by striking “\$612,000,000” and inserting “\$720,000,000”.

(2) Section 3305(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat 2057; 50 U.S.C. 98d note) is amended—

(A) in paragraph (2), by striking “\$30,000,000” and inserting “\$50,000,000”;

(B) in paragraph (3), by striking “\$34,000,000” and inserting “\$64,000,000”; and

(C) in paragraph (4), by striking “\$34,000,000” and inserting “\$67,000,000”.

(g) **ELIMINATION OF DISPOSAL RESTRICTIONS ON EARLIER DISPOSAL AUTHORITY.**—Section 3303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 629) is repealed.

**SEC. 3403. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.**

(a) **PUBLIC LAW 105-261 AUTHORITY.**—Section 3303(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking “(b) **LIMITATION ON DISPOSAL QUANTITY.**—” and inserting “(b) **LIMITATIONS ON DISPOSAL AUTHORITY.**—(1)”;

and

(2) by adding at the end the following:

“(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).”.

(b) **PUBLIC LAW 105-85 AUTHORITY.**—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking “(b) **LIMITATION ON DISPOSAL QUANTITY.**—” and inserting “(b) **LIMITATIONS ON DISPOSAL AUTHORITY.**—(1)”;

and

(2) by adding at the end the following:

“(2) The President may not dispose of cobalt under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).”

(c) PUBLIC LAW 104-201 AUTHORITY.—Section 3303(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) by striking “(b) LIMITATION ON DISPOSAL QUANTITY.—” and inserting “(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)”; and

(2) by adding at the end the following:

“(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).”

Panama Canal  
Commission  
Authorization  
Act for Fiscal  
Year 2000.

## TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.

Sec. 3502. Authorization of expenditures.

Sec. 3503. Purchase of vehicles.

Sec. 3504. Office of Transition Administration.

Sec. 3505. Expenditures only in accordance with treaties.

22 USC 3601  
note.

### SEC. 3501. SHORT TITLE.

This title may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 2000”.

### SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for the period October 1, 1999, through noon on December 31, 1999.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$75,000 for official reception and representation expenses, of which—

(1) not more than \$21,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than \$10,500 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than \$43,500 may be used for official reception and representation expenses of the Administrator of the Commission.

### SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of replacement passenger motor vehicles, the purchase price of which shall not exceed \$26,000 per vehicle.

**SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.**

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting “(A)” after “(5)” and by adding at the end the following:

“(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.”.

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

22 USC 3714a  
note.

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of the Office of Transition Administration shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this subsection the term “Office of Transition Administration” means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

(5) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The Panama Canal Commission shall enter into an agreement with the head of a department or agency of the Federal Government to supervise the close out of the affairs of the Commission under section 1305 of the Panama Canal Act of 1979 and to certify the completion of that function.

22 USC 3714a  
note.

**SEC. 3505. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.**

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

## TITLE XXXVI—MARITIME ADMINISTRATION

Maritime  
Administration  
Authorization  
Act for Fiscal  
Year 2000.

Sec. 3601. Short title.

Sec. 3602. Authorization of appropriations for fiscal year 2000.

Sec. 3603. Extension of war risk insurance authority.

Sec. 3604. Ownership of the JEREMIAH O'BRIEN.

**SEC. 3601. SHORT TITLE.**

46 USC app.  
1245 note.

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2000”.

**SEC. 3602. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.**

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, \$79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), \$14,893,000 for fiscal year 2000, of which—

(A) \$11,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) \$3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

**SEC. 3603. EXTENSION OF WAR RISK INSURANCE AUTHORITY.**

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking “June 30, 2000” and inserting “June 30, 2005”.

**SEC. 3604. OWNERSHIP OF THE JEREMIAH O'BRIEN.**

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking “owned by the United States Maritime Administration” and inserting “owned by the National Liberty Ship Memorial, Inc.”.

Approved October 5, 1999.

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**LEGISLATIVE HISTORY—S. 1059 (H.R. 1401):**

HOUSE REPORTS: Nos. 106–162 accompanying H.R. 1401 (Comm. on Armed Services) and 106–301 (Comm. of Conference).

SENATE REPORTS: No. 106–50 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 24–27, considered and passed Senate.

June 14, considered and passed House, amended, in lieu of H.R. 1401.

Sept. 15, House agreed to conference report.

Sept. 21, 22, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 5, Presidential remarks and statement.



Public Law 106–66  
106th Congress

An Act

To direct the Secretaries of Agriculture and Interior to convey certain lands in San Juan County, New Mexico, to San Juan College.

Oct. 6, 1999  
[S. 293]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. OLD JICARILLA ADMINISTRATIVE SITE.**

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of completion of the survey referred to in subsection (b), the Secretary of the Interior shall convey to San Juan College, in Farmington, New Mexico, subject to the terms, conditions, and reservations under subsection (c), all right, title, and interest of the United States in and to a parcel of real property (including any improvements on the land) not to exceed 20 acres known as the “Old Jicarilla Site” located in San Juan County, New Mexico (T29N; R5W; portions of sections 29 and 30). Deadline.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Interior, Secretary of Agriculture, and the President of San Juan College. The cost of the survey shall be borne by San Juan College.

(c) TERMS, CONDITIONS, AND RESERVATIONS.—

(1) Notwithstanding exceptions of application under the Recreation and Public Purposes Act (43 U.S.C. 869(c)), consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the Bureau of Land Management special pricing program for Governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretaries of the Interior and Agriculture and San Juan College indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for educational and recreational purposes. If such lands cease to be used for such purposes, at the option of the United States, such lands will revert to the United States.

(3) The Secretary of Agriculture shall identify any reservations of rights-of-way for ingress, egress, and utilities as the Secretary deems appropriate.

(4) The conveyance described in subsection (a) shall be subject to valid existing rights.

(d) LAND WITHDRAWALS.—Public Land Order 3443, only insofar as it pertains to lands described in subsections (a) and (b), shall be revoked simultaneous with the conveyance of the property under subsection (a).

Approved October 6, 1999.

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LEGISLATIVE HISTORY—S. 293 (H.R. 695):

HOUSE REPORTS: No. 106–256 accompanying H.R. 695 (Comm. on Resources).

SENATE REPORTS: No. 106–17 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 25, considered and passed Senate.

Sept. 27, considered and passed House.





Public Law 106–67  
106th Congress

An Act

To amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma.

Oct. 6, 1999

[S. 944]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MINERAL LEASING OF CERTAIN INDIAN LANDS IN OKLAHOMA.**

Public Law 105–188 (112 Stat. 620 and 621) is amended—

(1) in the title, by inserting “and certain former Indian reservations in Oklahoma” after “Fort Berthold Indian Reservation”; and

(2) in section 1—

(A) by striking the section heading and inserting the following:

25 USC 396 note.

“**SECTION 1. LEASES OF CERTAIN ALLOTTED LANDS.**”;

and

(B) in subsection (a)(1)(A), by striking clause (i) and inserting the following:

“(i) is located within—

“(I) the Fort Berthold Indian Reservation in North Dakota; or

“(II) a former Indian reservation located in Oklahoma of—

“(aa) the Comanche Indian Tribe;

“(bb) the Kiowa Indian Tribe;

“(cc) the Apache Tribe;

“(dd) the Fort Sill Apache Tribe of Oklahoma;

“(ee) the Wichita and Affiliated Tribes (Wichita, Keechi, Waco, and Tawakonie) located in Oklahoma;

“(ff) the Delaware Tribe of Western Oklahoma; or

“(gg) the Caddo Indian Tribe; and”.

Approved October 6, 1999.

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LEGISLATIVE HISTORY—S. 944:

HOUSE REPORTS: No. 106–338 (Comm. on Resources).

SENATE REPORTS: No. 106–132 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed Senate.

Sept. 27, considered and passed House.



Public Law 106–68  
106th Congress

An Act

To make certain technical and other corrections relating to the Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.).

Oct. 6, 1999  
[S. 1072]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CENTENNIAL OF FLIGHT COMMISSION.**

The Centennial of Flight Commemoration Act (36 U.S.C. 143 note; 112 Stat. 3486 et seq.) is amended—

(1) in section 4—

36 USC 143 note.

(A) in subsection (a)—

(i) in paragraphs (1) and (2) by striking “or his designee”;

(ii) in paragraph (3) by striking “, or his designee” and inserting “to represent the interests of the Foundation” and in paragraph (3) strike the word “chairman” and insert the word “president”;

(iii) in paragraph (4) by striking “, or his designee” and inserting “to represent the interests of the 2003 Committee”;

(iv) in paragraph (5) by inserting before the period “and shall represent the interests of such aeronautical entities”; and

(v) in paragraph (6) by striking “, or his designee”;

(B) by striking subsection (f);

(C) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(D) by inserting after subsection (a) the following:

“(b) ALTERNATES.—Each member described under subsection (a) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”;

(2) in section 5—

36 USC 143 note.

(A) in subsection (a)—

(i) by inserting “provide recommendations and advice to the President, Congress, and Federal agencies on the most effective ways to” after “The Commission shall”;

(ii) by striking paragraph (1); and

(iii) by redesignating paragraphs (2) through (7) as paragraphs (1) through (6), respectively;

(B) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

“(b) INTERNATIONAL ACTIVITIES.—The Commission may—

“(1) advise the United States with regard to gaining support for and facilitating international recognition of the importance of aviation history in general and the centennial of powered flight in particular; and

“(2) attend international meetings regarding such activities as advisors to official United States representatives or to gain or provide information for or about the activities of the Commission.”; and

(C) by adding at the end the following:

“(d) ADDITIONAL DUTIES.—The Commission may—

“(1)(A) assemble, write, and edit a calendar of events in the United States (and significant events in the world) dealing with the commemoration of the centennial of flight or the history of aviation;

“(B) actively solicit event information; and

“(C) disseminate the calendar by printing and distributing hard and electronic copies and making the calendar available on a web page on the Internet;

“(2) maintain a web page on the Internet for the public that includes activities related to the centennial of flight celebration and the history of aviation;

“(3) write and produce press releases about the centennial of flight celebration and the history of aviation;

“(4) solicit and respond to media inquiries and conduct media interviews on the centennial of flight celebration and the history of aviation;

“(5) initiate contact with individuals and organizations that have an interest in aviation to encourage such individuals and organizations to conduct their own activities in celebration of the centennial of flight;

“(6) provide advice and recommendations, through the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or any employee of such an agency head under the direction of that agency head), to individuals and organizations that wish to conduct their own activities in celebration of the centennial of flight, and maintain files of information and lists of experts on related subjects that can be disseminated on request;

“(7) sponsor meetings of Federal agencies, State and local governments, and private individuals and organizations for the purpose of coordinating their activities in celebration of the centennial of flight; and

“(8) encourage organizations to publish works related to the history of aviation.”;

(3) in section 6(a)—

(A) in paragraph (2)—

(i) by striking the first sentence; and

(ii) in the second sentence—

(I) by striking “the Federal” and inserting “a Federal”; and

(II) by striking “the information” and inserting “information”; and

(B) in paragraph (3) by striking “section 4(c)(2)” and inserting “section 4(d)(2)”;

(4) in section 6(c)(1) by striking “the Commission may” and inserting “the Administrator of the National Aeronautics and Space Administration or the Administrator of the Federal Aviation Administration (or an employee of the respective administration as designated by either Administrator) may, on behalf of the Commission,”; 36 USC 143 note.

(5) in section 7—

36 USC 143 note.

(A) in subsection (a) in the first sentence—

(i) by striking “There” and inserting “Subject to subsection (h), there”; and

(ii) by inserting before the period “or represented on the Advisory Board under section 12(b)(1) (A) through (E)”;

(B) in subsection (b) by striking “The Commission” and inserting “Subject to subsection (h), the Commission”;

(C) by striking subsection (g);

(D) by redesignating subsection (h) as subsection (g);

and

(E) by adding at the end the following:

“(h) LIMITATION.—Each member of the Commission described under section 4(a) (3), (4), and (5) may not make personnel decisions, including hiring, termination, and setting terms and conditions of employment.”;

(6) in section 9—

36 USC 143 note.

(A) in subsection (a)—

(i) by striking “The Commission may” and inserting “After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may”; and

(ii) by striking “its duties or that it” and inserting “the duties under this Act or that the Administrator of the National Aeronautics and Space Administration”;

(B) in subsection (b)—

(i) in the first sentence by striking “The Commission shall have” and inserting “After consultation with the Commission, the Administrator of the National Aeronautics and Space Administration may exercise”; and

(ii) in the second sentence by striking “that the Commission lawfully adopts” and inserting “adopted under subsection (a)”;

(C) by amending subsection (d) to read as follows:

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (2), funds from licensing royalties received under this section shall be used by the Commission to carry out the duties of the Commission specified by this Act.

“(2) EXCESS FUNDS.—The Commission shall transfer any portion of funds in excess of funds necessary to carry out the duties described under paragraph (1), to the National Aeronautics and Space Administration to be used for the sole purpose of commemorating the history of aviation or the centennial of powered flight.”;

36 USC 143 note.

(7) in section 10—

(A) in subsection (a)—

(i) in the first sentence, by striking “activities of the Commission” and inserting “actions taken by the Commission in fulfillment of the Commission’s duties under this Act”;

(ii) in paragraph (3), by adding “and” after the semicolon;

(iii) in paragraph (4), by striking the semicolon and “and” and inserting a period; and

(iv) by striking paragraph (5); and

(B) in subsection (b)(1) by striking “activities” and inserting “recommendations”;

36 USC 143 note.

(8) in section 12—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraphs (A), (C), (D), and (E), by striking “, or the designee of the Secretary”;

(II) in subparagraph (B), by striking “, or the designee of the Librarian”; and

(III) in subparagraph (F)—

(aa) in clause (i) by striking “government” and inserting “governmental entity”; and

(bb) by amending clause (ii) to read as follows:

“(ii) shall be selected among individuals who—

“(I) have earned an advanced degree related to aerospace history or science, or have actively and primarily worked in an aerospace related field during the 5-year period before appointment by the President; and

“(II) specifically represent 1 or more of the persons or groups enumerated under section 5(a)(1).”;

(ii) by adding at the end the following:

“(2) ALTERNATES.—Each member described under paragraph (1) (A) through (E) may designate an alternate who may act in lieu of the member to the extent authorized by the member, including attending meetings and voting.”; and

(B) in subsection (h) by striking “section 4(e)” and inserting “section 4(d)”;

(9) in section 13—

36 USC 143 note.

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

Approved October 6, 1999.

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LEGISLATIVE HISTORY—S. 1072:

SENATE REPORTS: No. 106–105 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed Senate.

Sept. 27, considered and passed House.



Public Law 106–69  
106th Congress

An Act

Oct. 9, 1999  
[H.R. 2084]

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

Department of  
Transportation  
and Related  
Agencies  
Appropriations  
Act, 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

IMMEDIATE OFFICE OF THE SECRETARY

For necessary expenses of the Immediate Office of the Secretary, \$1,867,000.

IMMEDIATE OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Immediate Office of the Deputy Secretary, \$600,000.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$9,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR POLICY

For necessary expenses of the Office of the Assistant Secretary for Policy, \$2,824,000.

OFFICE OF THE ASSISTANT SECRETARY FOR AVIATION AND  
INTERNATIONAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, \$7,650,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to \$1,250,000 in funds received in user fees.



## OFFICE OF THE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, \$6,870,000, including not to exceed \$45,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

## OFFICE OF THE ASSISTANT SECRETARY FOR GOVERNMENTAL AFFAIRS

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, \$2,039,000.

## OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$17,767,000.

## OFFICE OF PUBLIC AFFAIRS

For necessary expenses of the Office of Public Affairs, \$1,800,000.

## EXECUTIVE SECRETARIAT

For necessary expenses of the Executive Secretariat, \$1,102,000.

## BOARD OF CONTRACT APPEALS

For necessary expenses of the Board of Contract Appeals, \$520,000.

## OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, \$1,222,000.

## OFFICE OF INTELLIGENCE AND SECURITY

For necessary expenses of the Office of Intelligence and Security, \$1,454,000.

## OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$5,075,000.

## OFFICE OF INTERMODALISM

For necessary expenses of the Office of Intermodalism, \$1,062,000.

## OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$7,200,000.

## TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, \$3,300,000.

## TRANSPORTATION ADMINISTRATIVE SERVICE CENTER

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed \$148,673,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That the preceding limitation shall not apply to activities associated with departmental Year 2000 conversion activities: *Provided further*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

## MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, \$1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$13,775,000. In addition, for administrative expenses to carry out the direct loan program, \$400,000.

## MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, \$2,900,000, of which \$2,635,000 shall remain available until September 30, 2001: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

## COAST GUARD

## OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; \$2,781,000,000, of which \$300,000,000 shall be available for defense-related activities; and of which \$25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated

in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That up to \$615,000 in user fees collected pursuant to section 1111 of Public Law 104-324 shall be credited to this appropriation as offsetting collections in fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer certain parcels of real property located at Sitka, Japonski Island, Alaska to the State of Alaska for the purpose of airport expansion, provided that the Commandant determines that the Coast Guard has been indemnified for any loss, damage, or destruction of any structures or other improvements on the lands to be conveyed. No other provision of law shall otherwise make the real property improvements on Japonski Island ineligible for Federal funding by virtue of any consideration received by the Coast Guard for such improvements: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That the Secretary of Transportation may use any surplus funds that are made available to the Secretary, to the maximum extent practicable, for drug interdiction activities of the Coast Guard.

#### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, \$389,326,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$134,560,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2004; \$44,210,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2002; \$51,626,000 shall be available for other equipment, to remain available until September 30, 2002; \$63,800,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2002; \$50,930,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2001; and \$44,200,000 for the Integrated Deepwater Systems program, to remain available until September 30, 2002: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of, by sale at fair market value, all rights, title, and interest of any United States entity on behalf of the Coast Guard in HU-25 aircraft and Coast Guard property, and improvements thereto, in South Haven, Michigan; ESMT Manasquan, New Jersey; Petaluma, California; ESMT Portsmouth, New Hampshire; Station Clair Flats, Michigan; and Aids to Navigation Team Huron, Ohio: *Provided further*, That all proceeds from the sale of properties listed under this heading, and from the

sale of HU-25 aircraft, shall be credited to this appropriation as offsetting collections and made available only for the Integrated Deepwater Systems program, to remain available for obligation until September 30, 2002: *Provided further*, That obligations made pursuant to the provisions of this Act for the Integrated Deepwater Systems program may not exceed \$50,000,000 during fiscal year 2000: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

#### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$17,000,000, to remain available until expended.

#### ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, \$15,000,000, to remain available until expended.

#### RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), \$730,327,000.

#### RESERVE TRAINING

##### (INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; \$72,000,000: *Provided*, That no more than \$21,500,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

#### RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, \$19,000,000, to remain available until expended, of which \$3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used

for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

## FEDERAL AVIATION ADMINISTRATION

### OPERATIONS

#### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and carrying out the provisions of subchapter I of chapter 471 of title 49, United States Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, \$5,900,000,000 from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to plan, finalize, or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, \$5,000,000 shall be for the contract tower cost-sharing program and \$600,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than \$100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That no more than \$24,162,700 of funds appropriated to the

Federal Aviation Administration in this Act may be used for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration (FAA) to sign a lease for satellite services related to the global positioning system (GPS) wide area augmentation system until the administrator of FAA certifies in writing to the House and Senate Committees on Appropriations that FAA has conducted a lease versus buy analysis which indicates that such lease will result in the lowest overall cost to the agency.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, \$2,075,000,000, of which \$1,780,000,000 shall remain available until September 30, 2002, and of which \$295,000,000 shall remain available until September 30, 2000: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2001 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2001 through 2005, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

##### (RESCISSION)

Of the amount provided under this heading in Public Law 105-66, \$30,000,000 are rescinded.

## RESEARCH, ENGINEERING, AND DEVELOPMENT

## (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$156,495,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2002: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

## GRANTS-IN-AID FOR AIRPORTS

## (LIQUIDATION OF CONTRACT AUTHORIZATION)

## (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$1,750,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$1,950,000,000 in fiscal year 2000, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than \$45,000,000 of funds limited under this heading shall be obligated for administration: *Provided further*, That, notwithstanding any other provision of law, in the event of a lapse in authorization of the grants program under this heading, funding available under Federal Aviation Administration, “Operations” may be obligated for administration during the time period of the lapse in authorization, at the rate corresponding to the maximum annual obligation level of \$45,000,000: *Provided further*, That total obligations from all sources in fiscal year 2000 for administration may not exceed \$45,000,000.

## AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

## FEDERAL HIGHWAY ADMINISTRATION

## LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration not to exceed \$376,072,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That \$70,484,000 shall be available to carry out the functions and operations of the Office of Motor Carriers: *Provided further*, That of the funds available under section 104(a) of title 23, United States Code: \$6,000,000 shall be available for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended; \$5,000,000 shall be available for Nationwide Differential Global Positioning System program, as authorized; \$8,000,000 shall be available for National Historic Covered Bridge Preservation Program under section 1224 of Public Law 105–178, as amended; \$15,000,000 shall be available to the University of Alabama in Tuscaloosa, Alabama, for research activities at the Transportation Research Institute and to construct a building to house the Institute, and shall remain available until expended; \$18,300,000 shall be available for the Indian Reservation Roads Program under section 204 of title 23, United States Code; \$16,400,000 shall be available for the Public Lands Highways Program under section 204 of title 23, United States Code; \$11,000,000 shall be available for the Park Roads and Parkways Program under section 204 of title 23, United States Code; \$1,300,000 shall be available for the Refuge Road Program under section 204 of title 23, United States Code; \$10,000,000 shall be available for the Transportation and Community and System Preservation pilot program under section 1221 of Public Law 105–178; and \$7,500,000 shall be available for “Child Passenger Protection Education Grants” under section 2003(b) of Public Law 105–178, as amended.

## FEDERAL-AID HIGHWAYS

## (LIMITATION ON OBLIGATIONS)

## (HIGHWAY TRUST FUND)

23 USC 104 note.

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of \$27,701,350,000 for Federal-aid highways and highway safety construction programs for fiscal year 2000: *Provided*, That within the \$27,701,350,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than \$391,450,000 shall be available for the implementation or execution of programs for transportation research (sections 502, 503, 504, 506, 507, and 508 of title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178) for fiscal year 2000; not more than \$20,000,000 shall be available for the implementation or execution of programs for the Magnetic Levitation Transportation Technology Deployment Program (section 1218 of Public Law 105–178) for fiscal year 2000, of which not to exceed \$1,000,000 shall be available to the Federal Railroad Administration



for administrative expenses and technical assistance in connection with such program; not more than \$31,000,000 shall be available for the implementation or execution of programs for the Bureau of Transportation Statistics (section 111 of title 49, United States Code) for fiscal year 2000: *Provided further*, That within the \$211,200,000 obligation limitation on Intelligent Transportation Systems, the following sums shall be made available for Intelligent Transportation System projects in the following specified areas:

- Albuquerque, New Mexico, \$2,000,000;
- Arapahoe County, Colorado, \$1,000,000;
- Branson, Missouri, \$1,000,000;
- Central Pennsylvania, \$1,000,000;
- Charlotte, North Carolina, \$1,000,000;
- Chicago, Illinois, \$1,000,000;
- City of Superior and Douglas County, Wisconsin, \$1,000,000;
- Clay County, Missouri, \$300,000;
- Clearwater, Florida, \$3,500,000;
- College Station, Texas, \$1,000,000;
- Central Ohio, \$1,000,000;
- Commonwealth of Virginia, \$4,000,000;
- Corpus Christi, Texas, \$1,500,000;
- Delaware River, Pennsylvania, \$1,000,000;
- Fairfield, California, \$750,000;
- Fargo, North Dakota, \$1,000,000;
- Florida Bay County, Florida, \$1,000,000;
- Fort Worth, Texas, \$2,500,000;
- Grand Forks, North Dakota, \$500,000;
- Greater Metropolitan Capital Region, District of Columbia, \$5,000,000;
- Greater Yellowstone, Montana, \$1,000,000;
- Houma, Louisiana, \$1,000,000;
- Houston, Texas, \$1,500,000;
- Huntsville, Alabama, \$500,000;
- Inglewood, California, \$1,000,000;
- Jefferson County, Colorado, \$1,500,000;
- Kansas City, Missouri, \$1,000,000;
- Las Vegas, Nevada, \$2,800,000;
- Los Angeles, California, \$1,000,000;
- Miami, Florida, \$1,000,000;
- Mission Viejo, California, \$1,000,000;
- Monroe County, New York, \$1,000,000;
- Nashville, Tennessee, \$1,000,000;
- Northeast Florida, \$1,000,000;
- Oakland, California, \$500,000;
- Oakland County, Michigan, \$1,000,000;
- Oxford, Mississippi, \$1,500,000;
- Pennsylvania Turnpike, Pennsylvania, \$2,500,000;
- Pueblo, Colorado, \$1,000,000;
- Puget Sound, Washington, \$1,000,000;
- Reno/Tahoe, California/Nevada, \$500,000;
- Rensselaer County, New York, \$1,000,000;
- Sacramento County, California, \$1,000,000;
- Salt Lake City, Utah, \$3,000,000;
- San Francisco, California, \$1,000,000;
- Santa Clara, California, \$1,000,000;
- Santa Teresa, New Mexico, \$1,000,000;

Seattle, Washington, \$2,100,000;  
 Shenandoah Valley, Virginia, \$2,500,000;  
 Shreveport, Louisiana, \$1,000,000;  
 Silicon Valley, California, \$1,000,000;  
 Southeast Michigan, \$2,000,000;  
 Spokane, Washington, \$500,000;  
 St. Louis, Missouri, \$1,000,000;  
 State of Alabama, \$1,300,000;  
 State of Alaska, \$3,000,000;  
 State of Arizona, \$1,000,000;  
 State of Colorado, \$1,500,000;  
 State of Delaware, \$2,000,000;  
 State of Idaho, \$2,000,000;  
 State of Illinois, \$1,500,000;  
 State of Maryland, \$2,000,000;  
 State of Minnesota, \$7,000,000;  
 State of Montana, \$1,000,000;  
 State of Nebraska, \$500,000;  
 State of Oregon, \$1,000,000;  
 State of Texas, \$4,000,000;  
 State of Vermont rural systems, \$1,000,000;  
 States of New Jersey and New York, \$2,000,000;  
 Statewide Transcom/Transmit upgrades, New Jersey,  
 \$4,000,000;  
 Tacoma Puyallup, Washington, \$500,000;  
 Thurston, Washington, \$1,000,000;  
 Towamencin, Pennsylvania, \$600,000;  
 Wausau-Stevens Point-Wisconsin Rapids, Wisconsin,  
 \$1,500,000;  
 Wayne County, Michigan, \$1,000,000:

*Provided further*, That, notwithstanding Public Law 105–178 as amended, funds authorized under section 110 of title 23, United States Code, for fiscal year 2000 shall be apportioned based on each State's percentage share of funding provided for under section 105 of title 23, United States Code, for fiscal year 2000, except that before such apportionments are made, \$90,000,000 shall be set aside for projects authorized under section 1602 of Public Law 105–178 as amended, and \$8,000,000 shall be set aside for the Woodrow Wilson Memorial Bridge project authorized by section 404 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 as amended. Of the funds to be apportioned under section 110 for fiscal year 2000, the Secretary shall ensure that such funds are apportioned for the Interstate Maintenance program, the National Highway system program, the bridge program, the surface transportation program, and the congestion mitigation and air quality program in the same ratio that each State is apportioned funds for such program in fiscal year 2000 but for this section: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall, at the request of the State of Nevada, transfer up to \$10,000,000 of Minimum Guarantee apportionments, and an equal amount of obligation authority, to the State of California for use on High Priority Project No. 829 “Widen I–15 in San Bernardino County”, section 1602 of Public Law 105–178.

## FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, \$26,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

## MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, \$105,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$105,000,000 for “Motor Carrier Safety Grants”.

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

## OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, \$87,400,000 of which \$62,928,000 shall remain available until September 30, 2002: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

## OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, \$72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000 are in excess of \$72,000,000 for programs authorized under 23 U.S.C. 403.

## NATIONAL DRIVER REGISTER

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, \$2,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

## HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411 to remain available until expended, \$206,800,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2000, are in excess of \$206,800,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411 of which \$152,800,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402, \$10,000,000 shall be for “Occupant Protection Incentive Grants” under 23 U.S.C. 405, \$36,000,000 shall be for “Alcohol-Impaired Driving Countermeasures Grants” under 23 U.S.C. 410, \$8,000,000 shall be for the “State Highway Safety Data Grants” under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed \$7,640,000 of the funds made available for section 402, not to exceed \$500,000 of the funds made available for section 405, not to exceed \$1,800,000 of the funds made available for section 410, and not to exceed \$400,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed \$500,000 of the funds made available for section 410 “Alcohol-Impaired Driving Countermeasures Grants” shall be available for technical assistance to the States.

## FEDERAL RAILROAD ADMINISTRATION

## SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$94,288,000, of which \$6,800,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary’s behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the

appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

#### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$22,464,000, to remain available until expended.

#### RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2000.

#### NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, \$27,200,000, to remain available until expended.

#### ALASKA RAILROAD REHABILITATION

To enable the Secretary of Transportation to make grants to the Alaska Railroad, \$10,000,000 shall be for capital rehabilitation and improvements benefiting its passenger operations, to remain available until expended.

#### RHODE ISLAND RAIL DEVELOPMENT

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, \$10,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended: *Provided*, That none of the funds made available under this head shall be obligated until the enactment of authorizing legislation for the "Rhode Island Rail Development" program.

#### CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C.

24104(a), \$571,000,000 to remain available until expended: *Provided*, That the Secretary shall not obligate more than \$228,400,000 prior to September 30, 2000.

#### FEDERAL TRANSIT ADMINISTRATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$12,000,000: *Provided*, That no more than \$60,000,000 of budget authority shall be available for these purposes: *Provided further*, That the Federal Transit Administration will reimburse the Department of Transportation Inspector General \$1,500,000 for costs associated with the audit and review of new fixed guideway systems.

##### FORMULA GRANTS

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105-178, \$619,600,000, to remain available until expended: *Provided*, That no more than \$3,098,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding section 3008 of Public Law 105-178, the \$50,000,000 to carry out 49 U.S.C. 5308 shall be transferred to and merged with funding provided for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities under "Federal Transit Administration, Capital investment grants".

##### UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, \$1,200,000, to remain available until expended: *Provided*, That no more than \$6,000,000 of budget authority shall be available for these purposes.

##### TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, \$21,000,000, to remain available until expended: *Provided*, That no more than \$107,000,000 of budget authority shall be available for these purposes: *Provided further*, That \$5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); \$4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); \$8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); \$49,632,000 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); \$10,368,000 is available for State planning (49 U.S.C. 5313(b)); and \$29,500,000 is available for the national planning and research program (49 U.S.C. 5314): *Provided further*, That of the total budget authority made available for the national planning and research program, the Federal Transit Administration shall provide the following amounts for the projects and activities listed below:

Zinc-air battery bus technology demonstration, \$1,000,000;  
Electric vehicle information sharing and technology transfer program, \$750,000;

Portland, Maine independent transportation network, \$500,000;  
Wheeling, West Virginia mobility study, \$250,000;  
Project ACTION, \$3,000,000;  
Washoe County, Nevada transit technology, \$1,250,000;  
Massachusetts Bay Transit Authority advanced electric transit buses and related infrastructure, \$1,500,000;  
Palm Springs, California fuel cell buses, \$1,000,000;  
Gloucester, Massachusetts intermodal technology center, \$1,500,000;  
Southeastern Pennsylvania Transit Authority advanced propulsion control system, \$3,000,000;  
Advanced transportation and alternative fuel technology consortium (CALSTART), \$3,250,000;  
Safety and security programs, \$5,450,000;  
International program, \$1,000,000;  
Santa Barbara Electric Transit Institute, \$500,000;  
Hennepin County community transportation, Minnesota, \$1,000,000;  
Pittsfield economic development authority electric bus program, \$1,350,000; and  
Citizens for Modern Transit, Missouri, \$300,000.

#### TRUST FUND SHARE OF EXPENSES

##### (LIQUIDATION OF CONTRACT AUTHORIZATION)

##### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303-5308, 5310-5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105-178, \$4,929,270,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That \$2,478,400,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That \$86,000,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That \$48,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That \$4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That \$60,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That \$1,960,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

#### CAPITAL INVESTMENT GRANTS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, \$490,200,000, to remain available until expended: *Provided*, That no more than \$2,451,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, \$980,400,000; there shall be

available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, \$490,200,000, together with \$50,000,000 transferred from “Federal Transit Administration, Formula grants”, to be available for the following projects in amounts specified below:

No.	State	Project	Conference
1	Alaska .....	Anchorage Ship Creek intermodal facility .....	\$4,500,000
2	Alaska .....	Fairbanks intermodal rail/bus transfer facility .....	2,000,000
3	Alaska .....	Juneau downtown mass transit facility .....	1,500,000
4	Alaska .....	North Star Borough-Fairbanks intermodal facility .....	3,000,000
5	Alaska .....	Wasilla intermodal facility .....	1,000,000
6	Alaska .....	Whittier intermodal facility and pedestrian overpass .....	1,155,000
7	Alabama .....	Alabama statewide rural bus needs .....	2,500,000
8	Alabama .....	Baldwin Rural Area Transportation System buses .....	1,000,000
9	Alabama .....	Birmingham intermodal facility .....	2,000,000
10	Alabama .....	Birmingham-Jefferson County buses .....	1,250,000
11	Alabama .....	Cullman, buses .....	500,000
12	Alabama .....	Dothan Wiregrass Transit Authority vehicles and transit facility .....	1,000,000
13	Alabama .....	Escambia County buses and bus facility .....	100,000
14	Alabama .....	Gees Bend Ferry facilities, Wilcox County .....	100,000
15	Alabama .....	Marshall County, buses .....	500,000
16	Alabama .....	Huntsville Airport international intermodal center .....	3,500,000
17	Alabama .....	Huntsville, intermodal facility .....	1,250,000
18	Alabama .....	Huntsville Space and Rocket Center intermodal center .....	3,500,000
19	Alabama .....	Jasper buses .....	50,000
20	Alabama .....	Jefferson State Community College/University of Montevallo pedestrian walkway .....	200,000
21	Alabama .....	Mobile waterfront terminal complex .....	5,000,000
22	Alabama .....	Montgomery Union Station intermodal center and buses .....	3,500,000
23	Alabama .....	Valley bus and bus facilities .....	110,000
24	Arkansas .....	Arkansas Highway and Transit Department buses .....	2,000,000
25	Arkansas .....	Arkansas state safety and preventative maintenance facility .....	800,000
26	Arkansas .....	Fayetteville, University of Arkansas Transit System buses .....	500,000
27	Arkansas .....	Hot Springs, transportation depot and plaza .....	1,560,000
28	Arkansas .....	Little Rock, Central Arkansas Transit buses .....	300,000
29	Arizona .....	Phoenix bus and bus facilities .....	3,750,000
30	Arizona .....	Phoenix South Central Avenue transit facility .....	500,000
31	Arizona .....	San Luis, bus .....	70,000
32	Arizona .....	Tucson buses .....	2,555,000
33	Arizona .....	Yuma paratransit buses .....	125,000
34	California .....	California Mountain Area Regional Transit Authority fueling stations .....	80,000
35	California .....	Culver City, CityBus buses .....	1,250,000



No.	State	Project	Conference
36	California	Davis, Unitrans transit maintenance facility .....	625,000
37	California	Healdsburg, intermodal facility .....	1,000,000
38	California	I-5 Corridor intermodal transit centers .....	1,250,000
39	California	Livermore automatic vehicle locator program .....	1,000,000
40	California	Lodi, multimodal facility .....	850,000
41	California	Los Angeles County Metropolitan transportation authority buses .....	3,000,000
42	California	Los Angeles County Foothill Transit buses and HEV vehicles .....	1,750,000
43	California	Los Angeles Municipal Transit Operators Coalition .....	2,250,000
44	California	Los Angeles, Union Station Gateway Intermodal Transit Center .....	1,250,000
45	California	Maywood, Commerce, Bell, Cudahy, California buses and bus facilities .....	800,000
46	California	Modesto, bus maintenance facility .....	625,000
47	California	Monterey, Monterey-Salinas buses .....	625,000
48	California	Orange County, bus and bus facilities ...	2,000,000
49	California	Perris bus maintenance facility .....	1,250,000
50	California	Redlands, trolley project .....	800,000
51	California	Sacramento CNG buses .....	1,250,000
52	California	San Bernardino Valley, CNG buses .....	1,000,000
53	California	San Bernardino train station .....	3,000,000
54	California	San Diego North County buses and CNG fueling station .....	3,000,000
55	California	Contra Costa County Connection buses .....	250,000
56	California	San Francisco, Islais Creek maintenance facility .....	1,250,000
57	California	Santa Barbara buses and bus facility ....	1,750,000
58	California	Santa Clarita bus maintenance facility .....	1,250,000
59	California	Santa Cruz buses and bus facilities .....	1,755,000
60	California	Santa Maria Valley/Santa Barbara County, buses .....	240,000
61	California	Santa Rosa/Cotati, Intermodal Transportation Facilities .....	750,000
62	California	Westminster senior citizen vans .....	150,000
63	California	Windsor, Intermodal Facility .....	750,000
64	California	Woodland Hills, Warner Center Transportation Hub .....	625,000
65	Colorado	Boulder/Denver, RTD buses .....	625,000
66	Colorado	Colorado Association of Transit Agencies .....	8,000,000
67	Colorado	Denver, Stapleton Intermodal Center ....	1,250,000
68	Connecticut	New Haven bus facility .....	2,250,000
69	Connecticut	Norwich buses .....	2,250,000
70	Connecticut	Waterbury, bus facility .....	2,250,000
71	Dist. of Columbia	Fuel cell bus and bus facilities program, Georgetown University .....	4,850,000
72	Dist. of Columbia	Washington, D.C. Intermodal Transportation Center, District .....	2,500,000
73	Delaware	New Castle County buses and bus facilities .....	2,000,000
74	Delaware	Delaware buses and bus facility .....	500,000
75	Florida	Daytona Beach, Intermodal Center .....	2,500,000
76	Florida	Gainesville hybrid-electric buses and facilities .....	500,000
77	Florida	Jacksonville buses and bus facilities .....	1,000,000
78	Florida	Lakeland, Citrus Connection transit vehicles and related equipment .....	1,250,000
79	Florida	Miami Beach, electric shuttle service ....	750,000

No.	State	Project	Conference
80	Florida .....	Miami-Dade Transit buses .....	2,750,000
81	Florida .....	Orlando, Lynx buses and bus facilities ..	2,000,000
82	Florida .....	Orlando, Downtown Intermodal Facility ..	2,500,000
83	Florida .....	Palm Beach, buses .....	1,000,000
84	Florida .....	Tampa HARTline buses .....	500,000
85	Georgia .....	Atlanta, MARTA buses .....	13,500,000
86	Georgia .....	Chatham Area Transit Bus Transfer Center and buses .....	3,500,000
87	Georgia .....	Georgia Regional Transportation Authority buses .....	2,000,000
88	Georgia .....	Georgia statewide buses and bus- related facilities .....	2,750,000
89	Hawaii .....	Hawaii buses and bus facilities .....	2,250,000
90	Hawaii .....	Honolulu, bus facility and buses .....	2,000,000
91	Iowa .....	Ames transit facility expansion .....	700,000
92	Iowa .....	Cedar Rapids intermodal facility .....	3,500,000
93	Iowa .....	Clinton transit facility expansion .....	500,000
94	Iowa .....	Fort Dodge, Intermodal Facility (Phase II) .....	885,000
95	Iowa .....	Iowa City intermodal facility .....	1,500,000
96	Iowa .....	Iowa statewide buses and bus facilities ..	2,500,000
97	Iowa .....	Iowa/Illinois Transit Consortium bus safety and security .....	1,000,000
98	Illinois .....	East Moline transit center .....	650,000
99	Illinois .....	Illinois statewide buses and bus-related equipment .....	8,200,000
100	Indiana .....	Gary, Transit Consortium buses .....	1,250,000
101	Indiana .....	Indianapolis buses .....	5,000,000
102	Indiana .....	South Bend Urban Intermodal Trans- portation Facility .....	1,250,000
103	Indiana .....	West Lafayette bus transfer station/ter- minal (Wabash Landing) .....	1,750,000
104	Kansas .....	Girard, buses and vans .....	700,000
105	Kansas .....	Johnson County, farebox equipment .....	250,000
106	Kansas .....	Kansas City buses .....	750,000
107	Kansas .....	Kansas Public Transit Association buses and bus facilities .....	1,500,000
108	Kansas .....	Girard Southeast Kansas Community Action Agency maintenance facility ....	480,000
109	Kansas .....	Topeka Transit downtown transfer facil- ity .....	600,000
110	Kansas .....	Wichita, buses and bus facilities .....	2,500,000
111	Kentucky .....	Transit Authority of Northern Kentucky (TANK) buses .....	2,500,000
112	Kentucky .....	Kentucky (southern and eastern) transit vehicles .....	1,000,000
113	Kentucky .....	Lexington (LexTran), maintenance facility .....	1,000,000
114	Kentucky .....	River City, buses .....	1,500,000
115	Louisiana .....	Louisiana statewide buses and bus- related facilities .....	5,000,000
116	Massachusetts .....	Attleboro intermodal transit facility .....	500,000
117	Massachusetts .....	Brockton intermodal transportation cen- ter .....	1,100,000
118	Massachusetts .....	Greenfield Montague, buses .....	500,000
119	Massachusetts .....	Merrimack Valley Regional Transit Authority bus facilities .....	467,500
120	Massachusetts .....	Montachusett, bus and park-and-ride facilities .....	1,250,000
121	Massachusetts .....	Pioneer Valley, alternative fuel and paratransit vehicles .....	650,000
122	Massachusetts .....	Pittsfield intermodal center .....	3,600,000

No.	State	Project	Conference
123	Massachusetts .....	Springfield, Union Station .....	1,250,000
124	Massachusetts .....	Swampscott, buses .....	65,000
125	Massachusetts .....	Westfield, intermodal transportation facility .....	500,000
126	Massachusetts .....	Worcester, Union Station Intermodal Transportation Center .....	2,500,000
127	Maryland .....	Maryland statewide bus facilities and buses .....	11,500,000
128	Michigan .....	Detroit, transfer terminal facilities .....	3,963,000
129	Michigan .....	Detroit, EZ Ride program .....	287,000
130	Michigan .....	Menominee-Delta-Schoolcraft buses .....	250,000
131	Michigan .....	Michigan statewide buses .....	22,500,000
132	Michigan .....	Port Huron, CNG fueling station .....	500,000
133	Minnesota .....	Duluth, Transit Authority community circulation vehicles .....	1,000,000
134	Minnesota .....	Duluth, Transit Authority intelligent transportation systems .....	500,000
135	Minnesota .....	Duluth, Transit Authority Transit Hub .....	500,000
136	Minnesota .....	Greater Minnesota transit authorities ...	500,000
137	Minnesota .....	Northstar Corridor, Intermodal Facilities and buses .....	10,000,000
138	Minnesota .....	Twin Cities metropolitan buses and bus facilities .....	10,000,000
139	Missouri .....	Columbia buses and vans .....	500,000
140	Missouri .....	Southeast Missouri transportation service rural, elderly, disabled service .....	1,250,000
141	Missouri .....	Franklin County buses and bus facilities .....	200,000
142	Missouri .....	Jackson County buses and bus facilities .....	500,000
143	Missouri .....	Kansas City Area Transit Authority buses and Troost transit center .....	2,500,000
144	Missouri .....	Missouri statewide bus and bus facilities .....	3,500,000
145	Missouri .....	OATS Transit .....	1,500,000
146	Missouri .....	St. Joseph buses and vans .....	500,000
147	Missouri .....	St. Louis, buses .....	2,000,000
148	Missouri .....	St. Louis, Bi-state Intermodal Center ....	1,250,000
149	Missouri .....	Southwest Missouri State University park and ride facility .....	1,000,000
150	Mississippi .....	Harrison County multimodal center .....	3,000,000
151	Mississippi .....	Jackson, maintenance and administration facility project .....	1,000,000
152	Mississippi .....	North Delta planning and development district, buses and bus facilities .....	1,200,000
153	Montana .....	Missoula urban transportation district buses .....	600,000
154	North Carolina .....	Greensboro multimodal center .....	3,339,000
155	North Carolina .....	Greensboro, Transit Authority buses .....	1,500,000
156	North Carolina .....	North Carolina statewide buses and bus facilities .....	2,492,000
157	North Dakota .....	North Dakota statewide buses and bus-related facilities .....	1,000,000
158	New Hampshire .....	New Hampshire statewide transit systems .....	3,000,000
159	New Jersey .....	New Jersey Transit alternative fuel buses .....	5,000,000
160	New Jersey .....	New Jersey Transit jitney shuttle buses .....	1,750,000
161	New Jersey .....	Newark intermodal and arena access improvements .....	1,650,000
162	New Jersey .....	Newark, Morris & Essex Station access and buses .....	1,250,000

No.	State	Project	Conference
163	New Jersey .....	South Amboy, Regional Intermodal Transportation Initiative .....	1,250,000
164	New Mexico .....	Albuquerque West Side transit facility ..	2,000,000
165	New Mexico .....	Albuquerque, buses .....	1,250,000
166	New Mexico .....	Las Cruces buses and bus facilities .....	750,000
167	New Mexico .....	Northern New Mexico Transit Express/ Park and Ride buses .....	2,750,000
168	New Mexico .....	Santa Fe, buses and bus facilities .....	2,000,000
169	Nevada .....	Clark County Regional Transportation Commission buses and bus facilities ..	2,500,000
170	Nevada .....	Lake Tahoe CNG buses .....	700,000
171	Nevada .....	Washoe County transit improvements ...	2,250,000
172	New York .....	Babylon Intermodal Center .....	1,250,000
173	New York .....	Buffalo, Auditorium Intermodal Center ..	2,000,000
174	New York .....	Dutchess County, Loop System buses ....	521,000
175	New York .....	Ithaca intermodal transportation center ..	1,125,000
176	New York .....	Ithaca, TCAT bus technology improve- ments .....	1,250,000
177	New York .....	Long Island, CNG transit vehicles and facilities and bus replacement .....	1,250,000
178	New York .....	Mineola/Hicksville, LIRR intermodal centers .....	1,250,000
179	New York .....	New York City Midtown West 38th Street ferry terminal .....	1,000,000
180	New York .....	New York, West 72nd St. Intermodal Station .....	1,750,000
181	New York .....	Putnam County, vans .....	470,000
182	New York .....	Rensselaer intermodal bus facility .....	6,000,000
183	New York .....	Rochester buses and bus facility .....	1,000,000
184	New York .....	Syracuse, buses .....	3,000,000
185	New York .....	Utica Union Station .....	2,100,000
186	New York .....	Westchester County DOT, articulated buses .....	1,250,000
187	New York .....	Westchester County, Bee-Line transit system fareboxes .....	979,000
188	New York .....	Westchester County, Bee-Line transit system shuttle buses .....	1,000,000
189	Ohio .....	Cleveland, Triskett Garage bus main- tenance facility .....	625,000
190	Ohio .....	Dayton, Multimodal Transportation Center .....	4,125,000
191	Ohio .....	Ohio statewide buses and bus facilities ..	9,010,250
192	Oklahoma .....	Oklahoma statewide bus facilities and buses .....	5,000,000
193	Oregon .....	Corvallis buses and automated pas- senger information system .....	300,000
194	Oregon .....	Lane County, Bus Rapid Transit, buses and facilities .....	4,400,000
195	Oregon .....	Lincoln County Transit District buses ...	250,000
196	Oregon .....	Portland, Tri-Met bus maintenance facility .....	650,000
197	Oregon .....	Portland, Tri-Met buses .....	1,750,000
198	Oregon .....	Salem Area Mass Transit District natural gas buses .....	500,000
199	Oregon .....	Sandy buses .....	100,000
200	Oregon .....	South Metro Area Rapid Transit (SMART) maintenance facility .....	200,000
201	Oregon .....	Sunset Empire Transit District inter- modal transit facility .....	300,000
202	Pennsylvania .....	Allegheny County buses .....	1,500,000
203	Pennsylvania .....	Altoona bus testing .....	3,000,000

No.	State	Project	Conference
204	Pennsylvania .....	Altoona, Metro Transit Authority buses and transit system improvements .....	842,000
205	Pennsylvania .....	Armstrong County-Mid-County, bus facilities and buses .....	150,000
206	Pennsylvania .....	Bethlehem, intermodal facility .....	1,000,000
207	Pennsylvania .....	Cambria County, bus facilities and buses .....	575,000
208	Pennsylvania .....	Centre Area Transportation Authority buses .....	1,250,000
209	Pennsylvania .....	Chester County, Paoli Transportation Center .....	1,000,000
210	Pennsylvania .....	Erie, Metropolitan Transit Authority buses .....	1,000,000
211	Pennsylvania .....	Fayette County, intermodal facilities and buses .....	1,270,000
212	Pennsylvania .....	Lackawanna County Transit System buses .....	600,000
213	Pennsylvania .....	Lackawanna County, intermodal bus facility .....	1,000,000
214	Pennsylvania .....	Mid-Mon Valley buses and bus facilities .....	250,000
215	Pennsylvania .....	Norristown, parking garage (SEPTA) ....	1,000,000
216	Pennsylvania .....	Philadelphia, Frankford Transportation Center .....	5,000,000
217	Pennsylvania .....	Philadelphia, Intermodal 30th Street Station .....	1,250,000
218	Pennsylvania .....	Reading, BARTA Intermodal Transportation Facility .....	1,750,000
219	Pennsylvania .....	Robinson, Towne Center Intermodal Facility .....	1,500,000
220	Pennsylvania .....	Somerset County bus facilities and buses .....	175,000
221	Pennsylvania .....	Towamencin Township, Intermodal Bus Transportation Center .....	1,500,000
222	Pennsylvania .....	Washington County intermodal facilities .....	630,000
223	Pennsylvania .....	Westmoreland County, Intermodal Facility .....	200,000
224	Pennsylvania .....	Wilkes-Barre, Intermodal Facility .....	1,250,000
225	Pennsylvania .....	Williamsport bus facility .....	1,200,000
226	Puerto Rico .....	San Juan Intermodal access .....	600,000
227	Rhode Island .....	Providence, buses and bus maintenance facility .....	3,294,000
228	South Carolina .....	Central Midlands COG/Columbia transit system .....	2,700,000
229	South Carolina .....	Charleston Area regional transportation authority .....	1,900,000
230	South Carolina .....	Clemson Area Transit buses and bus equipment .....	550,000
231	South Carolina .....	Greenville transit authority .....	500,000
232	South Carolina .....	Pee Dee buses and facilities .....	900,000
233	South Carolina .....	Santee-Wateree regional transportation authority .....	400,000
234	South Carolina .....	South Carolina Statewide Virtual Transit Enterprise .....	1,220,000
235	South Carolina .....	Transit Management of Spartanburg, Incorporated (SPARTA) .....	600,000
236	South Dakota .....	South Dakota statewide bus facilities and buses .....	1,500,000
237	Tennessee .....	Southern Coalition for Advanced Transportation (SCAT) (TN, GA, FL, AL) electric buses .....	3,500,000
238	Texas .....	Austin buses .....	1,750,000

No.	State	Project	Conference
239	Texas	Beaumont Municipal Transit System buses and bus facilities	1,000,000
240	Texas	Brazos Transit Authority buses and bus facilities	1,000,000
241	Texas	El Paso Sun Metro buses	1,000,000
242	Texas	Fort Worth bus replacement (including CNG vehicles) and paratransit vehicles	2,500,000
243	Texas	Forth Worth intermodal transportation center	3,100,000
244	Texas	Galveston buses and bus facilities	1,000,000
245	Texas	Texas statewide small urban and rural buses	5,000,000
246	Utah	Ogden Intermodal Center	800,000
247	Utah	Salt Lake City Olympics bus facilities	2,500,000
248	Utah	Salt Lake City Olympics regional park and ride lots	2,500,000
249	Utah	Salt Lake City Olympics transit bus loan project	500,000
250	Utah	Utah Transit Authority, intermodal facilities	1,500,000
251	Utah	Utah Transit Authority/Park City Transit, buses	6,500,000
252	Virginia	Alexandria, bus maintenance facility	1,000,000
253	Virginia	Richmond, GRTC bus maintenance facility	1,250,000
254	Virginia	Statewide buses and bus facilities	8,435,000
255	Vermont	Burlington multimodal center	2,700,000
256	Vermont	Chittenden County Transportation Authority buses	800,000
257	Vermont	Essex Junction multimodal station rehabilitation	500,000
258	Vermont	Killington-Sherburne satellite bus facility	250,000
259	Washington	Bremerton multimodal center—Sinclair's Landing	750,000
260	Washington	Sequim Clallam Transit multimodal center	1,000,000
261	Washington	Everett, Multimodal Transportation Center	1,950,000
262	Washington	Grant County, Grant Transit Authority	500,000
263	Washington	Grays Harbor County, buses and equipment	1,250,000
264	Washington	King County Metro King Street Station	2,000,000
265	Washington	King County Metro Atlantic and Central buses	1,500,000
266	Washington	King County park and ride expansion	1,350,000
267	Washington	Mount Vernon, buses and bus related facilities	1,750,000
268	Washington	Pierce County Transit buses and bus facilities	500,000
269	Washington	Seattle, intermodal transportation terminal	1,250,000
270	Washington	Snohomish County, Community Transit buses, equipment and facilities	1,250,000
271	Washington	Spokane, HEV buses	1,500,000
272	Washington	Tacoma Dome Station	250,000
273	Washington	Vancouver Clark County (C-TRAN) bus facilities	1,000,000
274	Washington	Washington State DOT combined small transit system buses and bus facilities	2,000,000

No.	State	Project	Conference
275	Wisconsin .....	Milwaukee County, buses .....	6,000,000
276	Wisconsin .....	Wisconsin statewide bus facilities and buses .....	14,250,000
277	West Virginia .....	Huntington intermodal facility .....	12,000,000
278	West Virginia .....	Parkersburg, intermodal transportation facility .....	4,500,000
279	West Virginia .....	West Virginia Statewide Intermodal Facility and buses .....	5,000,000;

and there shall be available for new fixed guideway systems \$980,400,000, to be available as follows:

\$10,400,000 for Alaska or Hawaii ferry projects;

\$45,142,000 for the Atlanta, Georgia, North line extension project;

\$1,000,000 for the Austin, Texas capital metro northwest/north central corridor project;

\$4,750,000 for the Baltimore central LRT double track project;

\$3,000,000 for the Birmingham, Alabama transit corridor;

\$1,000,000 for the Boston Urban Ring project;

\$500,000 for the Calais, Maine branch rail line regional transit program;

\$2,500,000 for the Canton-Akron-Cleveland commuter rail project;

\$2,500,000 for the Charleston, South Carolina Monobeam corridor project;

\$4,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

\$25,000,000 for the Chicago METRA commuter rail project;

\$3,500,000 for the Chicago Transit Authority Douglas branch line project;

\$3,500,000 for the Chicago Transit Authority Ravenswood branch line project;

\$1,000,000 for the Cincinnati northeast/northern Kentucky corridor project;

\$3,500,000 for the Clark County, Nevada, fixed guideway project, together with unobligated funds provided in Public Law 103–331 for the “Burlington to Gloucester, New Jersey line”;

\$1,000,000 for the Cleveland Euclid corridor improvement project;

\$1,000,000 for the Colorado Roaring Fork Valley project;

\$50,000,000 for the Dallas north central light rail extension project;

\$1,000,000 for the Dayton, Ohio, light rail study;

\$3,000,000 for the Denver Southeast corridor project;

\$35,000,000 for the Denver Southwest corridor project;

\$25,000,000 for the Dulles corridor project;

\$10,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

\$1,500,000 for the Galveston, Texas rail trolley extension project;

\$10,000,000 for the Girdwood, Alaska commuter rail project;

\$7,000,000 for the Greater Albuquerque mass transit project;

\$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;  
\$3,000,000 for the Houston advanced transit program;  
\$52,770,000 for the Houston regional bus project;  
\$1,000,000 for the Indianapolis, Indiana Northeast Downtown corridor project;  
\$1,000,000 for the Johnson County, Kansas, I-35 commuter rail project;  
\$1,000,000 for the Kenosha-Racine-Milwaukee rail extension project;  
\$500,000 for the Knoxville-Memphis commuter rail feasibility study;  
\$2,000,000 for the Long Island Railroad East Side access project;  
\$1,000,000 for the Los Angeles-San Diego LOSSAN corridor project;  
\$4,000,000 for the Los Angeles Mid-City and East Side corridors projects;  
\$50,000,000 for the Los Angeles North Hollywood extension project;  
\$1,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;  
\$703,000 for the MARC commuter rail project;  
\$1,500,000 for MARC expansion projects—Silver Spring intermodal and Penn-Camden rail connection;  
\$1,000,000 for the Massachusetts North Shore corridor project;  
\$2,500,000 for the Memphis, Tennessee, Medical Center rail extension project;  
\$1,500,000 for the Miami-Dade Transit east-west multimodal corridor project;  
\$1,000,000 for the Nashville, Tennessee, commuter rail project;  
\$99,000,000 for the New Jersey Hudson Bergen project;  
\$5,000,000 for the New Jersey/New York Trans-Hudson Midtown corridor;  
\$1,000,000 for the New Orleans Canal Street corridor project;  
\$12,000,000 for the Newark rail link MOS-1 project;  
\$1,000,000 for the Norfolk-Virginia Beach corridor project;  
\$4,000,000 for the Northern Indiana south shore commuter rail project;  
\$2,000,000 for the Oceanside-Escondido, California light rail system;  
\$10,000,000 for temporary and permanent Olympic transportation infrastructure investments: *Provided*, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: *Provided further*, That none of these funds shall be available for rail extensions;  
\$1,000,000 for the Orange County, California, transitway project;  
\$5,000,000 for the Orlando Lynx light rail project (phase 1);  
\$500,000 for the Palm Beach, Broward and Miami-Dade counties rail corridor;



\$4,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley metro project;  
\$1,000,000 for the Philadelphia SEPTA cross-county metro;  
\$5,000,000 for the Phoenix metropolitan area transit project;  
\$2,500,000 for the Pinellas County, Florida, mobility initiative project;  
\$10,000,000 for the Pittsburgh North Shore-central business district corridor project;  
\$8,000,000 for the Pittsburgh stage II light rail project;  
\$11,062,000 for the Portland Westside light rail transit project;  
\$25,000,000 for the Puget Sound RTA Link light rail project;  
\$5,000,000 for the Puget Sound RTA Sounder commuter rail project;  
\$8,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;  
\$25,000,000 for the Sacramento south corridor LRT project;  
\$37,928,000 for the Utah north/south light rail project;  
\$1,000,000 for the San Bernardino, California Metrolink project;  
\$5,000,000 for the San Diego Mid Coast corridor project;  
\$20,000,000 for the San Diego Mission Valley East light rail transit project;  
\$65,000,000 for the San Francisco BART extension to the airport project;  
\$20,000,000 for the San Jose Tasman West light rail project;  
\$32,000,000 for the San Juan Tren Urbano project;  
\$3,000,000 for the Santa Fe/El Dorado, New Mexico rail link;  
\$53,895,000 for the South Boston piers transitway;  
\$1,000,000 for the South Dekalb-Lindbergh, Georgia, corridor project;  
\$2,000,000 for the Spokane, Washington, South Valley corridor light rail project;  
\$2,500,000 for the St. Louis, Missouri, MetroLink cross county corridor project;  
\$50,000,000 for the St. Louis-St. Clair County MetroLink light rail (phase II) extension project;  
\$1,000,000 for the Stamford, Connecticut fixed guideway connector;  
\$1,000,000 for the Stockton, California Altamont commuter rail project;  
\$1,000,000 for the Tampa Bay regional rail project;  
\$3,000,000 for the Twin Cities Transitways projects;  
\$42,800,000 for the Twin Cities Transitways—Hiawatha corridor project;  
\$2,200,000 for the Virginia Railway Express commuter rail project;  
\$4,750,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;  
\$1,000,000 for the West Trenton, New Jersey, rail project;  
\$2,000,000 for the Whitehall ferry terminal reconstruction project;

\$1,000,000 for the Wilmington, Delaware downtown transit connector; and

\$500,000 for the Wilsonville to Washington County, Oregon connection to Westside.

#### DISCRETIONARY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), \$1,500,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

#### JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, \$15,000,000, to remain available until expended: *Provided*, That no more than \$75,000,000 of budget authority shall be available for these purposes.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

##### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, \$12,042,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

#### RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

##### RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, \$32,061,000, of which \$645,000 shall be derived from the Pipeline Safety Fund, and of which \$3,704,000 shall remain available until September 30, 2002: *Provided*, That up to \$1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public

authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

#### PIPELINE SAFETY

##### (PIPELINE SAFETY FUND)

##### (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$36,879,000, of which \$5,479,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2002; of which \$30,000,000 shall be derived from the Pipeline Safety Fund, of which \$17,394,000 shall remain available until September 30, 2002; and of which \$1,400,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants to States and public education activities.

#### EMERGENCY PREPAREDNESS GRANTS

##### (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), \$200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2002: *Provided*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$44,840,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the Government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents: *Provided further*, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms “unfair or deceptive practices” and “unfair methods of competition” include the failure to disclose to a passenger or a ticket agent whether the flight on which the passenger is ticketed or has requested to purchase a ticket is overbooked, unless the Secretary certifies such disclosure by a carrier is technologically infeasible: *Provided further*, That

the funds made available under this heading shall be used: (1) to investigate pursuant to section 41712 of title 49, United States Code, relating to unfair or deceptive practices and unfair methods of competition by air carriers and foreign air carriers; (2) for monitoring by the Inspector General of the compliance of domestic and foreign air carriers with respect to paragraph (1) of this proviso; and (3) for the submission to the appropriate committees of Congress by the Inspector General, not later than July 15, 2000, of a report on the extent to which actual or potential barriers exist to consumer access to comparative price and service information from independent sources on the purchase of passenger air transportation: *Provided further*, That it is the sense of the Senate, that for purposes of the preceding proviso, the terms “unfair or deceptive practices” and “unfair methods of competition” mean the offering for sale to the public for any route, class, and time of service through any technology or means of communication a fare that is different than that offered through other technology or means of communication: *Provided further*, That it is the sense of the Senate that funds made available under this heading shall be used for the submission to the appropriate committees of Congress by the Inspector General a report on the extent to which air carriers and foreign air carriers deny travel to airline consumers with non-refundable tickets from one carrier to another.

## SURFACE TRANSPORTATION BOARD

### SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$17,000,000: *Provided*, That notwithstanding any other provision of law, not to exceed \$1,600,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2000, to result in a final appropriation from the general fund estimated at no more than \$15,400,000.

## TITLE II

### RELATED AGENCIES

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$4,633,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

## NATIONAL TRANSPORTATION SAFETY BOARD

## SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902) \$57,000,000, of which not to exceed \$2,000 may be used for official reception and representation expenses.

## TITLE III

## GENERAL PROVISIONS

## (INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

49 USC 106 note.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor

may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

Contracts.  
Public  
information.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

23 USC 104 note.

SEC. 310. (a) For fiscal year 2000, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid Highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, for the highway use tax evasion program, and amounts provided under section 110 of title 23, United States Code, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid Highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the previous fiscal year the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) of section 117 of title 23, United States Code (relating to high priority projects program), section 201 of the Appalachian Regional Development Act of 1965, the Woodrow Wilson Memorial Bridge Authority Act of 1995, and \$2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying

the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, \$2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid Highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed \$2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid Highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; and (8) under section 105 of title 23, United States Code (but, only in an amount equal to \$639,000,000 for such fiscal year).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(d) **APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.**—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

Deadline.

(e) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) **SPECIAL RULE.**—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

49 USC 5338  
note.

SEC. 311. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 312. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 313. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

49 USC 44502  
note.

SEC. 314. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant. The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 315. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of \$10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than \$10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and



subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 316. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under “Federal Transit Administration, Capital investment grants” for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2002, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 317. Notwithstanding any other provision of law, any funds appropriated before October 1, 1999, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 318. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2000.

SEC. 319. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by \$15,000,000, which limits fiscal year 2000 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than \$133,673,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 320. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration’s “Federal-Aid Highways” account, the Federal Transit Administration’s “Transit Planning and Research” account, and to the Federal Railroad Administration’s “Safety and Operations” account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 321. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 322. TEMPORARY AIR SERVICE INTERRUPTIONS. (a) AVAILABILITY OF FUNDS.—Funds appropriated or otherwise made available by this Act to carry out section 47114(c)(1) of title 49, United States Code, may be available for apportionment to an airport sponsor described in subsection (b) in fiscal year 2000 in an amount equal to the amount apportioned to that sponsor in fiscal year 1999.

(b) COVERED AIRPORT SPONSORS.—An airport sponsor referred to in subsection (a) is an airport sponsor with respect to whose primary airport the Secretary of Transportation found that—

(1) passenger boardings at the airport fell below 10,000 in the calendar year used to calculate the apportionment;

(2) the airport had at least 10,000 passenger boardings in the calendar year prior to the calendar year used to calculate apportionments to airport sponsors in a fiscal year; and

(3) the cause of the shortfall in passenger boardings was a temporary but significant interruption in service by an air carrier to that airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.

49 USC 5307  
note.

SEC. 323. Section 3021 of Public Law 105-178 is amended in subsection (a)—

(1) in the first sentence, by striking “single-State”; and

(2) in the second sentence, by striking “Any” and all that follows through “United States Code” and inserting “The funds made available to the State of Oklahoma and the State of Vermont to carry out sections 5307 and 5311 of title 49, United States Code”.

SEC. 324. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 325. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 326. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers

or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 327. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 328. Not to exceed \$1,000,000 of the funds provided in this Act for the Department of Transportation shall be available for the necessary expenses of advisory committees: *Provided*, That this limitation shall not apply to advisory committees established for the purpose of conducting negotiated rulemaking in accordance with the Negotiated Rulemaking Act, 5 U.S.C. 561–570a, or the Coast Guard’s advisory council on roles and missions.

SEC. 329. Hereafter, notwithstanding any other provision of law, receipts, in amounts determined by the Secretary, collected from users of fitness centers operated by or for the Department of Transportation shall be available to support the operation and maintenance of those facilities.

49 USC 322 note.

SEC. 330. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O’Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 331. Notwithstanding any other provision of law, funds made available under this Act, and any prior year unobligated

funds, for the Charleston, South Carolina Monobeam Corridor Project shall be transferred to and administered under the Transit Planning and Research account, subject to such terms and conditions as the Secretary deems appropriate.

49 USC 41731  
note.

SEC. 332. Hereafter, notwithstanding 49 U.S.C. 41742, no essential air service subsidies shall be provided to communities in the 48 contiguous States that are located fewer than 70 highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of \$200 unless such point is greater than 210 miles from the nearest large or medium hub airport.

SEC. 333. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2000.

SEC. 334. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 335. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105-134, \$750,000, to remain available until September 30, 2001: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105-134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105-134.

SEC. 336. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

49 USC 40113  
note.

SEC. 337. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2000.

SEC. 338. None of the funds appropriated or limited in this Act may be used to carry out the functions and operations of the Office of Motor Carriers within the Federal Highway Administration: *Provided*, That funds available to the Federal Highway Administration shall be transferred with the functions and operations of the Office of Motor Carriers should any of the functions and operations of that office be delegated by the Secretary outside of the Federal Highway Administration: *Provided further*, That notwithstanding section 104(c)(2) of title 49, United States Code,

the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. 521(b)(5).

SEC. 339. Section 3027 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 336) is amended by adding at the end the following:

“(e) GOVERNMENT SHARE FOR OPERATING ASSISTANCE TO CERTAIN SMALLER URBANIZED AREAS.—Notwithstanding 49 U.S.C. 5307(e), a grant of the Government for operating expenses of a project under 49 U.S.C. 5307(b) in fiscal years 1999 and 2000 to any recipient that is providing transit services in an urbanized area with a population between 128,000 and 128,200, as determined in the 1990 census, and that had adopted a 5-year transit plan before September 1, 1998, may not be more than 80 percent of the net project cost.”.

SEC. 340. Funds provided in Public Law 104–205 for the Griffin light rail project shall be available for alternative analysis and environmental impact studies for other transit alternatives in the Griffin corridor from Hartford to Bradley International Airport.

SEC. 341. Section 3030(c)(1)(A)(v) of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by striking “Light Rail”. 112 Stat. 373.

SEC. 342. Notwithstanding any other provision of law, the Federal share of projects funded under section 3038(g)(1)(B) of Public Law 105–178 shall not exceed 90 percent of the project cost.

SEC. 343. Of the funds made available to the Coast Guard in this Act under “Acquisition, construction, and improvements”, \$10,000,000 is only for necessary expenses to support a portion of the acquisition costs, currently estimated at \$128,000,000, of a multi-mission vessel to replace the Mackinaw icebreaker in the Great Lakes, to remain available until September 30, 2005.

SEC. 344. None of the funds made available in this Act may be obligated or expended to extend a single hull tank vessel’s double hull compliance date under the Oil Pollution Act of 1990 due to conversion of the vessel’s single hull design by adding a double bottom or double side after August 18, 1990, unless specifically authorized by 46 U.S.C. 3703a(e).

SEC. 345. None of the funds in this Act may be used for the planning or development of the California State Route 710 Freeway extension project through South Pasadena, California (as approved in the Record of Decision on State Route 710 Freeway, issued by the United States Department of Transportation, Federal Highway Administration, on April 13, 1998).

SEC. 346. Hereafter, none of the funds made available under this Act or any other Act, may be used to implement, carry out, or enforce any regulation issued under section 41705 of title 49, United States Code, including any regulation contained in part 382 of title 14, Code of Federal Regulations, or any other provision of law (including any Act of Congress, regulation, or Executive order or any official guidance or correspondence thereto), that requires or encourages an air carrier (as that term is defined in section 40102 of title 49, United States Code) to, on intrastate or interstate air transportation (as those terms are defined in section 40102 of title 49, United States Code)—

(1) provide a peanut-free buffer zone or any other related peanut-restricted area; or

(2) restrict the distribution of peanuts,

Peanuts.  
49 USC 41705  
note.

until 90 days after submission to the Congress and the Secretary of a peer-reviewed scientific study that determines that there are severe reactions by passengers to peanuts as a result of contact with very small airborne peanut particles of the kind that passengers might encounter in an aircraft.

SEC. 347. Section 5309(g)(1)(B) of title 49, United States Code, is amended by inserting after “Committee on Banking, Housing, and Urban Affairs of the Senate” the following: “and the House and Senate Committees on Appropriations”.

112 Stat. 193.

SEC. 348. Section 1212(g) of the Transportation Equity Act for the 21st Century (Public Law 105-178), as amended, is amended—

(1) in the subsection heading, by inserting “and New Jersey” after “Minnesota”; and

(2) by inserting “or the State of New Jersey” after “Minnesota”.

University of  
New Hampshire.

SEC. 349. (a) REQUIREMENT TO CONVEY.—The Commandant of the Coast Guard shall convey, without consideration, to the University of New Hampshire (in this section referred to as the “University”) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) located in New Castle, New Hampshire, consisting of approximately five acres and including a pier.

(b) IDENTIFICATION OF PROPERTY.—The Commandant shall determine, identify, and describe the property to be conveyed under this section.

(c) EASEMENTS, RIGHTS-OF-WAY, AND RIGHTS.—(1) The Commandant shall, in connection with the conveyance required by subsection (a), grant to the University such easements and rights-of-way as the Commandant considers necessary to permit access to the property conveyed under that subsection.

(2) The Commandant shall, in connection with such conveyance, reserve in favor of the United States such easements and rights as the Commandant considers necessary to protect the interests of the United States, including easements or rights regarding access to property and utilities.

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the following conditions:

(1) That the University not convey, assign, exchange, or encumber the property conveyed, or any part thereof, unless such conveyance, assignment, exchange, or encumbrance—

(A) is made without consideration; or

(B) is otherwise approved by the Commandant.

(2) That the University not interfere or allow interference in any manner with the maintenance or operation of Coast Guard Station Portsmouth Harbor, New Hampshire, without the express written permission of the Commandant.

(3) That the University use the property for educational, research, or other public purposes.

(e) MAINTENANCE OF PROPERTY.—The University, or any subsequent owner of the property conveyed under subsection (a) pursuant to a conveyance, assignment, or exchange referred to in subsection (d)(1), shall maintain the property in a proper, substantial, and workmanlike manner, and in accordance with any conditions established by the Commandant, pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), and other applicable laws.

(f) REVERSIONARY INTEREST.—All right, title, and interest in and to the property conveyed under this section (including any improvements thereon) shall revert to the United States, and the United States shall have the right of immediate entry thereon, if—

(1) the property, or any part thereof, ceases to be used for educational, research, or other public purposes by the University;

(2) the University conveys, assigns, exchanges, or encumbers the property conveyed, or part thereof, for consideration or without the approval of the Commandant;

(3) the Commandant notifies the owner of the property that the property is needed for national security purposes and a period of 30 days elapses after such notice; or

(4) any other term or condition established by the Commandant under this section with respect to the property is violated.

SEC. 350. (a) No recipient of funds made available in this Act shall disseminate driver's license personal information as defined in 18 U.S.C. 2725(3) except as provided in subsection (b) of this section or motor vehicle records as defined in 18 U.S.C. 2725(1) for any use not permitted under 18 U.S.C. 2721.

(b) No recipient of funds made available in this Act shall disseminate a person's driver's license photograph, social security number, and medical or disability information from a motor vehicle record as defined in 18 U.S.C. 2725(1) without the express consent of the person to whom such information pertains, except for uses permitted under 18 U.S.C. 2721(1), 2721(4), 2721(6), and 2721(9): *Provided*, That subsection (b) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.

(c) 18 U.S.C. 2721(b)(11) is amended by striking all after "records" and inserting the following: "if the State has obtained the express consent of the person to whom such personal information pertains."

(d) 18 U.S.C. 2721(b)(12) is amended by striking all after "solicitations" and inserting the following: "if the State has obtained the express consent of the person to whom such personal information pertains."

(e) No State may condition or burden in any way the issuance of a motor vehicle record as defined in 18 U.S.C. 2725(1) upon the receipt of consent described in paragraphs (b) and (c).

(f) Notwithstanding subsections (a) and (b), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

(g) EFFECTIVE DATES.—

(1) Subsections (a) and (e) shall be effective upon the date of the enactment of this Act, excluding the States of Wisconsin, South Carolina, and Oklahoma that shall be in compliance with this subsection within 90 days after the United States Supreme Court has issued a final decision on *Reno vs. Condon*;

(2) Subsections (b), (c), and (d) shall be effective on June 1, 2000, excluding the States of Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas that shall be in compliance with subsections (b), (c), and (d) within 90 days of the next convening of the State legislature and excluding the States

State listings.

18 USC 2721  
note.

of Wisconsin, South Carolina, and Oklahoma that shall be in compliance within 90 days following the day of issuance of a final decision on *Reno vs. Condon* by the United States Supreme Court if the State legislature is in session, or within 90 days of the next convening of the State legislature following the issuance of such final decision if the State legislature is not in session.

SEC. 351. Notwithstanding any other provision of law, within the funds provided in this Act for the Federal Highway Administration and the National Highway Traffic Safety Administration, \$10,000,000 may be made available for completion of the National Advanced Driving Simulator (NADS): *Provided*, That such funds shall be subject to reprogramming guidelines.

105 Stat. 2048.

SEC. 352. Notwithstanding any other provision of law, section 1107(b) of Public Law 102-240 is amended by striking “Construction of a replacement bridge at Watervale Bridge #63, Harford County, MD” and inserting the following: “For improvements to Bottom Road Bridge, Vinegar Hill Road Bridge and Southampton Road Bridge, Harford County, MD”.

SEC. 353. (a) FINDINGS.—The Senate makes the following findings:

(1) The survival of American culture is dependent upon the survival of the sacred institution of marriage.

(2) The decennial census is required by section 2 of article 1 of the Constitution of the United States, and has been conducted in every decade since 1790.

(3) The decennial census has included marital status among the information sought from every American household since 1880.

(4) The 2000 decennial census will mark the first decennial census since 1880 in which marital status will not be a question included on the census questionnaire distributed to the majority of American households.

(5) The United States Census Bureau has removed marital status from the short form census questionnaire to be distributed to the majority of American households in the 2000 decennial census and placed that category of information on the long form census questionnaire to be distributed only to a sample of the population in that decennial census.

(6) Every year more than \$100,000,000,000 in Federal funds are allocated based on the data collected by the Census Bureau.

(7) Recorded data on marital status provides a basic foundation for the development of Federal policy.

(8) Census data showing an exact account of the numbers of persons who are married, single, or divorced provides critical information which serves as an indicator on the prevalence of marriage in society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Census Bureau—

(1) has wrongfully decided not to include marital status on the census questionnaire to be distributed to the majority of Americans for the 2000 decennial census; and

(2) should include marital status on the short form census questionnaire to be distributed to the majority of American households for the 2000 decennial census.



SEC. 354. It is the sense of the Senate that the Secretary should expeditiously amend title 14, chapter II, part 250, Code of Federal Regulations, so as to double the applicable penalties for involuntary denied boardings and allow those passengers that are involuntarily denied boarding the option of obtaining a prompt cash refund for the full value of their airline ticket.

SEC. 355. Section 656(b) of division C of the Omnibus Consolidated Appropriations Act of 1997 is repealed.

5 USC 301 note.

SEC. 356. Notwithstanding any other provision of law, the amount made available pursuant to Public Law 105-277 for the Pittsburgh North Shore central business district transit options MIS project may be used to fund any aspect of preliminary engineering, costs associated with an environmental impact statement, or a major investment study for that project.

SEC. 357. (a) Notwithstanding the January 4, 1977, decision of the Secretary of Transportation that approved construction of Interstate Highway 66 between the Capital Beltway and Rosslyn, Virginia, the Commonwealth of Virginia, in accordance with existing Federal and State law, shall hereafter have authority for operation, maintenance, and construction of Interstate Route 66 between Rosslyn and the Capital Beltway, except as noted in paragraph (b).

Virginia.

(b) The conditions in the Secretary's January 4, 1997 decision, that exclude heavy duty trucks and permit use by vehicles bound to or from Washington Dulles International Airport in the peak direction during peak hours, shall remain in effect.

SEC. 358. NOISE BARRIERS, GEORGIA. Notwithstanding any other provision of law, the Secretary of Transportation shall approve the use of funds apportioned under paragraphs (1) and (3) of section 104(b) of title 23, United States Code, for construction of Type II noise barriers at the locations identified in section 1215(h) and items 540 and 967 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 211, 292), and at the following locations: On the east side of I-285 extending from Northlake Parkway to Chamblee Tucker Road in Dekalb County, Georgia; and on the east side of I-185 between Macon Road and Airport Thruway.

SEC. 359. Item 44 of the table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 258) is amended by striking "Saratoga" and inserting "North Creek".

SEC. 360. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(2)(B) may be used to construct new vessels and facilities or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities.

SEC. 361. HIGH PRIORITY PROJECTS. (a) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257-323) is amended—

- (1) in item 174 by striking "5.375" and inserting "5.25";
- (2) in item 478 by striking "2.375" and inserting "2.25";
- (3) in item 948 by striking "5.375" and inserting "5.25";
- (4) in item 1008 by striking "3.875" and inserting "3.75";
- (5) in item 1210 by striking "6.875" and inserting "6.75";
- (6) by striking item 1289 and inserting the following:

- “1289. Arkansas ..... Improve Highway 167 from Fordyce, Arkansas, to Saline County line ..... 1.0”;
- (7) in item 1319 by striking “0.875” and inserting “0.75”;
- (8) in item 1420—
- (A) by inserting “and development” after “Conduct planning”; and
- (B) by striking “0.875” and inserting “0.75”; and
- (9) by adding at the end the following new item:

“1851. Arkansas ..... Construction of and improvements to highway projects in the corridor designated by section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 ..... 5.25”.

(b) HIGH PRIORITY CORRIDORS.—Section 1105(c)(18)(C)(ii) of the Intermodal Surface Transportation Efficiency Act of 1991 (112 Stat. 190) is amended by striking “in the vicinity of” and inserting “east of Wilmar, Arkansas, and west of”.

112 Stat. 373. SEC. 362. Section 3030(d)(3) of the Transportation Equity Act for the 21st Century (Public Law 105-178) is amended by adding at the end the following:

“(D) Bethlehem, Pennsylvania intermodal facility.”.

SEC. 363. Section 3030(b) of the Transportation Equity Act for the 21st Century (112 Stat. 373-375) is amended by adding at the end the following:

“(71) Dane County Corridor—East-West Madison Metropolitan Area.”.

SEC. 364. Notwithstanding the provisions of 49 U.S.C. 5309(e)(6), funds appropriated under this Act for the Douglas Branch project may be used for any purpose except construction: *Provided*, That in evaluating the Douglas Branch project under 5309(e), the Federal Transit Administration shall use a “no-build” alternative that assumes the current Douglas Branch has been closed due to poor condition, and a “TSM” alternative which assumes the Douglas Branch has been closed due to poor condition and enhanced bus service is provided.

SEC. 365. (a) The Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) shall make a grant for the purpose of conducting a study for the following purposes:

(1) To develop and evaluate methods for calculating reductions in emissions of precursors of ground level ozone that are achieved within a geographic area as a result of reduced vehicle-miles-traveled in the geographic area.

(2) To develop a design for the following proposal for a pilot program:

(A) For the purpose of reducing such emissions, employers electing to participate in the pilot program would authorize and encourage telecommuting by their employees. Pursuant to methods developed and evaluated under paragraph (1), credits would be issued to the participating employers reflecting the amount of reductions in such emissions achieved through reduced vehicle-miles-traveled by their telecommuting employees.

(B) For purposes of compliance with the Clean Air Act, entities that are regulated under such Act with respect to such emissions would obtain the credits through a commercial trading and exchange forum (established for such purpose) and through direct trades and exchanges with participating employers and other persons who hold the credits.

(3) To determine whether, if the proposed pilot program were to be carried out, the program—

(A) could provide significant incentives for increasing the use of telecommuting, thereby reducing vehicle-miles-traveled and improving air quality; and

(B) could have positive effects on national, State, and local transportation and infrastructure policies, and on energy conservation and consumption.

(b) The Administrator shall ensure that the design developed under subsection (a)(2) includes recommendations for carrying out the proposed pilot program described in such subsection in each of the following geographic areas (which recommendations for an area shall be developed in consultation with State and local governments and business leaders and organizations in the designated areas): (1) The greater metropolitan region of the District of Columbia (including areas in the State of Maryland and the Commonwealth of Virginia). (2) The greater metropolitan region of Los Angeles, in the State of California. (3) The greater metropolitan region of Philadelphia, in the Commonwealth of Pennsylvania (including areas in the State of New Jersey). (4) Two additional areas to be selected by the grantee under subsection (a), after consultation with the Administrator (or the designee of the Administrator).

(c) The grant under subsection (a) shall be made to the National Environmental Policy Institute (a nonprofit private entity incorporated under the laws of and located in the District of Columbia). The grant may not be made in an amount exceeding \$500,000.

(d) The Administrator shall make the grant under subsection (a) not later than 45 days after the date of the enactment of this Act. The Administrator shall require that, not later than 180 days after receiving the first payment under the grant, the grantee under subsection (a) complete the study under such subsection and submit to the Administrator a report describing the methods developed and evaluated under paragraph (1) of such subsection, and containing the design required in paragraph (2) of such subsection and the determinations required in paragraph (3) of such subsection.

(e) The Administrator shall carry out this section (including subsection (b)(3)) in collaboration with the Secretary of Transportation and the Secretary of Energy.

(f) To carry out this section, \$500,000 is hereby appropriated to the Department of Transportation, "Office of the Assistant Secretary for Policy", to be transferred to and administered by the Environmental Protection Agency, to be available until expended.

SEC. 366. Notwithstanding the Federal Airport Act (as in effect on April 3, 1956) or sections 47125 and 47153 of title 49, United States Code, and subject to subsection (b), the Secretary of Transportation may waive any term contained in the deed of conveyance dated April 3, 1956, by which the United States conveyed lands to the City of Safford, Arizona, for use by the city for airport

Deadlines.

Reports.

- Notification. purposes: *Provided*, That no waiver may be made under subsection (a) if the waiver would result in the closure of an airport.
- SEC. 367. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling \$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.
- California. SEC. 368. Funds provided in the Department of Transportation and Related Agencies Appropriations Acts for fiscal years 1998 and 1999 for an intermodal facility in Eureka, California, shall be available for the expansion and rehabilitation of a bus maintenance facility in Humboldt County, California.
- Minnesota. SEC. 369. Notwithstanding any other provision of law, funds previously expended by the City of Moorhead and Moorhead Township on studies related to the 34th Street Corridor Project in Moorhead, Minnesota, shall be considered as the non-Federal match for obligation of funds available under section 1602, item 1404 of the Transportation Equity Act for the 21st Century, as amended, associated with a study of alternatives to rail relocation.
- This Act may be cited as the “Department of Transportation and Related Agencies Appropriations Act, 2000”.

Approved October 9, 1999.

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LEGISLATIVE HISTORY—H.R. 2084 (S. 1143):

HOUSE REPORTS: Nos. 106–180 (Comm. on Appropriations) and 106–355 (Comm. of Conference).

SENATE REPORTS: No. 106–55 accompanying S. 1143 (Comm. on Appropriations). CONGRESSIONAL RECORD, Vol. 145 (1999):

June 23, considered and passed House.

Sept. 14–16, considered and passed Senate, amended.

Oct. 1, House agreed to conference report.

Oct. 4, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 9, Presidential statement.



Public Law 106–70  
106th Congress

An Act

To extend for 9 additional months the period for which chapter 12 of title 11,  
United States Code, is reenacted.

Oct. 9, 1999  
[S. 1606]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. AMENDMENTS.**

Section 149 of title I of division C of Public Law 105–277,  
as amended by Public Law 106–5, is amended—

*Ante*, p. 9.

(1) by striking “October 1, 1999” each place it appears  
and inserting “July 1, 2000”; and

(2) in subsection (a)—

(A) by striking “March 31, 1999” and inserting “Sep-  
tember 30, 1999”; and

(B) by striking “April 1, 1999” and inserting “October  
1, 1999”.

**SEC. 2. EFFECTIVE DATE.**

11 USC 1201  
note.

The amendments made by section 1 shall take effect on October  
1, 1999.

Approved October 9, 1999.

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LEGISLATIVE HISTORY—S. 1606 (H.R. 2942):

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 30, considered and passed Senate.

Oct. 4, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 12, Presidential statement.



Public Law 106–71  
106th Congress

An Act

Oct. 12, 1999  
[S. 249]

To provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Missing,  
Exploited, and  
Runaway  
Children  
Protection Act.  
42 USC 5601  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Missing, Exploited, and Runaway Children Protection Act”.

**SEC. 2. NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

(a) FINDINGS.—Section 402 of the Missing Children’s Assistance Act (42 U.S.C. 5771) is amended—

- (1) in paragraph (7), by striking “and” at the end;
- (2) in paragraph (8), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
 

“(9) for 14 years, the National Center for Missing and Exploited Children has—

“(A) served as the national resource center and clearinghouse congressionally mandated under the provisions of the Missing Children’s Assistance Act of 1984; and

“(B) worked in partnership with the Department of Justice, the Federal Bureau of Investigation, the Department of the Treasury, the Department of State, and many other agencies in the effort to find missing children and prevent child victimization;

“(10) Congress has given the Center, which is a private nonprofit corporation, access to the National Crime Information Center of the Federal Bureau of Investigation, and the National Law Enforcement Telecommunications System;

“(11) since 1987, the Center has operated the National Child Pornography Tipline, in conjunction with the United States Customs Service and the United States Postal Inspection Service and, beginning this year, the Center established a new CyberTipline on child exploitation, thus becoming ‘the 911 for the Internet’;

“(12) in light of statistics that time is of the essence in cases of child abduction, the Director of the Federal Bureau of Investigation in February of 1997 created a new NCIC child abduction (‘CA’) flag to provide the Center immediate notification in the most serious cases, resulting in 642 ‘CA’ notifications to the Center and helping the Center to have its highest recovery rate in history;

“(13) the Center has established a national and increasingly worldwide network, linking the Center online with each of the missing children clearinghouses operated by the 50 States, the District of Columbia, and Puerto Rico, as well as with Scotland Yard in the United Kingdom, the Royal Canadian Mounted Police, INTERPOL headquarters in Lyon, France, and others, which has enabled the Center to transmit images and information regarding missing children to law enforcement across the United States and around the world instantly;

“(14) from its inception in 1984 through March 31, 1998, the Center has—

“(A) handled 1,203,974 calls through its 24-hour toll-free hotline (1-800-THE-LOST) and currently averages 700 calls per day;

“(B) trained 146,284 law enforcement, criminal and juvenile justice, and healthcare professionals in child sexual exploitation and missing child case detection, identification, investigation, and prevention;

“(C) disseminated 15,491,344 free publications to citizens and professionals; and

“(D) worked with law enforcement on the cases of 59,481 missing children, resulting in the recovery of 40,180 children;

“(15) the demand for the services of the Center is growing dramatically, as evidenced by the fact that in 1997, the Center handled 129,100 calls, an all-time record, and by the fact that its new Internet website ([www.missingkids.com](http://www.missingkids.com)) receives 1,500,000 ‘hits’ every day, and is linked with hundreds of other websites to provide real-time images of breaking cases of missing children;

“(16) in 1997, the Center provided policy training to 256 police chiefs and sheriffs from 50 States and Guam at its new Jimmy Ryce Law Enforcement Training Center;

“(17) the programs of the Center have had a remarkable impact, such as in the fight against infant abductions in partnership with the healthcare industry, during which the Center has performed 668 onsite hospital walk-throughs and inspections, and trained 45,065 hospital administrators, nurses, and security personnel, and thereby helped to reduce infant abductions in the United States by 82 percent;

“(18) the Center is now playing a significant role in international child abduction cases, serving as a representative of the Department of State at cases under The Hague Convention, and successfully resolving the cases of 343 international child abductions, and providing greater support to parents in the United States;

“(19) the Center is a model of public/private partnership, raising private sector funds to match congressional appropriations and receiving extensive private in-kind support, including advanced technology provided by the computer industry such as imaging technology used to age the photographs of long-term missing children and to reconstruct facial images of unidentified deceased children;

“(20) the Center was 1 of only 10 of 300 major national charities given an A+ grade in 1997 by the American Institute of Philanthropy; and

“(21) the Center has been redesignated as the Nation’s missing children clearinghouse and resource center once every 3 years through a competitive selection process conducted by the Office of Juvenile Justice and Delinquency Prevention of the Department of Justice, and has received grants from that Office to conduct the crucial purposes of the Center.”.

(b) DEFINITIONS.—Section 403 of the Missing Children’s Assistance Act (42 U.S.C. 5772) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(3) the term ‘Center’ means the National Center for Missing and Exploited Children.”.

(c) DUTIES AND FUNCTIONS OF THE ADMINISTRATOR.—Section 404 of the Missing Children’s Assistance Act (42 U.S.C. 5773) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by striking subsection (b) and inserting the following:

“(b) ANNUAL GRANT TO NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—

“(1) IN GENERAL.—The Administrator shall annually make a grant to the Center, which shall be used to—

“(A)(i) operate a national 24-hour toll-free telephone line by which individuals may report information regarding the location of any missing child, or other child 13 years of age or younger whose whereabouts are unknown to such child’s legal custodian, and request information pertaining to procedures necessary to reunite such child with such child’s legal custodian; and

“(ii) coordinate the operation of such telephone line with the operation of the national communications system referred to in part C of the Runaway and Homeless Youth Act (42 U.S.C. 5714–11);

“(B) operate the official national resource center and information clearinghouse for missing and exploited children;

“(C) provide to State and local governments, public and private nonprofit agencies, and individuals, information regarding—

“(i) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing and exploited children and their families; and

“(ii) the existence and nature of programs being carried out by Federal agencies to assist missing and exploited children and their families;

“(D) coordinate public and private programs that locate, recover, or reunite missing children with their families;

“(E) disseminate, on a national basis, information relating to innovative and model programs, services, and legislation that benefit missing and exploited children;

“(F) provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private



nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of cases involving missing and exploited children; and

“(G) provide assistance to families and law enforcement agencies in locating and recovering missing and exploited children, both nationally and internationally.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this subsection, \$10,000,000 for each of fiscal years 2000, 2001, 2002, and 2003.

“(c) NATIONAL INCIDENCE STUDIES.—The Administrator, either by making grants to or entering into contracts with public agencies or nonprofit private agencies, shall—

Grants.  
Contracts.

“(1) periodically conduct national incidence studies to determine for a given year the actual number of children reported missing each year, the number of children who are victims of abduction by strangers, the number of children who are the victims of parental kidnappings, and the number of children who are recovered each year; and

“(2) provide to State and local governments, public and private nonprofit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.”.

(d) NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—Section 405(a) of the Missing Children’s Assistance Act (42 U.S.C. 5775(a)) is amended by inserting “the Center and with” before “public agencies”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 408 of the Missing Children’s Assistance Act (42 U.S.C. 5777) is amended by striking “1997 through 2001” and inserting “2000 through 2003”.

### SEC. 3. RUNAWAY AND HOMELESS YOUTH.

(a) FINDINGS.—Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5), by striking “accurate reporting of the problem nationally and to develop” and inserting “an accurate national reporting system to report the problem, and to assist in the development of”; and

(2) by striking paragraph (8) and inserting the following:

“(8) services for runaway and homeless youth are needed in urban, suburban, and rural areas;”.

(b) AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) GRANTS FOR CENTERS AND SERVICES.—

“(1) IN GENERAL.—The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

“(2) SERVICES PROVIDED.—Services provided under paragraph (1)—

“(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

“(B) shall include—

“(i) safe and appropriate shelter; and  
 “(ii) individual, family, and group counseling, as appropriate; and

“(C) may include—

“(i) street-based services;

“(ii) home-based services for families with youth at risk of separation from the family; and

“(iii) drug abuse education and prevention services.”;

(2) in subsection (b)(2), by striking “the Trust Territory of the Pacific Islands,”; and

(3) by striking subsections (c) and (d).

(c) ELIGIBILITY.—Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8), by striking “paragraph (6)” and inserting “paragraph (7)”;

(B) in paragraph (10), by striking “and” at the end;

(C) in paragraph (11), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(12) shall submit to the Secretary an annual report that includes, with respect to the year for which the report is submitted—

“(A) information regarding the activities carried out under this part;

“(B) the achievements of the project under this part carried out by the applicant; and

“(C) statistical summaries describing—

“(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

“(ii) the services provided to such youth by the project.”; and

(2) by striking subsections (c) and (d) and inserting the following:

“(c) APPLICANTS PROVIDING STREET-BASED SERVICES.—To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

“(2) provide backup personnel for on-street staff;

“(3) provide initial and periodic training of staff who provide such services; and

“(4) conduct outreach activities for runaway and homeless youth, and street youth.

“(d) APPLICANTS PROVIDING HOME-BASED SERVICES.—To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

“(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement,

Reports.

job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

“(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

“(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

“(4) provide initial and periodic training of staff who provide home-based services; and

“(5) ensure that—

“(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

“(B) staff providing such services will receive qualified supervision.

“(e) **APPLICANTS PROVIDING DRUG ABUSE EDUCATION AND PREVENTION SERVICES.**—To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

“(1) a description of—

“(A) the types of such services that the applicant proposes to provide;

“(B) the objectives of such services; and

“(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

“(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.”.

(d) **APPROVAL OF APPLICATIONS.**—Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

**“SEC. 313. APPROVAL OF APPLICATIONS.**

“(a) **IN GENERAL.**—An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

“(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

“(2) which areas of such State have the greatest need for such services.

“(b) **PRIORITY.**—In selecting applications for grants under section 311(a), the Secretary shall give priority to—

“(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

“(2) eligible applicants that request grants of less than \$200,000.”.

(e) **AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.**—Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-1) is amended—

- (1) in the section heading, by striking “PURPOSE AND”;
- (2) in subsection (a), by striking “(a)”; and
- (3) by striking subsection (b).

(f) **ELIGIBILITY.**—Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714-2(a)(9)) is amended by inserting “, and the services provided to such youth by such project,” after “such project”.

(g) **COORDINATION.**—Section 341 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-21) is amended to read as follows:

**“SEC. 341. COORDINATION.**

“With respect to matters relating to the health, education, employment, and housing of runaway and homeless youth, the Secretary—

“(1) in conjunction with the Attorney General, shall coordinate the activities of agencies of the Department of Health and Human Services with activities under any other Federal juvenile crime control, prevention, and juvenile offender accountability program and with the activities of other Federal entities; and

“(2) shall coordinate the activities of agencies of the Department of Health and Human Services with the activities of other Federal entities and with the activities of entities that are eligible to receive grants under this title.”.

(h) **AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.**—Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714-23) is amended—

(1) in the section heading, by inserting “EVALUATION,” after “RESEARCH,”;

(2) in subsection (a), by inserting “evaluation,” after “research,”; and

(3) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

(i) **STUDY.**—Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5731 et seq.) is amended by adding after section 344 the following:

42 USC 5714-25. **“SEC. 345. STUDY.**

“The Secretary shall conduct a study of a representative sample of runaways to determine the percent who leave home because of sexual abuse. The report on the study shall include—

“(1) in the case of sexual abuse, the relationship of the assaulter to the runaway; and

“(2) recommendations on how Federal laws may be changed to reduce sexual assaults on children.

The study shall be completed to enable the Secretary to make a report to the committees of Congress with jurisdiction over this Act, and to make such report available to the public, within one year of the date of the enactment of this section.”.

(j) **ASSISTANCE TO POTENTIAL GRANTEEES.**—Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

Reports.  
Public  
information.  
Deadline.

(k) **REPORTS.**—Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

**“SEC. 381. REPORTS.**

“(a) **IN GENERAL.**—Not later than April 1, 2000, and biennially thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

Deadline.

“(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

“(A) alleviating the problems of runaway and homeless youth;

“(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

“(C) strengthening family relationships and encouraging stable living conditions for such youth; and

“(D) assisting such youth to decide upon a future course of action; and

“(2) in the case of projects funded under part B—

“(A) the number and characteristics of homeless youth served by such projects;

“(B) the types of activities carried out by such projects;

“(C) the effectiveness of such projects in alleviating the problems of homeless youth;

“(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

“(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

“(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

“(G) activities and programs planned by such projects for the following fiscal year.

“(b) **CONTENTS OF REPORTS.**—The Secretary shall include in each report submitted under subsection (a), summaries of—

“(1) the evaluations performed by the Secretary under section 386; and

“(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.”.

(l) **EVALUATION.**—Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

**“SEC. 386. EVALUATION AND INFORMATION.**

“(a) **IN GENERAL.**—If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

“(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

“(2) collecting additional information for the report required by section 384; and

“(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

“(b) COOPERATION.—Recipients of grants under this title shall cooperate with the Secretary’s efforts to carry out evaluations, and to collect information, under this title.”.

(m) AUTHORIZATION OF APPROPRIATIONS.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

**“SEC. 388. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—

“(1) AUTHORIZATION.—There is authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.

“(2) ALLOCATION.—

“(A) PARTS A AND B.—From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

“(B) PART B.—Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

“(3) PARTS C AND D.—In each fiscal year, after reserving the amounts required by paragraph (2), the Secretary shall use the remaining amount (if any) to carry out parts C and D.

“(b) SEPARATE IDENTIFICATION REQUIRED.—No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.”.

(n) SEXUAL ABUSE PREVENTION PROGRAM.—

(1) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(A) by striking the heading for part F;

(B) by redesignating part E as part F; and

(C) by inserting after part D the following:

**“PART E—SEXUAL ABUSE PREVENTION PROGRAM**

42 USC 5715.

42 USC 5714a.

42 USC 5714–41.

**“SEC. 351. AUTHORITY TO MAKE GRANTS.**

“(a) IN GENERAL.—The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, or sexual exploitation.

“(b) PRIORITY.—In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to nonprofit private agencies that have experience in providing services to runaway and homeless, and street youth.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by subsection (m) of this section, is amended by adding at the end the following:

“(4) PART E.—There is authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 2000, 2001, 2002, and 2003.”.

(o) CONSOLIDATED REVIEW OF APPLICATIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 383 the following:

**“SEC. 385. CONSOLIDATED REVIEW OF APPLICATIONS.**

42 USC 5731a.

“With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

“(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

“(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.”.

(p) DEFINITIONS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 386, as amended by subsection (l) of this section, the following:

**“SEC. 387. DEFINITIONS.**

42 USC 5732a.

“In this title:

“(1) DRUG ABUSE EDUCATION AND PREVENTION SERVICES.—The term ‘drug abuse education and prevention services’—

“(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

“(B) may include—

“(i) individual, family, group, and peer counseling;

“(ii) drop-in services;

“(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

“(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

“(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

“(2) HOME-BASED SERVICES.—The term ‘home-based services’—

“(A) means services provided to youth and their families for the purpose of—

“(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

“(ii) assisting runaway youth to return to their families; and

“(B) includes services that are provided in the residences of families (to the extent practicable), including—

“(i) intensive individual and family counseling; and

“(ii) training relating to life skills and parenting.

“(3) HOMELESS YOUTH.—The term ‘homeless youth’ means an individual—

“(A) who is—

“(i) not more than 21 years of age; and

“(ii) for the purposes of part B, not less than 16 years of age;

“(B) for whom it is not possible to live in a safe environment with a relative; and

“(C) who has no other safe alternative living arrangement.

“(4) STREET-BASED SERVICES.—The term ‘street-based services’—

“(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

“(B) may include—

“(i) identification of and outreach to runaway and homeless youth, and street youth;

“(ii) crisis intervention and counseling;

“(iii) information and referral for housing;

“(iv) information and referral for transitional living and health care services;

“(v) advocacy, education, and prevention services related to—

“(I) alcohol and drug abuse;

“(II) sexual exploitation;

“(III) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

“(IV) physical and sexual assault.

“(5) STREET YOUTH.—The term ‘street youth’ means an individual who—

“(A) is—

“(i) a runaway youth; or

“(ii) indefinitely or intermittently a homeless youth; and

“(B) spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

“(6) TRANSITIONAL LIVING YOUTH PROJECT.—The term ‘transitional living youth project’ means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

“(7) YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term ‘youth at risk of separation from the family’ means an individual—

“(A) who is less than 18 years of age; and

“(B)(i) who has a history of running away from the family of such individual;

“(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

“(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.”.

(q) REDESIGNATION OF SECTIONS.—Sections 371, 372, 381, 382, and 383 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–



5851 et seq.), as amended by this Act, are redesignated as sections 380, 381, 382, 383, and 384, respectively.

(r) TECHNICAL AMENDMENTS.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) in section 331, in the first sentence, by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”; and 42 USC 5714–11.

(2) in section 344(a)(1), by striking “With” and all that follows through “the Secretary”, and inserting “The Secretary”. 42 USC 5714–24.

#### SEC. 4. STUDY OF SCHOOL VIOLENCE.

(a) CONTRACT FOR STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall enter into a contract with the National Academy of Sciences for the purposes of conducting a study regarding the antecedents of school violence in urban, suburban, and rural schools, including the incidents of school violence that occurred in Pearl, Mississippi; Paducah, Kentucky; Jonesboro, Arkansas; Springfield, Oregon; Edinboro, Pennsylvania; Fayetteville, Tennessee; Littleton, Colorado; and Conyers, Georgia. Under the terms of such contract, the National Academy of Sciences shall appoint a panel that will—

20 USC 7101  
note.  
Deadline.

(1) review the relevant research about adolescent violence in general and school violence in particular, including the existing longitudinal and cross-sectional studies on youth that are relevant to examining violent behavior;

(2) relate what can be learned from past and current research and surveys to specific incidents of school shootings;

(3) interview relevant individuals, if possible, such as the perpetrators of such incidents, their families, their friends, their teachers, mental health providers, and others; and

(4) give particular attention to such issues as—

(A) the perpetrators’ early development, families, communities, school experiences, and utilization of mental health services;

(B) the relationship between perpetrators and their victims;

(C) how the perpetrators gained access to firearms;

(D) the impact of cultural influences and exposure to the media, video games, and the Internet; and

(E) such other issues as the panel deems important or relevant to the purpose of the study.

The National Academy of Sciences shall utilize professionals with expertise in such issues, including psychiatrists, social workers, behavioral and social scientists, practitioners, epidemiologists, statisticians, and methodologists.

(b) REPORT.—The National Academy of Sciences shall submit a report containing the results of the study required by subsection (a), to the Speaker of the House of Representatives, the President pro tempore of the Senate, the Chair and ranking minority Member of the Committee on Education and the Workforce of the House of Representatives, and the Chair and ranking minority Member of the Committee on Health, Education, Labor, and Pensions of the Senate, not later than January 1, 2001, or 18 months after entering into the contract required by such subsection, whichever is earlier.

Deadline.

(c) APPROPRIATION.—Of the funds made available under Public Law 105-277 for the Department of Education, \$2,100,000 shall be made available to carry out this section.

Approved October 12, 1999.

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LEGISLATIVE HISTORY—S. 249 (H.R. 905):

HOUSE REPORTS: No. 106-152 accompanying H.R. 905 (Comm. on Education and the Workforce).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 19, considered and passed Senate.

May 25, considered and passed House, amended.

Sept. 28, Senate concurred in House amendment.



Public Law 106–72  
106th Congress

An Act

To designate the Federal building located at 300 East 8th Street in Austin, Texas,  
as the “J.J. ‘Jake’ Pickle Federal Building”.

Oct. 19, 1999  
[S. 559]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal Building located at 300 East 8th Street in Austin, Texas, shall be known and designated as the “J.J. ‘Jake’ Pickle Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the “J.J. ‘Jake’ Pickle Federal Building”.

Approved October 19, 1999.

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LEGISLATIVE HISTORY—S. 559 (H.R. 118):

HOUSE REPORTS: No. 106–110 accompanying H.R. 118 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):  
June 16, considered and passed Senate.  
Oct. 5, considered and passed House.



Public Law 106–73  
106th Congress

An Act

Oct. 19, 1999  
[H.R. 3036]

To restore motor carrier safety enforcement authority to the Department of  
Transportation.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. MOTOR CARRIER SAFETY ENFORCEMENT AUTHORITY.**

Section 338 of the Department of Transportation and Related  
Agencies Appropriations Act, 2000 is amended by striking  
“521(b)(5)” and inserting “chapters 5 and 315”.  
*Ante*, p. 1022.

**SEC. 2. EFFECTIVE DATE.**

This Act (including the amendment made by this Act) shall  
take effect on October 9, 1999.

Approved October 19, 1999.

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**LEGISLATIVE HISTORY—H.R. 3036:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 12, considered and passed House.

Oct. 14, considered and passed Senate.



Public Law 106–74  
106th Congress

An Act

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

Oct. 20, 1999  
[H.R. 2684]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, namely:

Departments of  
Veterans Affairs  
and Housing and  
Urban  
Development,  
Independent  
Agencies  
Appropriations  
Act, 2000.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$21,568,364,000, to remain available until expended: *Provided*, That not to exceed \$17,932,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

## READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, \$1,469,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98-77, as amended.

## VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, \$28,670,000, to remain available until expended.

## VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2000, within the resources available, not to exceed \$300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$156,958,000, which may be transferred to and merged with the appropriation for "General operating expenses".

## EDUCATION LOAN FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$214,000, which may be transferred to and merged with the appropriation for "General operating expenses".

## VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$57,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$415,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, \$520,000, which may be transferred to and merged with the appropriation for “General operating expenses”.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS  
VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans as authorized by 38 U.S.C. chapter 37 subchapter VI, \$48,250,000, to remain available until expended: *Provided*, That no more than five loans may be guaranteed under this program prior to November 11, 2001: *Provided further*, That no more than 15 loans may be guaranteed under this program: *Provided further*, That the total principal amount of loans guaranteed under this program may not exceed \$100,000,000: *Provided further*, That not to exceed \$750,000 of the amounts appropriated by this Act for “General operating expenses” and “Medical care” may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the department for collecting and recovering amounts owed the department as authorized under 38

Contracts.

U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed \$8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5), \$19,006,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, \$900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001: *Provided further*, That of the funds made available under this heading, not to exceed \$900,000,000 shall be available until September 30, 2001: *Provided further*, That of the funds made available under this heading, not to exceed \$27,907,000 may be transferred to and merged with the appropriation for “General operating expenses”: *Provided further*, That the department shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: *Provided further*, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105-33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, \$321,000,000, plus reimbursements.

#### MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, \$59,703,000 plus reimbursements: *Provided*, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.



## GENERAL POST FUND, NATIONAL HOMES

## (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$7,000, as authorized by Public Law 102-54, section 8, which shall be transferred from the “General post fund”: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$70,000.

In addition, for administrative expenses to carry out the direct loan programs, \$54,000, which shall be transferred from the “General post fund”, as authorized by Public Law 102-54, section 8.

## DEPARTMENTAL ADMINISTRATION

## GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$912,594,000: *Provided*, That of the funds made available under this heading, not to exceed \$45,600,000 shall be available until September 30, 2001: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

## NATIONAL CEMETERY ADMINISTRATION

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, \$97,256,000: *Provided*, That of the amount made available under this heading, not to exceed \$117,000 may be transferred to and merged with the appropriation for “General operating expenses”.

## OFFICE OF INSPECTOR GENERAL

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$43,200,000: *Provided*, That of the amount made available under this heading, not to exceed \$30,000 may be transferred to and merged with the appropriation for “General operating expenses”.

## CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122

Contracts.  
Deadlines.

Reports.

of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is \$4,000,000 or more or where funds for a project were made available in a previous major project appropriation, \$65,140,000, to remain available until expended: *Provided*, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: *Provided further*, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That no funds from any other account except the “Parking revolving fund”, may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than \$4,000,000, \$160,000,000, to remain available until expended, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is less than \$4,000,000: *Provided*, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended,

which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from “Medical care”.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, \$90,000,000, to remain available until expended.

#### GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, \$25,000,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for “Construction, major projects”, “Construction, minor projects”, and the “Parking revolving fund”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the “Medical care” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from “Compensation and pensions”.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans’ Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse

the “General operating expenses” account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) IN GENERAL.—The Congress supports efforts to implement improvements in health care services for veterans in rural areas.

Deadline.

(b) REPORT REQUIRED.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

- (i) travel times to veterans health care in rural areas;
- (ii) waiting periods for appointments for veterans health care in rural areas;
- (iii) the cost associated with additional community-based outpatient clinics;
- (iv) transportation costs; and
- (v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans’ access to health care services might be enhanced.

SEC. 109. The Secretary of Veterans Affairs may carry out a major medical facility project to renovate and construct facilities at the Olin E. Teague Department of Veterans Affairs Medical Center, Temple, Texas, for a joint venture Cardiovascular Institute, in an amount not to exceed \$11,500,000. In order to carry out that project, the amount of \$11,500,000 appropriated for fiscal year 1998 and programmed for the renovation of Building 9 at the Waco, Texas, Department of Veterans Affairs Medical Center is hereby made available for that project.

Certification.  
Public  
information.

SEC. 110. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations,

and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

## TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### PUBLIC AND INDIAN HOUSING

#### HOUSING CERTIFICATE FUND

##### (INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families, the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, \$11,376,695,000 and amounts that are recaptured in this account, and recaptured under the appropriation for “Annual contributions for assisted housing”, to remain available until expended: *Provided*, That of the total amount provided under this heading, \$10,990,135,000, of which \$6,790,135,000 shall be available on October 1, 1999 and \$4,200,000,000 shall be available on October 1, 2000, shall be for assistance under the United States Housing Act of 1937 (“the Act” herein) (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), as added by section 538 of title V of this Act, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That amounts available under the first proviso under this heading may be available for section 8 rental assistance under the United States Housing Act of 1937: (1) to relocate residents of properties: (A) that are owned by the Secretary and being disposed of; or (B) that are discontinuing section 8 project-based assistance; (2) for relocation and replacement housing for units that are demolished or disposed of: (A) from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings); or (B) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (3) for the conversion of section 23 projects to assistance under section 8; (4) for funds to carry out the family unification program; (5) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency

42 USC 1437f  
note.

Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: *Provided further*, That of the total amount provided under this heading, \$40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 13611), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: *Provided further*, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: *Provided further*, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: *Provided further*, That all balances for the section 8 rental assistance, section 8 counseling, section 8 new construction, section 8 substantial rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and other programs previously funded within the “Annual Contributions” account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: *Provided further*, That all balances in the “Section 8 Reserve Preservation” account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: *Provided further*, That the unexpended amounts previously appropriated for special purpose grants within the “Annual Contributions for Assisted Housing” account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That of the amounts previously appropriated for property disposition within the “Annual Contributions for Assisted Housing” account, up to \$79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the “Annual Contributions for Assisted Housing” and “Preserving Existing Housing Investments” accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: *Provided further*, That of the total amount provided under this heading, \$346,560,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: *Provided further*, That of the balances remaining from funds appropriated under this heading or the heading “Annual Contributions for Assisted Housing” during fiscal year 2000 and prior years, \$2,243,000,000 is rescinded: *Provided further*, That of the amount

rescinded under the previous proviso, \$1,300,000,000 shall be from amounts recaptured and the Secretary shall have discretion to specify the amounts to be rescinded from each of the foregoing accounts, \$505,000,000 shall be from unobligated balances, and \$438,000,000 shall be from amounts that were appropriated in fiscal year 1999 and prior years for section 8 assistance including assistance to relocate residents of properties that are owned by the Secretary and being disposed of or that are discontinuing section 8 project-based assistance, for relocation and replacement housing for units that are demolished or disposed of from the public housing inventory, and for enhanced vouchers as provided under the “Preserving Existing Housing Investment” account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204).

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), \$2,900,000,000, to remain available until expended: *Provided*, That of the total amount, up to \$75,000,000 shall be for carrying out activities under section 9(h) of such Act, and for lease adjustments to section 23 projects: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: *Provided further*, That of the total amount, up to \$75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2000: *Provided further*, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the “Annual Contributions for Assisted Housing” account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Grants.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), \$3,138,000,000, to remain available until expended: *Provided*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901-11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse

services authorized by 42 U.S.C. 11921–11925, \$310,000,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, up to \$4,500,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to \$150,000 for the cost of necessary travel for participants in such training): *Provided further*, That of the amount provided under this heading, \$10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: *Provided further*, That of the amount under this heading, \$10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: *Provided further*, That of the amount under this heading, \$20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by non-profit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: *Provided further*, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

#### REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, \$575,000,000 to remain available until expended of which the Secretary may use up to \$10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That of the amount provided under this heading, \$1,200,000 shall be contracted through the Secretary to be used by the Urban Institute to conduct an independent study on the long-term effects of the HOPE VI program on former residents of distressed public housing developments.

Contracts.



## NATIVE AMERICAN HOUSING BLOCK GRANTS

## (INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), \$620,000,000, to remain available until expended, of which \$2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA and up to \$4,000,000 by the Secretary to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to \$200,000 for related travel: *Provided*, That of the amount provided under this heading, \$6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$54,600,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to \$200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees.

## INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), \$6,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to \$150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for “Salaries and expenses”, to be used only for the administrative costs of these guarantees.

## COMMUNITY PLANNING AND DEVELOPMENT

## HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), \$232,000,000, to remain available until expended: *Provided*, That the Secretary may use up to 0.75 percent of the funds under this heading for technical assistance.

## RURAL HOUSING AND ECONOMIC DEVELOPMENT

Deadline.

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, \$25,000,000, to remain available until expended: *Provided*, That of the amount under this heading, up to \$3,000,000 shall be used to develop capacity at the State and local level for developing rural housing and for rural economic development and for maintaining a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization: *Provided further*, That of the amount under this heading, at least \$22,000,000 shall be awarded by June 1, 2000 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: *Provided further*, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

## AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

Deadline.

For the cost of guaranteed loans under the America's Private Investment Companies Program, \$20,000,000, to remain available until September 30, 2002: *Provided*, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is guaranteed, not to exceed \$541,000,000: *Provided further*, That the funds appropriated under this heading shall not be available for obligation until the America's Private Investment Companies Program is authorized by subsequent legislation and the program is developed subject to notice and comment rulemaking: *Provided further*, That if the authorizing legislation is not enacted by June 30, 2000, all funds under this heading shall be transferred to and merged with the appropriation for the "Community development financial institutions fund program account" to be available for use as grants and loans under that account.

## URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, \$55,000,000 to the Secretary of Housing and Urban Development for "Urban Empowerment Zones", including \$3,666,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

## RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, \$15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for

designated rural enterprise communities, to remain available until expended.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the “Act” herein) (42 U.S.C. 5301), \$4,800,000,000, to remain available until September 30, 2002: *Provided*, That \$67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, \$3,000,000 shall be available as a grant to the Housing Assistance Council, \$2,200,000 shall be available as a grant to the National American Indian Housing Council, and \$41,500,000 shall be for grants pursuant to section 107 of the Act including \$2,000,000 to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended: *Provided further*, That \$20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for “Planning and Management Development” and “Administration” as defined in regulations promulgated by the department: *Provided further*, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work Demonstration program previously funded within the “Annual Contributions for Assisted Housing” account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Of the amount made available under this heading, \$23,750,000 shall be made available for capacity building, of which \$20,000,000 shall be made available for “Capacity Building for Community Development and Affordable Housing”, for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103-120), as in effect immediately before June 12, 1997, with not less than \$4,000,000 of the funding to be used in rural areas, including tribal areas, and of which \$3,750,000 shall be made available to Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to \$55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: *Provided further*, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees

to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, \$30,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998 and 1999 may be utilized for any of the foregoing purposes: *Provided further*, That of the amount set aside for fiscal year 2000 under this paragraph, \$23,000,000 shall be used for grants specified in the statement of the managers of the committee of conference accompanying this Act.

Of the amount made available under this heading, notwithstanding any other provision of law, \$42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: *Provided*, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: *Provided further*, That of the amount provided under this paragraph, \$2,500,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, \$275,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including \$240,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the statement of the managers of the committee of conference accompanying this Act.

For the cost of guaranteed loans, \$29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: *Provided further*, That in addition, for administrative expenses to carry out the guaranteed loan program,

\$1,000,000, which shall be transferred to and merged with the appropriation for “Salaries and expenses”.

The Secretary is directed to transfer the administration of the small cities component of the Community Development Block Grant Program for the funds allocated for the State of New York under section 106(d) of the Housing and Community Development Act of 1974 for fiscal year 2000 and all fiscal years thereafter to the State of New York to be administered by the Governor of New York.

#### BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, \$25,000,000, to remain available until expended: *Provided*, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101-625), as amended, \$1,600,000,000, to remain available until expended: *Provided*, That up to \$15,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: *Provided further*, That \$2,000,000 of these funds shall be made available as a grant to the National Housing Development Corporation for a program of housing acquisition and rehabilitation: *Provided further*, That all Housing Counseling program balances previously appropriated in the “Housing Counseling Assistance” account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Grants.

#### HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), \$1,020,000,000, to remain available until expended: *Provided*, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary of Housing and Urban Development shall conduct a review of any balances of amounts provided under this heading in any previous appropriations Acts that have been obligated but remain unexpended and shall deobligate any such amounts that the Secretary determines were obligated for contracts that are unlikely to be performed and award such amounts during this fiscal year: *Provided further*, That up to 1 percent of the funds appropriated under

this heading may be used for technical assistance: *Provided further*, That all balances previously appropriated in the “Emergency Shelter Grants”, “Supportive Housing”, “Supplemental Assistance for Facilities to Assist the Homeless”, “Shelter Plus Care”, “Section 8 Moderate Rehabilitation Single Room Occupancy”, and “Innovative Homeless Initiatives Demonstration” accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.

#### HOUSING PROGRAMS

##### HOUSING FOR SPECIAL POPULATIONS

Grants. For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, \$911,000,000, to remain available until expended: *Provided*, That \$710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount \$50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, and of which amount \$50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use, consistent with the relevant provision of title V of this Act: *Provided further*, That of the amount under this heading, \$201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: *Provided further*, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is 5 years in duration: *Provided further*, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

##### FLEXIBLE SUBSIDY FUND

##### (TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred

to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of \$140,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$100,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, \$330,888,000, of which not to exceed \$324,866,000 shall be transferred to the appropriation for “Salaries and expenses”; not to exceed \$4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, \$160,000,000: *Provided*, That to the extent guaranteed loan commitments exceed \$49,664,000,000 on or before April 1, 2000, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), \$153,000,000, including not to exceed \$153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to \$18,100,000,000: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$50,000,000; of which not to exceed

\$30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed \$20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, \$211,455,000 (including not to exceed \$147,000,000 from unobligated balances previously appropriated under this heading), of which \$193,134,000, shall be transferred to the appropriation for “Salaries and expenses”; and of which \$18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, \$144,000,000: *Provided*, That to the extent guaranteed loan commitments exceed \$7,263,000,000 on or before April 1, 2000, an additional \$19,800 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments over \$7,263,000,000 (including a pro rata amount for any increment below \$1,000,000), but in no case shall funds made available by this proviso exceed \$14,400,000.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

##### GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

###### (INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, \$9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed \$9,383,000 shall be transferred to the appropriation for departmental “Salaries and expenses”.

#### POLICY DEVELOPMENT AND RESEARCH

##### RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, \$45,000,000, to remain available until September 30, 2001: *Provided*, That of the amount provided under this heading, \$10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative and \$500,000 shall be for a commission established in section 525 of title V of this Act.



## FAIR HOUSING AND EQUAL OPPORTUNITY

## FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$44,000,000, to remain available until September 30, 2001, of which \$24,000,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

## OFFICE OF LEAD HAZARD CONTROL

## LEAD HAZARD REDUCTION

## (INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, \$80,000,000 to remain available until expended, of which \$1,000,000 shall be for CLEARCorps and \$10,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: *Provided*, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

## MANAGEMENT AND ADMINISTRATION

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed \$7,000 for official reception and representation expenses, \$1,005,733,000, of which \$518,000,000 shall be provided from the various funds of the Federal Housing Administration, \$9,383,000 shall be provided from funds of the Government National Mortgage Association, \$1,000,000 shall be provided from the "Community development block grants program" account, \$150,000 shall be provided by transfer from the "Title VI indian federal guarantees program" account, and \$200,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account: *Provided*, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: *Provided further*, That the Secretary is prohibited from using funds under

this heading or any other heading in this Act to employ more than 9,300 employees: *Provided further*, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to convert any external community builders to career employees, and after September 1, 2000 to employ any external community builders: *Provided further*, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs: *Provided further*, That of the amount made available under this heading, \$2,000,000 shall be for the Millennial Housing Commission as established under section 206.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$83,000,000, of which \$22,343,000 shall be provided from the various funds of the Federal Housing Administration and \$10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for “Drug elimination grants for low-income housing”: *Provided*, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed \$500 for official reception and representation expenses, \$19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: *Provided*, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than \$0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628; 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary

of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

#### FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

#### HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. Section 207 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, is amended by striking wherever it occurs “fiscal year 1999” and inserting “fiscal years 1999 and 2000”. 112 Stat. 2484.

#### REPROGRAMMING

SEC. 204. Of the amounts made available under the sixth undesignated paragraph under the heading “COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS” in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2477) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the \$1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (House Report No. 105–769, 105th Congress, 2d session)) to the City of Redlands, California, for the redevelopment initiatives near the historic Fox Theater shall, notwithstanding such provisions, be made available to such city for the following purposes:

- (1) \$700,000 shall be for renovation of the City of Redlands Fire Station No. 1;
- (2) \$200,000 shall be for renovation of the Mission Gables House at the Redlands Bowl historic outdoor amphitheater; and
- (3) \$100,000 shall be for the preservation of historic Hillside Cemetery.

#### ADJUSTMENTS TO INCOME ELIGIBILITY FOR UNUSUALLY HIGH OR LOW FAMILIES INCOMES IN ASSISTED HOUSING

SEC. 205. Section 16 of the United States Housing Act of 1937 is amended—

- (1) in subsection (a)(2)(A), by inserting before the period the following: “; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes”; and

Grants.  
California.

42 USC 1437n.

(2) in subsection (c)(3), by inserting before the period the following: “; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary’s findings that such variations are necessary because of unusually high or low family incomes”.

## MILLENNIAL HOUSING COMMISSION

42 USC 12701  
note.

SEC. 206. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Millennial Housing Commission (in this section referred to as the “Commission”).

(b) STUDY.—The duty of the Commission shall be to conduct a study that examines, analyzes, and explores—

(1) the importance of housing, particularly affordable housing which includes housing for the elderly, to the infrastructure of the United States;

(2) the various possible methods for increasing the role of the private sector in providing affordable housing in the United States, including the effectiveness and efficiency of such methods; and

(3) whether the existing programs of the Department of Housing and Urban Development work in conjunction with one another to provide better housing opportunities for families, neighborhoods, and communities, and how such programs can be improved with respect to such purpose.

(c) MEMBERSHIP.—

Deadline.

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 22 members, appointed not later than January 1, 2000, as follows:

(A) Two co-chairpersons appointed by—

(i) one co-chairperson appointed by a committee consisting of the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate; and

(ii) one co-chairperson appointed by a committee consisting of the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate.

(B) Ten members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(C) Ten members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate and the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assembling, or applying capital resources from a variety of sources to the successful development of affordable housing or the revitalization of communities, including economic and job development.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission,

take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate Government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

Deadline.

(f) REPORT.—The Commission shall submit to the Committees on Appropriations and Banking and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a final report not later than March 1, 2002. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

#### FHA TECHNICAL CORRECTION

SEC. 207. Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by adding before “48 percent” the following: “the greater of the dollar amount limitation in effect under this section for the area on the date of the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 1999 or”.

#### RESCISSIONS

SEC. 208. Of the balances remaining from funds appropriated to the Department of Housing and Urban Development in Public Law 105-65 and prior appropriations Acts, \$74,400,000 is rescinded: *Provided*, That the amount rescinded shall be comprised of—

(1) \$30,552,000 of the amounts that were appropriated for the modernization of public housing unit; under the heading “Annual contributions for assisted housing”, including an amount equal to the amount transferred from such account to, and merged with amounts under the heading “Public housing capital fund”;

(2) \$3,048,000 of the amounts from which no disbursements have been made within five successive fiscal years beginning after September 30, 1993, that were appropriated under the heading “Annual contributions for assisted housing”, including an amount equal to the amount transferred from such account to the account under the heading “Housing certificate fund”;

(3) \$22,975,000 of amounts appropriated for homeownership assistance under section 235(r) of the National Housing Act, including \$6,875,000 appropriated in Public Law 103–327 (approved September 28, 1994, 104 Stat. 2305) for such purposes;

(4) \$11,400,000 of the amounts appropriated for the Homeownership and Opportunity for People Everywhere programs (HOPE programs), as authorized by the Cranston-Gonzalez National Affordable Housing Act; and

(5) \$6,400,000 of the balances remaining in the account under the heading “Nonprofit Sponsor Assistance Account”.

#### GRANT FOR NATIONAL CITIES IN SCHOOLS

SEC. 209. For a grant to the National Cities in Schools Community Development program under section 930 of the Housing and Community Development Act of 1992, \$5,000,000.

#### MOVING TO WORK DEMONSTRATION

SEC. 210. For the Jobs-Plus Initiative of the Moving to Work Demonstration, \$5,000,000 to cover the cost of rent-based work incentives to families in selected public housing developments, who shall be encouraged to go to work under work incentive plans approved by the Secretary and carefully tracked as part of the research and demonstration effort.

#### REPEALER

SEC. 211. Section 218 of Public Law 104–204 is repealed.

110 Stat. 2905.

#### FHA ADMINISTRATIVE CONTRACT EXPENSE AUTHORITY

SEC. 212. Section 1 of the National Housing Act (12 U.S.C. 1702) is amended by inserting the following new sentence after the first proviso: “Except with respect to title III, for the purposes of this section, the term ‘nonadministrative’ shall not include contract expenses that are not capitalized or routinely deducted from the proceeds of sales, and such expenses shall not be payable from funds made available by this Act.”.

#### FULL PAYMENT OF CLAIMS

SEC. 213. (a) Section 541 of the National Housing Act is amended—

12 USC  
1735f–19.

(1) by amending the heading to read as follows: “PARTIAL PAYMENT OF CLAIMS ON DEFAULTED MORTGAGES AND IN CONNECTION WITH MORTGAGE RESTRUCTURING”; and

(2) in subsection (b), by striking “partial payment of the claim under the mortgage insurance contract” and inserting “partial or full payment of claim under one or more mortgage insurance contracts”.

42 USC 1437f  
note.

(b) Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by adding a new subsection (a)(6) to read as follows: “(6) The second mortgage under this section may be a first mortgage if no restructured or new first mortgage will meet the requirement of paragraph (1)(A).”.

#### AVAILABILITY OF INCOME MATCHING INFORMATION

SEC. 214. (a) Section 3(f) of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by section 508(d)(1) of the Quality Housing and Work Responsibility Act of 1998, is further amended—

(1) in paragraph (1)—

(A) after the first appearance of “public housing agency” by inserting “, or the owner responsible for determining the participant’s eligibility or level of benefits,”; and

(B) after “as applicable” by inserting “, or to the owner responsible for determining the participant’s eligibility or level of benefits”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “or”;

(B) in subparagraph (B) by striking the period and inserting “, or”; and

(C) by inserting at the end the following new subparagraph:

“(C) for which project-based assistance is provided under section 8, section 202, or section 811.”.

(b) Section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544), as amended by section 508(d)(2) of the Quality Housing and Work Responsibility Act of 1998, is further amended in paragraph (4)—

(1) by inserting after “public housing agency” the first time it appears the following: “, or the owner responsible for determining the participant’s eligibility or level of benefits,”; and

(2) by striking “the public housing agency verifying income” and inserting “verifying income”.

#### EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD

SEC. 215. Public housing agencies in the States of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2000.



## ADMINISTRATION OF THE CDBG PROGRAM BY NEW YORK STATE

SEC. 216. The Secretary of Housing and Urban Development shall transfer on the date of the enactment of this Act the administration of the Small Cities component of the Community Development Block Grants program for all funds allocated for the State of New York under section 106(d) of the Housing and Community Development Act of 1974 for fiscal year 2000 and all fiscal years thereafter, to the State of New York to be administered by the Governor of such State.

## SECTION 202 EXEMPTION

SEC. 217. Notwithstanding section 202 of the Housing Act of 1959 or any other provision of law, Peggy A. Burgin may not be disqualified on the basis of age from residing at Clark's Landing in Groton, Vermont. Peggy A. Burgin.

## DARLINTON PRESERVATION AMENDMENT

SEC. 218. Notwithstanding any other provision of law, upon prepayment of the FHA-insured section 236 mortgage, the Secretary shall continue to provide interest reduction payment in accordance with the existing amortization schedule for Darlinton Manor Apartments, a 100-unit project located at 606 North 5th Street, Bozemen, Montana, which will continue as affordable housing pursuant to a use agreement with the State of Montana.

## RISK-SHARING PRIORITY

SEC. 219. Section 517(b)(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended by inserting after "1992." the following: "The Secretary shall use risk-shared financing under section 542(c) of the Housing and Community Development Act of 1992 for any mortgage restructuring, rehabilitation financing, or debt refinancing included as part of a mortgage restructuring and rental assistance sufficiency plan if the terms and conditions are considered to be the best available financing in terms of financial savings to the FHA insurance funds and will result in reduced risk of loss to the Federal Government.".

42 USC 1437f  
note.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE  
GRANTS

SEC. 220. (a) AVAILABILITY.—Notwithstanding section 1552 of title 31, United States Code, the grant amounts identified in subsection (b) shall remain available to the grantees for the purposes for which such amounts were obligated through September 30, 2000.

(b) GRANTS.—The grant amounts identified in this subsection are the amounts provided under the following grants made by the Secretary of Housing and Urban Development under the economic development initiative under section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)):

(1) The grant for Miami, Florida, designated as B-92-ED-12-013.

(2) The grant for Miami Beach, Florida, designated as B-92-ED-12-014.

(c) EFFECTIVE DATE.—This section shall be considered to have taken effect on September 30, 1999. The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out this section, notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

#### USE OF TRUSTS WITH REGARD TO COOPERATIVE HOUSING SECTION

SEC. 221. Section 213(a) of the National Housing Act (12 U.S.C. 1715e(a)) is amended by adding at the end the following new sentence: “Nothing in this section may be construed to prevent membership in a nonprofit housing cooperative from being held in the name of a trust, the beneficiary of which shall occupy the dwelling unit in accordance with rules and regulations prescribed by the Secretary.”.

#### GRANT TECHNICAL CORRECTION

SEC. 222. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101-507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of the enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

#### REUSE OF CERTAIN BUDGET AUTHORITY

SEC. 223. Section 8(z) of the United States Housing Act of 1937 is amended—  
 42 USC 1437f. (1) in paragraph (1)—  
     (A) by inserting after “on account of” the following: “expiration or”; and  
     (B) by striking the parenthetical phrase; and  
 (2) by striking paragraph (3).

#### SECTION 108 WAIVER

SEC. 224. With respect to the \$6,700,000 commitment in connection with guaranteed obligations for the Sandtown-Winchester Home Ownership Zone under section 108 of the Housing and Community Development Act of 1974, the Secretary shall not require security in excess of that authorized under section 108(d)(1)(B).

#### HOPWA TECHNICAL

Pennsylvania.  
New Jersey.

SEC. 225. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2000, and the amounts that would otherwise be allocated for fiscal year 2001, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA-NJ Primary Metropolitan Area (hereafter “metropolitan area”), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)),

the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.

(b) The State of New Jersey shall use amounts allocated to the State under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

### TITLE III—INDEPENDENT AGENCIES

#### AMERICAN BATTLE MONUMENTS COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$28,467,000, to remain available until expended.

#### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$8,000,000: *Provided*, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

#### DEPARTMENT OF THE TREASURY

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

##### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

##### FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$95,000,000, to remain available until September 30, 2001, of which up to \$7,860,000 may be used for administrative expenses, up to \$16,500,000 may be used for the cost of direct loans, and up to \$1,000,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of

direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$53,140,000: *Provided further*, That not more than \$30,000,000 of the funds made available under this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

#### CONSUMER PRODUCT SAFETY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$500 for official reception and representation expenses, \$49,000,000.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

##### NATIONAL AND COMMUNITY SERVICE PROGRAMS

##### OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), \$434,500,000, to remain available until September 30, 2000: *Provided*, That not more than \$28,500,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than \$1,500,000 targeted to administrative needs, not including salaries and expenses, identified as urgent by the Corporation without regard to the provisions of section 501(a)(4)(B) of the Act: *Provided further*, That not more than \$2,500 shall be for official reception and representation expenses: *Provided further*, That not more than \$70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed \$5,000,000 shall be available for national service scholarships for high school students performing community service: *Provided further*, That not more than \$234,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than \$45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further*, That not more than \$7,500,000 of the funds made available under this heading shall be made available for the Points of Light

Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): *Provided further*, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): *Provided further*, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: *Provided further*, That not more than \$18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): *Provided further*, That not more than \$43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): *Provided further*, That not more than \$28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): *Provided further*, That not more than \$5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): *Provided further*, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: *Provided further*, That of amounts available in the National Service Trust account from previous appropriations Acts, \$80,000,000 shall be rescinded.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$4,000,000.

#### COURT OF VETERANS APPEALS

##### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251-7298, \$11,450,000, of which \$910,000, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

#### DEPARTMENT OF DEFENSE—CIVIL

##### CEMETERIAL EXPENSES, ARMY

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$12,473,000, to remain available until expended.

## ENVIRONMENTAL PROTECTION AGENCY

## SCIENCE AND TECHNOLOGY

## (INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$645,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

## ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; and not to exceed \$6,000 for official reception and representation expenses, \$1,900,000,000, which shall remain available until September 30, 2001: *Provided*, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided further*, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued

on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the “Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits” with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: *Provided further*, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies: *Provided further*, That the unexpended funds remaining from the \$2,200,000 appropriated under this heading in Public Law 105–276 for a grant to the Lake Ponchartrain Basin Foundation circuit rider initiative in Louisiana shall be transferred to the “State and tribal assistance grants” appropriation to remain available until expended for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the report accompanying that Act.

7 USC 136r note.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$32,409,000, to remain available until September 30, 2001: *Provided*, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: *Provided further*, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

#### BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$62,600,000, to remain available until expended.

#### HAZARDOUS SUBSTANCE SUPERFUND

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project; \$1,400,000,000 (of which \$100,000,000 shall not become available until September 1, 2000), to remain available until expended, consisting of \$700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of

1986 (SARA), as amended by Public Law 101-508, and \$700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101-508: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That \$11,000,000 of the funds appropriated under this heading shall be transferred to the “Office of Inspector General” appropriation to remain available until September 30, 2001: *Provided further*, That \$38,000,000 of the funds appropriated under this heading shall be transferred to the “Science and technology” appropriation to remain available until September 30, 2001: *Provided further*, That notwithstanding section 111(m) of CERCLA or any other provision of law, \$70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: *Provided further*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

#### LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed \$75,000 per project, \$70,000,000, to remain available until expended.

#### OIL SPILL RESPONSE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency’s responsibilities under the Oil Pollution Act of 1990, \$15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$3,466,650,000, to remain available until expended, of which \$1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; \$820,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the



Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations Acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; \$50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$30,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; \$331,650,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act (H.R. 2684); and \$885,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: *Provided*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and prior years where such amounts represent costs of administering the fund, or by the State of New York for fiscal year 2000 and prior years, costs of capitalizing the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration, or, by the State of New York for fiscal year 2000 and prior years, for capitalization of the fund: *Provided further*, That notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian tribes pursuant to section 319(h) and 518(e) of that Act: *Provided further*, That notwithstanding any other provision of law, in the case of a publicly owned treatment works in the District of Columbia, the Federal share of grants awarded under title II of the Federal Water Pollution Control Act, beginning October 1, 1999 and continuing through September 30, 2001, shall be 80 percent of the cost of construction, and all grants made to such publicly owned treatment works in the District of Columbia may include an advance of allowance under section 201(l)(2): *Provided further*, That the \$2,200,000 appropriated in Public Law 105-276 in accordance with House Report No. 105-769, for a grant to the Charleston, Utah Water Conservancy District, as amended by Public Law 106-31, shall be awarded to Wasatch County, Utah, for water and sewer needs: *Provided further*, That the funds appropriated under this heading in Public Law

33 USC 1377  
note.

105-276 for the City of Fairbanks, Alaska, water system improvements shall instead be for the Matanuska-Susitna Borough, Alaska, water and sewer improvements: *Provided further*, That notwithstanding any other provision of law, all claims for principal and interest registered through grant dispute AA-91-AD34 (05-90-AD09) or any other such dispute hereafter filed by the Environmental Protection Agency relative to water pollution control center and sewer system improvement grants numbers C-390996-01, C-390996-2, and C-390996-3 made in 1976 and 1977 are hereby resolved in favor of the grantee.

The Environmental Protection Agency and the New York State Department of Environmental Conservation are authorized to award, from construction grant reallocations to the State of New York of previously appropriated funds, supplemental grant assistance to Nassau County, New York, for additional odor control at the Bay Park and Cedar Creek wastewater treatment plants, notwithstanding initiation of construction or prior State Revolving Fund funding. Nassau County may elect to accept a combined lump-sum of \$15,000,000, paid in advance of construction, in lieu of a 75 percent entitlement, to minimize grant and project administration.

#### EXECUTIVE OFFICE OF THE PRESIDENT

##### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed \$2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,108,000.

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, \$2,827,000: *Provided*, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: *Provided further*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

President.  
42 USC 4342  
note.

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### OFFICE OF INSPECTOR GENERAL

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978,

as amended, \$33,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed \$2,900,000 may be transferred to “Emergency Management Planning and Assistance” for the consolidated emergency management performance grant program: *Provided*, That of the funds made available under this heading in this and prior appropriations Acts and under section 404 of the Stafford Act to the State of California, \$2,000,000 shall be for a pilot project of seismic retrofit technology at California State University, San Bernardino; \$6,000,000 shall be for a seismic retrofit project at Loma Linda University Hospital; and \$2,000,000 shall be for a seismic retrofit project at the University of Redlands, Redlands, California: *Provided further*, That of the funds made available under this heading in this and prior appropriations Acts and under section 404 of the Stafford Act to the State of Florida, \$1,000,000 shall be for a hurricane protection project for the St. Petersburg campus of South Florida University, and \$2,500,000 shall be for a windstorm simulation project at Florida International University, Miami: *Provided further*, That of the funds made available under this heading in this and prior appropriations Acts and under section 404 of the Stafford Act to the State of North Carolina, \$1,000,000 shall be for a logistical staging area concept demonstration involving warehouse facilities at the Stanly County Airport: *Provided further*, That of the funds made available under this heading in this and prior appropriations Acts and under section 404 of the Stafford Act to the State of Louisiana, \$500,000 shall be for wave monitoring buoys in the Gulf of Mexico off the Louisiana coast.

For an additional amount for “Disaster relief”, \$2,480,425,000, to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, \$1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these

funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$25,000,000.

In addition, for administrative expenses to carry out the direct loan program, \$420,000.

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed \$2,500 for official reception and representation expenses, \$180,000,000.

#### OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$8,015,000.

#### EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, \$267,000,000: *Provided*, That for purposes of pre-disaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), \$25,000,000 of the funds made available under this heading shall be available until expended for project grants: *Provided further*, That beginning in fiscal year 2000 and each fiscal year thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants: *Provided further*, That notwithstanding any other provision of law, FEMA is authorized to and shall extend its cooperative agreement for the Jones County, Mississippi Emergency Operating Center, and the funds which were obligated as Federal matching funds for that Center shall remain available for expenditure until September 30, 2001.

Effective date.  
42 USC 5195  
note.

Contracts.

## RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105-276, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

## EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100-77, as amended, \$110,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3½ percent of the total appropriation.

## FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, \$5,000,000, and such additional sums as may be provided by State or local governments or other political subdivisions for cost shared mapping activities under section 1360(f)(2), to remain available until expended.

## NATIONAL INSURANCE DEVELOPMENT FUND

Notwithstanding the provisions of 12 U.S.C. 1735d(b) and 12 U.S.C. 1749bbb-13(b)(6), any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director borrowing sums under such sections before the date of the enactment of this Act to carry out title XII of the National Housing Act shall be canceled, and the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.

## NATIONAL FLOOD INSURANCE FUND

## (INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed \$24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed \$78,710,000 for flood mitigation, including up to \$20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) \$47,000,000 for operating expenses; (2) \$456,427,000 for agents' commissions and taxes; and (3) \$50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104-208, is further amended by striking “1999” and inserting “2000”.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking “September 30, 1999” and inserting “September 30, 2000”.

#### NATIONAL FLOOD MITIGATION FUND

##### (INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, \$20,000,000 to remain available until September 30, 2001, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which \$20,000,000 shall be derived from the National Flood Insurance Fund.

#### GENERAL SERVICES ADMINISTRATION

##### CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, \$2,622,000, to be deposited into the Consumer Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of \$7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of \$7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,510,900,000, to remain available until September 30, 2001: *Provided*, That \$40,000,000 of the amount provided in this paragraph shall be available to the space shuttle program only for preparations necessary to carry out a life and micro-gravity science mission, to be flown between STS-107 and December 2001.

#### SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities

including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$5,606,700,000, to remain available until September 30, 2001.

#### MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed \$35,000 for official reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, \$2,515,100,000, to remain available until September 30, 2001.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$20,000,000.

#### ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in “Mission support” pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for “Human space flight”, “Science, aeronautics and technology”, or “Mission support” by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.

Notwithstanding the limitation on the availability of funds appropriated for “Mission support” and “Office of Inspector General”, amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations,

costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for “Human space flight” may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2000.

#### NATIONAL CREDIT UNION ADMINISTRATION

##### CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, administrative expenses of the Central Liquidity Facility shall not exceed \$257,000: *Provided*, That \$1,000,000, together with amounts of principal and interest on loans repaid, to be available until expended, is available for loans to community development credit unions.

#### NATIONAL SCIENCE FOUNDATION

##### RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; \$2,966,000,000, of which not to exceed \$253,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: *Provided*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That \$60,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: *Provided further*, That none of the funds appropriated or otherwise made available to the National Science Foundation in this or any prior Act may be obligated or expended by the National Science Foundation to enter into or extend a grant, contract, or cooperative agreement for the support of administering the domain name and numbering system of the Internet after September 30, 1998: *Provided further*, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: *Provided further*, That, in determining the cost of such a vessel, such cost be increased

Domain name.



by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: *Provided further*, That if the vessel contracted for pursuant to the foregoing is not available for the 2002-2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

#### MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including award-related travel, \$95,000,000, to remain available until expended.

#### EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, \$696,600,000, to remain available until September 30, 2001: *Provided*, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: *Provided further*, That \$10,000,000 shall be available for the purpose of establishing an office of innovation partnerships.

#### SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861-1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed \$9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; \$149,000,000: *Provided*, That contracts may be entered into under "Salaries and expenses" in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, \$5,450,000, to remain available until September 30, 2001.

#### NEIGHBORHOOD REINVESTMENT CORPORATION

##### PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101-8107), \$75,000,000.

## SELECTIVE SERVICE SYSTEM

## SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed \$1,000 for official reception and representation expenses; \$24,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

## TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: *Provided*, That this provision does not apply to accounts that do not contain an object classification for travel: *Provided further*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—  
(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for

Contracts.  
Public  
information.  
Records.

a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

Reports.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

Notice.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A-21.

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except

as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term “qualified student loan” with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. It is the sense of the Congress that, along with health care, housing, education, and other benefits, the presence of an honor guard at a veteran’s funeral is a benefit that a veteran has earned, and, therefore, the executive branch should provide funeral honor details for the funerals of veterans when requested, in accordance with law.

SEC. 423. Notwithstanding any other law, funds made available by this or any other Act or previous Acts for the United States/Mexico Foundation for Science may be used for the endowment of such Foundation: *Provided*, That funds from the United States Government shall be matched in equal amounts with funds from Mexico: *Provided further*, That the accounts of such Foundation shall be subject to United States Government administrative and audit requirements concerning grants and requirements concerning cost principles for nonprofit organizations: *Provided further*, That the United States/Mexico Foundation for Science is renamed the “George E. Brown United States/Mexico Foundation for Science”.

SEC. 424. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 425. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 426. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal Government or in litigation against the United States unless authorized under existing law.

SEC. 427. LAW ENFORCEMENT AGENCIES NOT INCLUDED AS OWNER OR OPERATOR. Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(D)) is amended by inserting “through seizure

Nonprofit  
organization.  
7 USC 3292a  
note.

or otherwise in connection with law enforcement activity” before “involuntary” the first place it appears.

SEC. 428. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Deadline.

SEC. 429. The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of 90 additional calendar days.

SEC. 430. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking “1999” and inserting “2000”.

Reports.

SEC. 431. PROMULGATION OF STORMWATER REGULATIONS. (a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the six minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold); and

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

Deadline.  
Reports.

(b) PHASE I REGULATIONS.—No later than 120 days after the enactment of this Act, the Environmental Protection Agency shall submit to the Environment and Public Works Committee of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including

a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

SEC. 432. PESTICIDE TOLERANCE FEES. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 433. COMMERCIAL SPACE LAUNCH INDEMNIFICATION EXTENSION. Section 70113(f) of title 49, United States Code, is amended by striking “December 31, 1999”, and inserting “December 31, 2000”.

SEC. 434. SPACE STATION COMMERCIAL DEVELOPMENT DEMONSTRATION PROGRAM. (a) PURPOSE.—The purpose of this section is to establish a demonstration regarding the commercial feasibility and economic viability of private sector business operations involving the International Space Station and its related infrastructure. The goal will be furthered by the early use of the International Space Station by United States commercial entities committing private capital to commercial enterprises on the International Space Station. In conjunction with this demonstration program, the National Aeronautics and Space Administration (NASA) shall establish and publish a price policy designed to eliminate price uncertainty for those planning to utilize the International Space Station and its related facilities for United States commercial use.

42 USC 14711  
note.

(b) USE OF RECEIPTS FOR COMMERCIAL USE.—Any receipts collected by NASA from the commercial use of the International Space Station shall first be used to offset any costs incurred by NASA in support of the United States commercial use of the International Space Station. Any receipts collected in excess of the costs identified pursuant to the prior sentence may be retained by NASA for use without fiscal year limitation in promoting the commercial use of the International Space Station.

Publication.

(c) REPORT.—NASA shall submit an annual report to the Congress that identifies all receipts that are collected under this section, the use of the receipts and the status of the demonstration. NASA shall submit a final report on the status of the demonstration, including any recommendation for expansion, within 120 days of the completion of the assembly of the International Space Station or the end of fiscal year 2004, whichever is earlier.

Deadline.

(d) DEFINITIONS.—As used in this section, the term “United States commercial use” means private commercial projects that are designed to benefit the United States through the sales of goods or services or the creation of jobs, or both.

(e) TERMINATION.—The demonstration program established under this section shall apply to United States commercial use agreements that are entered into prior to the date of the completion of the International Space Station or the end of fiscal year 2004, whichever is earlier.

Applicability.

SEC. 435. INSURANCE; INDEMNIFICATION; LIABILITY. (a) AMENDMENT.—The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by inserting after section 308 the following new section:

42 USC 2458c.

## “EXPERIMENTAL AEROSPACE VEHICLE

“(a) IN GENERAL.—The Administrator may provide liability insurance for, or indemnification to, the developer of an experimental aerospace vehicle developed or used in execution of an agreement between the Administration and the developer.

“(b) TERMS AND CONDITIONS.—

“(1) IN GENERAL.—Except as otherwise provided in this section, the insurance and indemnification provided by the Administration under subsection (a) to a developer shall be provided on the same terms and conditions as insurance and indemnification is provided by the Administration under section 308 of this Act to the user of a space vehicle.

“(2) INSURANCE.—

“(A) IN GENERAL.—A developer shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

“(i) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with the development or use of an experimental aerospace vehicle; and

“(ii) the United States Government for damage or loss to Government property resulting from such an activity.

“(B) MAXIMUM REQUIRED.—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 70112(a)(3) of title 49, United States Code, for a launch. The Administrator shall publish notice of the Administrator’s determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.

“(C) INCREASE IN DOLLAR AMOUNTS.—The Administrator may increase the dollar amounts set forth in section 70112(a)(3)(A) of title 49, United States Code, for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

“(D) SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.—The Administrator may not provide liability insurance or indemnification under subsection (a) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

“(3) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not

Federal Register,  
publication.  
Notice.  
Deadline.

Public  
information.  
Records.



indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (c).

“(4) APPLICATION OF CERTAIN PROCEDURES.—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 308(b) of this Act, then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 70113 of title 49, United States Code.

“(c) CROSS-WAIVERS.—

“(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—The Administrator, on behalf of the United States, and its departments, agencies, and related entities, may reciprocally waive claims with a developer or cooperating party and with the related entities of that developer or cooperating party under which each party to the waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

“(2) LIMITATIONS.—

“(A) CLAIMS.—A reciprocal waiver under paragraph (1) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or that natural person’s estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

“(B) LIABILITY FOR NEGLIGENCE.—A reciprocal waiver under paragraph (1) may not absolve any party of liability to any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or such a natural person’s estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

“(C) INDEMNIFICATION FOR DAMAGES.—A reciprocal waiver under paragraph (1) may not be used as the basis of a claim by the Administration, or the developer or cooperating party, for indemnification against the other for damages paid to a natural person, or that natural person’s estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

“(3) EFFECT ON PREVIOUS WAIVERS.—Subsection (c) applies to any waiver of claims entered into by the Administration without regard to whether it was entered into before, on, or after the date of the enactment of this Act.

“(d) DEFINITIONS.—In this section:

“(1) COOPERATING PARTY.—The term ‘cooperating party’ means any person who enters into an agreement with the

Administration for the performance of cooperative scientific, aeronautical, or space activities to carry out the purposes of this Act.

“(2) DEVELOPER.—The term ‘developer’ means a United States person (other than a natural person) who—

“(A) is a party to an agreement with the Administration for the purpose of developing new technology for an experimental aerospace vehicle;

“(B) owns or provides property to be flown or situated on that vehicle; or

“(C) employs a natural person to be flown on that vehicle.

“(3) EXPERIMENTAL AEROSPACE VEHICLE.—The term ‘experimental aerospace vehicle’ means an object intended to be flown in, or launched into, orbital or suborbital flight for the purpose of demonstrating technologies necessary for a reusable launch vehicle, developed under an agreement between the Administration and a developer.

“(4) RELATED ENTITY.—The term ‘related entity’ includes a contractor or subcontractor at any tier, a supplier, a grantee, and an investigator or detailee.

“(e) RELATIONSHIP TO OTHER LAWS.—

“(1) SECTION 308.—This section does not apply to any object, transaction, or operation to which section 308 of this Act applies.

“(2) CHAPTER 701 OF TITLE 49, UNITED STATES CODE.—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 70117(g)(1) of title 49, United States Code.”.

(b) REPEAL.—Section 431 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) is repealed.

42 USC 2458b  
note.

Preserving  
Affordable  
Housing for  
Senior Citizens  
and Families into  
the 21st Century  
Act.  
12 USC 1701  
note.

## TITLE V—PRESERVATION OF AFFORDABLE HOUSING

### SEC. 501. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the “Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act”.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 501. Short title and table of contents.

Sec. 502. Regulations.

Sec. 503. Effective date.

Subtitle A—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 511. Supportive housing for elderly persons.

Sec. 512. Supportive housing for persons with disabilities.

Sec. 513. Service coordinators and congregate services for elderly and disabled housing.

Subtitle B—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

Sec. 521. Study of debt forgiveness for section 202 loans.

- Sec. 522. Grants for conversion of elderly housing to assisted living facilities.  
Sec. 523. Use of section 8 assistance for assisted living facilities.  
Sec. 524. Size limitation for projects for persons with disabilities.  
Sec. 525. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century.

Subtitle C—Renewal of Expiring Rental Assistance Contracts and Protection of Residents

- Sec. 531. Renewal of expiring contracts and enhanced vouchers for project residents.  
Sec. 532. Section 236 assistance.  
Sec. 533. Rehabilitation of assisted housing.  
Sec. 534. Technical assistance.  
Sec. 535. Termination of section 8 contract and duration of renewal contract.  
Sec. 536. Eligibility of residents of flexible subsidy projects for enhanced vouchers.  
Sec. 537. Enhanced disposition authority.  
Sec. 538. Unified enhanced voucher authority.

**SEC. 502. REGULATIONS.**

The Secretary of Housing and Urban Development shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

12 USC 1701q  
note.

Notice.  
Federal Register,  
publication.

**SEC. 503. EFFECTIVE DATE.**

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

12 USC 1701q  
note.

## **Subtitle A—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities**

**SEC. 511. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.**

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following new subsection:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section \$710,000,000 for fiscal year 2000.”.

**SEC. 512. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.**

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

- (1) by redesignating subsection (m) as subsection (n); and
- (2) by inserting after subsection (l) the following new subsection:

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section \$201,000,000 for fiscal year 2000.”.

**SEC. 513. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.**

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERALLY ASSISTED HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development \$50,000,000 for fiscal year 2000 for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

(b) PUBLIC HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary for fiscal year 2000 for grants for use only for activities described in paragraph (2) of section 34(b) of the United States Housing Act of 1937 (42 U.S.C. 1437z-6(b)(2)) for renewal of all grants made in prior fiscal years for providing service coordinators and congregate services for the elderly and disabled in public housing.

**Subtitle B—Expanding Housing Opportunities for the Elderly and Persons With Disabilities**

**SEC. 521. STUDY OF DEBT FORGIVENESS FOR SECTION 202 LOANS.**

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct an analysis of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, to sponsors of projects assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), forgiveness of any indebtedness to the Secretary relating to any remaining principal and interest under loans made under such section, together with a dollar-for-dollar reduction in the amount of rental assistance under section 8 of the United States Housing Act of 1937 or other rental assistance provided for such project. Such analysis shall take into consideration the full cost of future appropriations for rental assistance under such section 8 expected to be provided if such debt forgiveness does not take place, notwithstanding current budgetary treatment of such actions pursuant to the Congressional Budget Act of 1974.

Deadline.

(b) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the

Secretary of Housing and Urban Development shall submit a report to the Congress containing the quantitative results of the analysis and an enumeration of any project or administrative benefits of such actions.

**SEC. 522. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.**

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q-1) the following new section:

**“SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.** 12 USC 1701q-2.

“(a) **GRANT AUTHORITY.**—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for one or both of the following activities:

“(1) **REPAIRS.**—Substantial capital repairs to projects that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

“(2) **CONVERSION.**—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

“(b) **ELIGIBLE PROJECTS.**—An eligible project described in this subsection is a multifamily housing project that is—

“(1)(A) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

“(2) owned by a private nonprofit organization (as such term is defined in section 202); and

“(3) designated primarily for occupancy by elderly persons.

Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more than three such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

“(c) **APPLICATIONS.**—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain— Procedures.

“(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

“(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

“(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

“(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

“(d) **FUNDING FOR SERVICES.**—The Secretary may not make a grant under this section for conversion activities unless the

application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

“(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

“(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

“(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

“(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant’s financial records, including assets in the applicant’s residual receipts account and reserves for replacement account;

“(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

“(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

“(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

“(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

“(f) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘assisted living facility’ has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

“(2) the definitions in section 202(k) shall apply.

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for fiscal year 2000.”.

**SEC. 523. USE OF SECTION 8 ASSISTANCE FOR ASSISTED LIVING FACILITIES.**

(a) VOUCHER ASSISTANCE.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

“(18) RENTAL ASSISTANCE FOR ASSISTED LIVING FACILITIES.—

“(A) IN GENERAL.—A public housing agency may make assistance payments on behalf of a family that uses an assisted living facility as a principal place of residence and that uses such supportive services made available in the facility as the agency may require. Such payments may be made only for covering costs of rental of the dwelling unit in the assisted living facility and not for covering any portion of the cost of residing in such facility that is attributable to service relating to assisted living.

“(B) RENT CALCULATION.—

“(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent of the dwelling unit that is an assisted living facility with respect to which assistance payments are made shall include maintenance and management charges related to the dwelling unit and tenant-paid utilities. Such rent shall not include any charges attributable to services relating to assisted living.

“(ii) PAYMENT STANDARD.—In determining the monthly assistance that may be paid under this paragraph on behalf of any family residing in an assisted living facility, the public housing agency shall utilize the payment standard established under paragraph (1), for the market area in which the assisted living facility is located, for the applicable size dwelling unit.

“(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment for a family assisted under this paragraph shall be determined in accordance with paragraph (2) (using the rent and payment standard for the dwelling unit as determined in accordance with this subsection).

“(C) DEFINITION.—For the purposes of this paragraph, the term ‘assisted living facility’ has the meaning given that term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)), except that such a facility may be contained within a portion of a larger multifamily housing project.”

(b) PROJECT-BASED ASSISTANCE.—Section 202b of the Housing Act of 1959, as added by section 522 of this Act, is amended—

*Ante*, p. 1103.

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

“(1) ELIGIBILITY.—Notwithstanding any other provision of law, a multifamily project which includes one or more dwelling units that have been converted to assisted living facilities using grants made under this section shall be eligible for project-based assistance under section 8 of the United States Housing Act of 1937, in the same manner in which the project would be eligible for such assistance but for the assisted living facilities in the project.

“(2) CALCULATION OF RENT.—For assistance pursuant to this subsection, the maximum monthly rent of a dwelling unit that is an assisted living facility with respect to which assistance payments are made shall not include charges attributable to services relating to assisted living.”

**SEC. 524. SIZE LIMITATION FOR PROJECTS FOR PERSONS WITH DISABILITIES.**

(a) LIMITATION.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (k)(4), by inserting “, subject to the limitation under subsection (h)(6)” after “prescribe”; and

(2) in subsection (l), by adding at the end the following new paragraph:

“(4) SIZE LIMITATION.—Of any amounts made available for any fiscal year and used for capital advances or project rental assistance under paragraphs (1) and (2) of subsection (d), not more than 25 percent may be used for supportive housing which contains more than 24 separate dwelling units.”.

(b) STUDY.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study and submit a report to the Congress regarding—

(1) the extent to which the authority of the Secretary under section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)), as in effect immediately before the enactment of this Act, has been used in each year since 1990 to provide for assistance under such section for supportive housing for persons with disabilities having more than 24 separate dwelling units;

(2) the per-unit costs of, and the benefits and problems associated with, providing such housing in projects having eight or less dwelling units, 8 to 24 units, and more than 24 units; and

(3) the per-unit costs of, and the benefits and problems associated with providing housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in projects having 30 to 50 dwelling units, in projects having more than 50 but not more than 80 dwelling units, in projects having more than 80 but not more than 120 dwelling units, and in projects having more than 120 dwelling units, but the study shall also examine the social considerations afforded by smaller and moderate-size developments and shall not be limited to economic factors.

Deadline.  
Reports.

42 USC 12701  
note.

**SEC. 525. COMMISSION ON AFFORDABLE HOUSING AND HEALTH CARE FACILITY NEEDS IN THE 21ST CENTURY.**

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century (in this section referred to as the “Commission”).

(b) STUDY.—The duty of the Commission shall be to conduct a study that—

(1) compiles and interprets information regarding the expected increase in the population of persons 62 years of age or older, particularly information regarding distribution of income levels, homeownership and home equity rates, and degree or extent of health and independence of living;

(2) provides an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities;

(3) provides a comparison of estimate of such future needs with an estimate of the housing and facilities expected to be



provided under existing public programs, and identifies possible actions or initiatives that may assist in providing affordable housing and assisted living and health care facilities to meet such expected needs;

(4) identifies and analyzes methods of encouraging increased private sector participation, investment, and capital formation in affordable housing and assisted living and health care facilities for seniors through partnerships between public and private entities and other creative strategies;

(5) analyzes the costs and benefits of comprehensive aging-in-place strategies, taking into consideration physical and mental well-being and the importance of coordination between shelter and supportive services;

(6) identifies and analyzes methods of promoting a more comprehensive approach to dealing with housing and supportive service issues involved in aging and the multiple governmental agencies involved in such issues, including the Department of Housing and Urban Development and the Department of Health and Human Services; and

(7) examines how to establish intergenerational learning and care centers and living arrangements, in particular to facilitate appropriate environments for families consisting only of children and a grandparent or grandparents who are the head of the household.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 members, appointed not later than January 1, 2000, as follows:

Deadline.

(A) Two co-chairpersons, of whom—

(i) one co-chairperson shall be appointed by a committee consisting of the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate, and the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate; and

(ii) one co-chairperson shall be appointed by a committee consisting of the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate, and the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(B) Six members appointed by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives.

(C) Six members appointed by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assembling, or applying capital resources from a variety of sources to the successful development of affordable housing, assisted living facilities, or health care facilities.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission,

take any action which the Commission is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(5) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate Government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) REPORT.—The Commission shall submit to the Committees on Banking and Financial Services and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate, a final report not later than December 31, 2001. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate. Deadline.

(g) TERMINATION.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

## **Subtitle C—Renewal of Expiring Rental Assistance Contracts and Protection of Residents**

### **SEC. 531. RENEWAL OF EXPIRING CONTRACTS AND ENHANCED VOUCHERS FOR PROJECT RESIDENTS.**

(a) IN GENERAL.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

**“SEC. 524. RENEWAL OF EXPIRING PROJECT-BASED SECTION 8 CONTRACTS.**

“(a) IN GENERAL.—

“(1) RENEWAL.—Subject to paragraph (2), upon termination or expiration of a contract for project-based assistance under section 8 for a multifamily housing project (and notwithstanding section 8(v) of the United States Housing Act of 1937 for loan management assistance), the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, use amounts available for the renewal of assistance under section 8 of such Act to provide such assistance for the project. The assistance shall be provided under a contract having such terms and conditions as the Secretary considers appropriate, subject to the requirements of this section. This section shall not require contract renewal for a project that is eligible under this subtitle for a mortgage restructuring and rental assistance sufficiency plan, if there is no approved plan for the project and the Secretary determines that such an approved plan is necessary.

“(2) PROHIBITION ON RENEWAL.—Notwithstanding part 24 of title 24 of the Code of Federal Regulations, the Secretary may elect not to renew assistance for a project otherwise required to be renewed under paragraph (1) or provide comparable benefits under paragraph (1) or (2) of subsection (e) for a project described in either such paragraph, if the Secretary determines that a violation under paragraphs (1) through (4) of section 516(a) has occurred with respect to the project. For purposes of such a determination, the provisions of section 516 shall apply to a project under this section in the same manner and to the same extent that the provisions of such section apply to eligible multifamily housing projects, except that the Secretary shall make the determination under section 516(a)(4).

“(3) CONTRACT TERM FOR MARK-UP-TO-MARKET CONTRACTS.—In the case of an expiring or terminating contract that has rent levels less than comparable market rents for the market area, if the rent levels under the renewal contract under this section are equal to comparable market rents for the market area, the contract shall have a term of not less than 5 years, subject to the availability of sufficient amounts in appropriation Acts.

“(4) RENEWAL RENTS.—Except as provided in subsection (b), the contract for assistance shall provide assistance at the following rent levels:

“(A) MARKET RENTS.—At the request of the owner of the project, at rent levels equal to the lesser of comparable market rents for the market area or 150 percent of the fair market rents, in the case only of a project that—

“(i) has rent levels under the expiring or terminating contract that do not exceed such comparable market rents;

“(ii) does not have a low- and moderate-income use restriction that can not be eliminated by unilateral action by the owner;

“(iii) is decent, safe, and sanitary housing, as determined by the Secretary;

“(iv) is not—

“(I) owned by a nonprofit entity;

“(II) subject to a contract for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991; or

“(III) a project for which the public housing agency provided voucher assistance to one or more of the tenants after the owner has provided notice of termination of the contract covering the tenant’s unit; and

“(v) has units assisted under the contract for which the comparable market rent exceeds 110 percent of the fair market rent.

The Secretary may adjust the percentages of fair market rent (as specified in the matter preceding clause (i) and in clause (v)), but only upon a determination and written notification to the Congress within 10 days of making such determination, that such adjustment is necessary to ensure that this subparagraph covers projects with a high risk of nonrenewal of expiring contracts for project-based assistance.

“(B) REDUCTION TO MARKET RENTS.—In the case of a project that has rent levels under the expiring or terminating contract that exceed comparable market rents for the market area, at rent levels equal to such comparable market rents.

“(C) RENTS NOT EXCEEDING MARKET RENTS.—In the case of a project that is not subject to subparagraph (A) or (B), at rent levels that—

“(i) are not less than the existing rents under the terminated or expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment), if such adjusted rents do not exceed comparable market rents for the market area; and

“(ii) do not exceed comparable market rents for the market area.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iii) of subparagraph (D) that the project meets.

“(D) WAIVER OF 150 PERCENT LIMITATION.—Notwithstanding subparagraph (A), at rent levels up to comparable market rents for the market area, in the case of a project that meets the requirements under clauses (i) through (v) of subparagraph (A) and—

“(i) has residents who are a particularly vulnerable population, as demonstrated by a high percentage of units being rented to elderly families, disabled families, or large families;

“(ii) is located in an area in which tenant-based assistance would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high

turnback rate for vouchers, or a lack of comparable rental housing; or

“(iii) is a high priority for the local community, as demonstrated by a contribution of State or local funds to the property.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) that the project meets.

“(5) COMPARABLE MARKET RENTS AND COMPARISON WITH FAIR MARKET RENTS.—The Secretary shall prescribe the method for determining comparable market rent by comparison with rents charged for comparable properties (as such term is defined in section 512), which may include appropriate adjustments for utility allowances and adjustments to reflect the value of any subsidy (other than section 8 assistance) provided by the Department of Housing and Urban Development.

“(b) EXCEPTION RENTS.—

“(1) RENEWAL.—In the case of a multifamily housing project described in paragraph (2), pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of the following rent levels:

“(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

“(B) BUDGET-BASED RENTS.—Subject to a determination by the Secretary that a rent level under this subparagraph is appropriate for a project, a rent level that provides income sufficient to support a budget-based rent (including a budget-based rent adjustment if justified by reasonable and expected operating expenses).

“(2) PROJECTS COVERED.—A multifamily housing project described in this paragraph is a multifamily housing project that—

“(A) is not an eligible multifamily housing project under section 512(2); or

“(B) is exempt from mortgage restructuring under this subtitle pursuant to section 514(h).

“(3) MODERATE REHABILITATION PROJECTS.—In the case of a project with a contract under the moderate rehabilitation program, other than a moderate rehabilitation contract under section 441 of the Stewart B. McKinney Homeless Assistance Act, pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of the following rent levels:

“(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

“(B) FAIR MARKET RENTS.—Fair market rents (less any amounts allowed for tenant-purchased utilities).

“(C) MARKET RENTS.—Comparable market rents for the market area.

“(c) RENT ADJUSTMENTS AFTER RENEWAL OF CONTRACT.—

“(1) REQUIRED.—After the initial renewal of a contract for assistance under section 8 of the United States Housing Act of 1937 pursuant to subsection (a), (b)(1), or (e)(2), the Secretary shall annually adjust the rents using an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment) or, upon the request of the owner and subject to approval of the Secretary, on a budget basis. In the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, at the expiration of each 5-year period, the Secretary shall compare existing rents with comparable market rents for the market area and may make any adjustments in the rent necessary to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

“(2) DISCRETIONARY.—In addition to review and adjustment required under paragraph (1), in the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, the Secretary may, at the discretion of the Secretary but only once within each 5-year period referred to in paragraph (1), conduct a comparison of rents for a project and adjust the rents accordingly to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

“(d) ENHANCED VOUCHERS UPON CONTRACT EXPIRATION.—

“(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) or (b) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary shall make enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) available on behalf of each low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

“(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) ASSISTED DWELLING UNIT.—The term ‘assisted dwelling unit’ means a dwelling unit that—

“(i) is in a covered project; and

“(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

“(B) COVERED PROJECT.—The term ‘covered project’ means any housing that—

“(i) consists of more than four dwelling units;

“(ii) is covered in whole or in part by a contract for project-based assistance under—

“(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the

United States Housing Act of 1937 (as in effect before October 1, 1983);

“(II) the property disposition program under section 8(b) of the United States Housing Act of 1937;

“(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991);

“(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937;

“(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975);

“(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or

“(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will (under its own terms) expire during the period consisting of fiscal years 2000 through 2004; and

“(iii) is not housing for which residents are eligible for enhanced voucher assistance as provided, pursuant to the ‘Preserving Existing Housing Investment’ account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2884) or any other subsequently enacted provision of law, in lieu of any benefits under section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.

“(e) CONTRACTUAL COMMITMENTS UNDER PRESERVATION LAWS.—Except as provided in subsection (a)(2) and notwithstanding any other provision of this subtitle, the following shall apply:

“(1) PRESERVATION PROJECTS.—Upon expiration of a contract for assistance under section 8 for a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), to the extent amounts are specifically made available in appropriation Acts, the Secretary shall provide to the owner benefits comparable to those provided under such plan of action, including distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

“(2) DEMONSTRATION PROJECTS.—

“(A) IN GENERAL.—Upon expiration of a contract for assistance under section 8 for a project entered into pursuant to any authority specified in subparagraph (B) for

Applicability.



which the Secretary determines that debt restructuring is inappropriate, the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, provide benefits to the owner comparable to those provided under such contract, including annual distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

Applicability.

“(B) DEMONSTRATION PROGRAMS.—The authority specified in this subparagraph is the authority under—

“(i) section 210 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321-285; 42 U.S.C. 1437f note);

“(ii) section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2897; 42 U.S.C. 1437f note); and

“(iii) either of such sections, pursuant to any provision of this title.

“(f) PREEMPTION OF CONFLICTING STATE LAWS LIMITING DISTRIBUTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no State or political subdivision of a State may establish, continue in effect, or enforce any law or regulation that limits or restricts, to an amount that is less than the amount provided for under the regulations of the Secretary establishing allowable project distributions to provide a return on investment, the amount of surplus funds accruing after the date of the enactment of this section that may be distributed from any multifamily housing project assisted under a contract for rental assistance renewed under any provision of this section (except subsection (b)) to the owner of the project.

“(2) EXCEPTION AND WAIVER.—Paragraph (1) shall not apply to any law or regulation to the extent such law or regulation applies to—

“(A) a State-financed multifamily housing project; or

“(B) a multifamily housing project for which the owner has elected to waive the applicability of paragraph (1).

“(3) TREATMENT OF LOW-INCOME USE RESTRICTIONS.—This subsection may not be construed to provide for, allow, or result in the release or termination, for any project, of any low- or moderate-income use restrictions that can not be eliminated by unilateral action of the owner of the project.

“(g) APPLICABILITY.—Except to the extent otherwise specifically provided in this section, this section shall apply with respect to any multifamily housing project having a contract for project-based assistance under section 8 that terminates or expires during fiscal year 2000 or thereafter.”.

(b) DEFINITION OF ELIGIBLE MULTIFAMILY HOUSING PROJECT.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after and below subparagraph (C) the following:

“Such term does not include any project with an expiring contract described in paragraph (1) or (2) of section 524(e).”.

(c) **PROJECTS EXEMPTED FROM RESTRUCTURING AGREEMENTS.**—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon at the end the following: “and the financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this subtitle is in conflict with applicable law or agreements governing such financing”.

(d) **CONFORMING AMENDMENTS.**—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by designating as subsection (v) the sentence added by section 405(c) of The Balanced Budget Downpayment Act, I (Public Law 104-99; 110 Stat. 44); and

(2) by striking subsection (w).

**SEC. 532. SECTION 236 ASSISTANCE.**

(a) **CONTINUED RECEIPT OF SUBSIDIES UPON REFINANCING.**—Section 236(e) of the National Housing Act (12 U.S.C. 1715z-1(e)) is amended—

(1) by inserting “(1)” after “(e)”; and

(2) by adding at the end the following new paragraph:

“(2) A project for which interest reduction payments are made under this section and for which the mortgage on the project has been refinanced shall continue to receive the interest reduction payments under this section under the terms of the contract for such payments, but only if the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the term for which such interest reduction payments are made plus an additional 5 years.”.

(b) **RETENTION OF EXCESS INCOME.**—Section 236(g) of the National Housing Act (12 U.S.C. 1715z-1(g)) is amended—

(1) by inserting “(1)” after “(g)”; and

(2) by striking the last sentence; and

(3) by adding at the end the following new paragraphs:

“(2) Subject to paragraph (3) and notwithstanding any other requirements of this subsection, a project owner may retain some or all of such excess charges for project use if authorized by the Secretary. Such excess charges shall be used for the project and upon terms and conditions established by the Secretary, unless the Secretary permits the owner to retain funds for non-project use after a determination that the project is well-maintained housing in good condition and that the owner has not engaged in material adverse financial or managerial actions or omissions as described in section 516 of the Multifamily Assisted Housing Reform and Affordability Act of 1997. In connection with the retention of funds for non-project use, the Secretary may require the project owner to enter into a binding commitment (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with

the Federal assistance for the project for a period having a duration of not less than the term of the existing affordability restrictions plus an additional 5 years.

“(3) The authority under paragraph (2) to retain and use excess charges shall apply—

Applicability.

“(A) during fiscal year 2000, to all project owners collecting such excess charges; and

“(B) during fiscal year 2001 and thereafter—

“(i) to any owner of: (I) a project with a mortgage insured under this section; (II) a project with a mortgage formerly insured under this section if such mortgage is held by the Secretary and the owner of such project is current with respect to the mortgage obligation; or (III) a project previously assisted under subsection (b) but without a mortgage insured under this section if the project was insured under section 207 of this Act before July 30, 1998, pursuant to section 223(f) of this Act and assisted under subsection (b); and

“(ii) to other project owners not referred to in clause (i) who collect such excess charges, but only to the extent that such retention and use is approved in advance in an appropriation Act.”.

(c) PREVIOUSLY OWED EXCESS INCOME.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z-1(g)), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

“(4) The Secretary shall not withhold approval of the retention by the owner of such excess charges because of the existence of unpaid excess charges if such unpaid amount is being remitted to the Secretary over a period of time in accordance with a workout agreement with the Secretary, unless the Secretary determines that the owner is in violation of the workout agreement.”.

(d) FLEXIBILITY REGARDING BASIC RENTS AND MARKET RENTS.—Section 236(f) of the National Housing Act (12 U.S.C. 1715z-1(f)(1)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

“(f)(1)(A)(i) For each dwelling unit there shall be established, with the approval of the Secretary, a basic rental charge and fair market rental charge.

“(ii) The basic rental charge shall be—

“(I) the amount needed to operate the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum; or

“(II) an amount greater than that determined under clause (ii)(I), but not greater than the market rent for a comparable unassisted unit, reduced by the value of the interest reduction payments subsidy.

“(iii) The fair market rental charge shall be—

“(I) the amount needed to operate the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project; or

“(II) an amount greater than that determined under clause (iii)(I), but not greater than the market rent for a comparable unassisted unit.

“(iv) The Secretary may approve a basic rental charge and fair market rental charge for a unit that exceeds the minimum amounts permitted by this subparagraph for such charges only if—

“(I) the approved basic rental charge and fair market rental charges each exceed the applicable minimum charge by the same amount; and

“(II) the project owner agrees to restrictions on project use or mortgage prepayment that are acceptable to the Secretary.

“(v) The Secretary may approve a basic rental charge and fair market rental charge under this paragraph for a unit with assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that differs from the basic rental charge and fair market rental charge for a unit in the same project that is similar in size and amenities but without such assistance, as needed to ensure equitable treatment of tenants in units without such assistance.

“(B)(i) The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge determined pursuant to subparagraph (A), as represents 30 percent of the tenant’s adjusted income, except as otherwise provided in this subparagraph.

“(ii) In the case of a project which contains more than 5000 units, is subject to an interest reduction payments contract, and is financed under a State or local project, the Secretary may reduce the rental charge ceiling, but in no case shall the rental charge be below the basic rental charge set forth in subparagraph (A)(ii)(I).

“(iii) For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the minimum basic rental charge set forth in subparagraph (A)(ii)(I) or such greater amount, not exceeding the lower of: (I) the fair market rental charge set forth in subparagraph (A)(iii)(I); or (II) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located, as represents 30 percent of the tenant’s adjusted income.

“(C) With respect to those projects which the Secretary determines have separate utility metering paid by the tenants for some or all dwelling units, the Secretary may—

“(i) permit the basic rental charge and the fair market rental charge to be determined on the basis of operating the project without the payment of the cost of utility services used by such dwelling units; and

“(ii) permit the charging of a rental for such dwelling units at such an amount less than 30 percent of a tenant’s adjusted income as the Secretary determines represents a proportionate decrease for the utility charges to be paid by such tenant, but in no case shall rental be lower than 25 percent of a tenant’s adjusted income.”.

12 USC 1715z-1  
note.

(e) EFFECTIVE DATE OF 1998 PROVISIONS.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z-1(g)), as amended by section 227 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276; 112 Stat. 2490) shall be effective

on the date of the enactment of such Public Law 105–276, and any excess rental charges referred to in such section that have been collected since such date of the enactment with respect to projects with mortgages insured under section 207 of the National Housing Act (12 U.S.C. 1713) may be retained by the project owner unless the Secretary of Housing and Urban Development specifically provides otherwise. The Secretary may return any excess charges remitted to the Secretary since such date of the enactment.

(f) **EFFECTIVE DATE.**—This section shall take effect, and the amendments made by this section are made and shall apply, on the date of the enactment of this Act.

Applicability.  
12 USC 1715z–1  
note.

### **SEC. 533. REHABILITATION OF ASSISTED HOUSING.**

(a) **REHABILITATION LOANS FROM RECAPTURED IRP AMOUNTS.**—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1(s)) is amended—

(1) by striking the subsection designation and heading and inserting the following:

“(s) **GRANTS AND LOANS FOR REHABILITATION OF MULTIFAMILY PROJECTS.**—”;

(2) in paragraph (1), by inserting “and loans” after “grants”;

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “capital grant assistance under this subsection” and inserting “capital assistance under this subsection under a grant or loan only”; and

(B) in subparagraph (D)(i), by striking “capital grant assistance” and inserting “capital assistance under this subsection from a grant or loan (as appropriate)”;

(4) in paragraph (3), by striking all of the matter that precedes subparagraph (A) and inserting the following:

“(3) **ELIGIBLE USES.**—Amounts from a grant or loan under this subsection may be used only for projects eligible under paragraph (2) for the purposes of—”;

(5) in paragraph (4)—

(A) by striking the paragraph heading and inserting “GRANT AND LOAN AGREEMENTS”; and

(B) by inserting “or loan” after “grant”, each place it appears;

(6) in paragraph (5), by inserting “or loan” after “grant”, each place it appears;

(7) in paragraph (6), by adding at the end the following new subparagraph:

“(D) **LOANS.**—In making loans under this subsection using the amounts that the Secretary has recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A)—

“(i) the Secretary may use such recaptured amounts for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of such loans; and

“(ii) the Secretary may make loans in any fiscal year only to the extent or in such amounts that amounts are used under clause (i) to cover costs of such loans.”;

(8) by redesignating paragraphs (5) and (6) (as amended by the preceding provisions of this subsection) as paragraphs (6) and (7); and

(9) by inserting after paragraph (4) the following new paragraph:

“(5) LOAN TERMS.—A loan under this subsection—

“(A) shall provide amounts for the eligible uses under paragraph (3) in a single loan disbursement of loan principal;

“(B) shall be repaid, as to principal and interest, on behalf of the borrower using amounts recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A);

“(C) shall have a term to maturity of a duration not shorter than the remaining period for which the interest reduction payments for the insured mortgage or mortgages that fund repayment of the loan would have continued after extinguishment or writedown of the mortgage (in accordance with the terms of such mortgage in effect immediately before such extinguishment or writedown);

“(D) shall bear interest at a rate, as determined by the Secretary of the Treasury, that is based upon the current market yields on outstanding marketable obligations of the United States having comparable maturities; and

“(E) shall involve a principal obligation of an amount not exceeding the amount that can be repaid using amounts described in subparagraph (B) over the term determined in accordance with subparagraph (C), with interest at the rate determined under subparagraph (D).”.

(b) IRP CAPITAL GRANTS REQUIREMENT FOR EXTENSION OF LOW-INCOME AFFORDABILITY REQUIREMENTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z-1(s)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (C) and (D), as amended by the preceding provisions of this section, as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

“(C) the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the period referred to in paragraph (5)(C);”;

(2) in paragraph (4)(B), by inserting “and consistent with paragraph (2)(C)” before the period at the end.

#### SEC. 534. TECHNICAL ASSISTANCE.

Section 514(f)(3) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after “new owners)” the following: “, for technical assistance for preservation of low-income housing for which project-based rental assistance is provided at below market rent levels

and may not be renewed (including transfer of developments to tenant groups, nonprofit organizations, and public entities),”.

**SEC. 535. TERMINATION OF SECTION 8 CONTRACT AND DURATION OF RENEWAL CONTRACT.**

Section 8(c)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking “terminating” and inserting “termination of”; and

(B) by striking the third comma of the first sentence and all that follows through the end of the subparagraph and inserting the following: “. The notice shall also include a statement that, if the Congress makes funds available, the owner and the Secretary may agree to a renewal of the contract, thus avoiding termination, and that in the event of termination the Department of Housing and Urban Development will provide tenant-based rental assistance to all eligible residents, enabling them to choose the place they wish to rent, which is likely to include the dwelling unit in which they currently reside. Any contract covered by this paragraph that is renewed may be renewed for a period of up to 1 year or any number or years, with payments subject to the availability of appropriations for any year.”;

Notice.

(2) by striking subparagraph (B);

(3) in subparagraph (C)—

(A) by striking the first sentence;

(B) by striking “in the immediately preceding sentence”;

(C) by striking “180-day” each place it appears;

(D) by striking “such period” and inserting “1 year”;

and

(E) by striking “180 days” and inserting “1 year”; and

(4) by redesignating subparagraphs (C), (D), and (E), as amended by the preceding provisions of this subsection, as subparagraphs (B), (C), and (D), respectively.

**SEC. 536. ELIGIBILITY OF RESIDENTS OF FLEXIBLE SUBSIDY PROJECTS FOR ENHANCED VOUCHERS.**

Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a) is amended by adding at the end the following new subsection:

“(p) **ENHANCED VOUCHER ELIGIBILITY.**—Notwithstanding any other provision of law, any project that receives or has received assistance under this section and which is the subject of a transaction under which the project is preserved as affordable housing, as determined by the Secretary, shall be considered eligible low-income housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119) for purposes of eligibility of residents of such project for enhanced voucher assistance provided under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) (pursuant to section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f))).”.

**SEC. 537. ENHANCED DISPOSITION AUTHORITY.**

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z-11a) is amended—

(1) by striking “and 1999” and inserting “1999, and 2000”; and

(2) by striking “or demolition” and inserting “, demolition, or construction on the properties (which shall be eligible whether vacant or occupied)”.

**SEC. 538. UNIFIED ENHANCED VOUCHER AUTHORITY.**

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting after subsection (s) the following new subsection:

“(t) ENHANCED VOUCHERS.—

“(1) IN GENERAL.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under subsection (o), except that under such enhanced voucher assistance—

“(A) subject only to subparagraph (D), the assisted family shall pay as rent no less than the amount the family was paying on the date of the eligibility event for the project in which the family was residing on such date;

“(B) during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time-to-time), subject to paragraph (10)(A) of subsection (o);

“(C) subparagraph (B) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with subsection (o) if—

“(i) the assisted family moves, at any time, from such project; or

“(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided; and

“(D) if the income of the assisted family declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of the eligibility event for the project.

“(2) ELIGIBILITY EVENT.—For purposes of this subsection, the term ‘eligibility event’ means, with respect to a multifamily housing project, the prepayment of the mortgage on such housing project, the voluntary termination of the insurance contract for the mortgage for such housing project, the termination or expiration of the contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project, or the transaction under which the project is preserved as affordable housing, that, under paragraphs



(3) and (4) of section 515(c), section 524(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)), or section 201(p) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a(p)), results in tenants in such housing project being eligible for enhanced voucher assistance under this subsection.

“(3) TREATMENT OF ENHANCED VOUCHERS PROVIDED UNDER OTHER AUTHORITY.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, any enhanced voucher assistance provided under any authority specified in subparagraph (B) shall (regardless of the date that the amounts for providing such assistance were made available) be treated, and subject to the same requirements, as enhanced voucher assistance under this subsection.

“(B) IDENTIFICATION OF OTHER AUTHORITY.—The authority specified in this subparagraph is the authority under—

“(i) the 10th, 11th, and 12th provisos under the ‘Preserving Existing Housing Investment’ account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104-204; 110 Stat. 2884), pursuant to such provisos, the first proviso under the ‘Housing Certificate Fund’ account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105-65; 111 Stat. 1351), or the first proviso under the ‘Housing Certificate Fund’ account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105-276; 112 Stat. 2469); and

“(ii) paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), as in effect before the enactment of this Act.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.”.

(b) ENHANCED VOUCHERS UNDER MAHRAA.—Section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking paragraph (4) and inserting the following new paragraph:

“(4) ASSISTANCE THROUGH ENHANCED VOUCHERS.—In the case of any family described in paragraph (3) that resides in a project described in section 512(2)(B), the tenant-based assistance provided shall be enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).”.

(c) ENHANCED VOUCHERS FOR CERTAIN TENANTS IN PREPAYMENT AND VOLUNTARY TERMINATION PROPERTIES.—Section 223 of

the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113) is amended by adding at the end the following new subsection:

“(f) ENHANCED VOUCHER ASSISTANCE FOR CERTAIN TENANTS.—

“(1) AUTHORITY.—In lieu of benefits under subsections (b), (c), and (d), and subject to the availability of appropriated amounts, each family described in paragraph (2) shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

“(2) ELIGIBLE FAMILIES.—A family described in this paragraph is a family that is—

“(A)(i) a low-income family; or

“(ii) a moderate-income family that is: (I) an elderly family; (II) a disabled family; or (III) residing in a low-vacancy area; and

“(B) residing in eligible low-income housing on the date of the prepayment of the mortgage or voluntary termination of the insurance contract.”.

This Act may be cited as the “Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000”.

Approved October 20, 1999.

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**LEGISLATIVE HISTORY—H.R. 2684 (S. 1596):**

HOUSE REPORTS: Nos. 106-286 (Comm. on Appropriations) and 106-379 (Comm. of Conference).

SENATE REPORTS: No. 106-161 accompanying S. 1596 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 8, 9, considered and passed House.

Sept. 22-24, considered and passed Senate, amended, in lieu of S. 1596.

Oct. 14, House agreed to conference report. Senate considered conference report.

Oct. 15, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 20, Presidential remarks and statement.



Public Law 106–75  
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

Oct. 21, 1999  
[H.J. Res. 71]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 106(c) of Public Law 106–62 is amended by striking “October 21, 1999” and inserting in lieu thereof “October 29, 1999”. Notwithstanding section 106 of Public Law 106–62, funds shall be available and obligations for mandatory payments due on or about November 1, 1999, may continue to be made.

*Ante*, p. 505.

Approved October 21, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 71:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 19, considered and passed House and Senate.



Public Law 106–76  
106th Congress

An Act

Oct. 21, 1999  
[S. 323]

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999. Colorado. 16 USC 410fff note. 16 USC 410fff.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) Black Canyon of the Gunnison National Monument was established for the preservation of its spectacular gorges and additional features of scenic, scientific, and educational interest;

(2) the Black Canyon of the Gunnison and adjacent upland include a variety of unique ecological, geological, scenic, historical, and wildlife components enhanced by the serenity and rural western setting of the area;

(3) the Black Canyon of the Gunnison and adjacent land provide extensive opportunities for educational and recreational activities, and are publicly used for hiking, camping, and fishing, and for wilderness value, including solitude;

(4) adjacent public land downstream of the Black Canyon of the Gunnison National Monument has wilderness value and offers unique geological, paleontological, scientific, educational, and recreational resources;

(5) public land adjacent to the Black Canyon of the Gunnison National Monument contributes to the protection of the wildlife, viewshed, and scenic qualities of the Black Canyon;

(6) some private land adjacent to the Black Canyon of the Gunnison National Monument has exceptional natural and scenic value that would be threatened by future development pressures;

(7) the benefits of designating public and private land surrounding the national monument as a national park include greater long-term protection of the resources and expanded visitor use opportunities; and

(8) land in and adjacent to the Black Canyon of the Gunnison Gorge is—

(A) recognized for offering exceptional multiple use opportunities;

(B) recognized for offering natural, cultural, scenic, wilderness, and recreational resources; and

(C) worthy of additional protection as a national conservation area, and with respect to the Gunnison Gorge itself, as a component of the national wilderness system.

**SEC. 3. DEFINITIONS.**

16 USC 410fff-1.

In this Act:

(1) CONSERVATION AREA.—The term “Conservation Area” means the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres surrounding the Gunnison Gorge as depicted on the Map.

(2) MAP.—The term “Map” means the map entitled “Black Canyon of the Gunnison National Park and Gunnison Gorge NCA—1/22/99”. The map shall be on file and available for public inspection in the offices of the Department of the Interior.

(3) PARK.—The term “Park” means the Black Canyon of the Gunnison National Park established under section 4 and depicted on the Map.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUNNISON NATIONAL PARK.**

16 USC 410fff-2.

(a) ESTABLISHMENT.—There is hereby established the Black Canyon of the Gunnison National Park in the State of Colorado as generally depicted on the map identified in section 3. The Black Canyon of the Gunnison National Monument is hereby abolished as such, the lands and interests therein are incorporated within and made part of the new Black Canyon of the Gunnison National Park, and any funds available for purposes of the monument shall be available for purposes of the park.

(b) ADMINISTRATION.—Upon enactment of this title, the Secretary shall transfer the lands under the jurisdiction of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) WITHDRAWAL.—Subject to valid existing rights, all Federal lands within the park are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; from

location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(e) GRAZING.—(1)(A) Consistent with the requirements of this subsection, including the limitation in paragraph (3), the Secretary shall allow the grazing of livestock within the park to continue where authorized under permits or leases in existence as of the date of the enactment of this Act. Grazing shall be at no more than the current level, and subject to applicable laws and National Park Service regulations.

(B) Nothing in this subsection shall be construed as extending grazing privileges for any party or their assignee in any area of the park where, prior to the date of the enactment of this Act, such use was scheduled to expire according to the terms of a settlement by the United States Claims Court affecting property incorporated into the boundary of the Black Canyon of the Gunnison National Monument.

(C) Nothing in this subsection shall prohibit the Secretary from accepting the voluntary termination of leases or permits for grazing within the park.

(2) Within areas of the park designated as wilderness, the grazing of livestock, where authorized under permits in existence as of the date of the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, consistent with this Act, the Wilderness Act, and other applicable laws and National Park Service regulations.

(3) With respect to the grazing permits and leases referenced in this subsection, the Secretary shall allow grazing to continue, subject to periodic renewal—

(A) with respect to a permit or lease issued to an individual, for the lifetime of the individual who was the holder of the permit or lease on the date of the enactment of this Act; and

(B) with respect to a permit or lease issued to a partnership, corporation, or other legal entity, for a period which shall terminate on the same date that the last permit or lease held under subparagraph (A) terminates, unless the partnership, corporation, or legal entity dissolves or terminates before such time, in which case the permit or lease shall terminate with the partnership, corporation, or legal entity.

16 USC 410fff-3. **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUNDARY ADJUSTMENTS.**

(a) ADDITIONAL ACQUISITIONS.—

(1) IN GENERAL.—The Secretary may acquire land or interests in land depicted on the Map as proposed additions.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or interests in land may be acquired by—

(i) donation;

(ii) transfer;

(iii) purchase with donated or appropriated funds;

or

(iv) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(b) **BOUNDARY REVISION.**—After acquiring land for the Park, the Secretary shall—

(1) revise the boundary of the Park to include newly-acquired land within the boundary; and

(2) administer newly-acquired land subject to applicable laws (including regulations).

(c) **BOUNDARY SURVEY.**—As soon as practicable and subject to the availability of funds the Secretary shall complete an official boundary survey of the Park.

(d) **HUNTING ON PRIVATELY OWNED LANDS.**—

(1) **IN GENERAL.**—The Secretary may permit hunting on privately owned land added to the Park under this Act, subject to limitations, conditions, or regulations that may be prescribed by the Secretary.

(2) **TERMINATION OF AUTHORITY.**—On the date that the Secretary acquires fee ownership of any privately owned land added to the Park under this Act, the authority under paragraph (1) shall terminate with respect to the privately owned land acquired.

**SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNISON WILDERNESS.**

16 USC 410fff-4,  
1132 note.

(a) **EXPANSION OF BLACK CANYON OF THE GUNNISON WILDERNESS.**—The Black Canyon of the Gunnison Wilderness, as established by subsection (b) of the first section of Public Law 94-567 (90 Stat. 2692), is expanded to include the parcel of land depicted on the Map as “Tract A” and consisting of approximately 4,419 acres.

(b) **ADMINISTRATION.**—The Black Canyon of the Gunnison Wilderness shall be administered as a component of the Park.

**SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NATIONAL CONSERVATION AREA.**

16 USC 410fff-5.

(a) **IN GENERAL.**—There is established the Gunnison Gorge National Conservation Area, consisting of approximately 57,725 acres as generally depicted on the Map.

(b) **MANAGEMENT OF CONSERVATION AREA.**—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the Conservation Area to protect the resources of the Conservation Area in accordance with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) other applicable provisions of law.

(c) **WITHDRAWAL.**—Subject to valid existing rights, all Federal lands within the Conservation Area are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

(d) **HUNTING, TRAPPING, AND FISHING.**—

(1) **IN GENERAL.**—The Secretary shall permit hunting, trapping, and fishing within the Conservation Area in accordance with applicable laws (including regulations) of the United States and the State of Colorado.

(2) **EXCEPTION.**—The Secretary, after consultation with the Colorado Division of Wildlife, may issue regulations designating

zones where and establishing periods when no hunting or trapping shall be permitted for reasons concerning—

- (A) public safety;
- (B) administration; or
- (C) public use and enjoyment.

(e) **USE OF MOTORIZED VEHICLES.**—In addition to the use of motorized vehicles on established roadways, the use of motorized vehicles in the Conservation Area shall be allowed to the extent the use is compatible with off-highway vehicle designations as described in the management plan in effect on the date of the enactment of this Act.

(f) **CONSERVATION AREA MANAGEMENT PLAN.**—

Deadline.

(1) **IN GENERAL.**—Not later than 4 years after the date of the enactment of this Act, the Secretary shall—

(A) develop a comprehensive plan for the long-range protection and management of the Conservation Area; and

(B) transmit the plan to—

(i) the Committee on Energy and Natural Resources of the Senate; and

(ii) the Committee on Resources of the House of Representatives.

(2) **CONTENTS OF PLAN.**—The plan—

(A) shall describe the appropriate uses and management of the Conservation Area in accordance with this Act;

(B) may incorporate appropriate decisions contained in any management or activity plan for the area completed prior to the date of the enactment of this Act;

(C) may incorporate appropriate wildlife habitat management plans or other plans prepared for the land within or adjacent to the Conservation Area prior to the date of the enactment of this Act;

(D) shall be prepared in close consultation with appropriate Federal, State, county, and local agencies; and

(E) may use information developed prior to the date of the enactment of this Act in studies of the land within or adjacent to the Conservation Area.

(g) **BOUNDARY REVISIONS.**—The Secretary may make revisions to the boundary of the Conservation Area following acquisition of land necessary to accomplish the purposes for which the Conservation Area was designated.

16 USC 410fff-6,  
1132 note.

**SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CONSERVATION AREA.**

(a) **GUNNISON GORGE WILDERNESS.**—

(1) **IN GENERAL.**—Within the Conservation Area, there is designated as wilderness, and as a component of the National Wilderness Preservation System, the Gunnison Gorge Wilderness, consisting of approximately 17,700 acres, as generally depicted on the Map.

(2) **ADMINISTRATION.**—

(A) **WILDERNESS STUDY AREA EXEMPTION.**—The approximately 300-acre portion of the wilderness study area depicted on the Map for release from section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall not be subject to section 603(c) of that Act.



(B) INCORPORATION INTO NATIONAL CONSERVATION AREA.—The portion of the wilderness study area described in subparagraph (A) shall be incorporated into the Conservation Area.

(b) ADMINISTRATION.—Subject to valid rights in existence on the date of the enactment of this Act, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) STATE RESPONSIBILITY.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act or in the Wilderness Act shall affect the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish on the public land located in that State.

(d) MAPS AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this section, the Secretary of the Interior shall file a map and a legal description of the Gunnison Gorge Wilderness with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. This map and description shall have the same force and effect as if included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description. The map and legal description shall be on file and available in the office of the Director of the Bureau of Land Management (BLM).

#### SEC. 9. WITHDRAWAL.

16 USC 410fff-7.

Subject to valid existing rights, the Federal lands identified on the Map as “BLM Withdrawal (Tract B)” (comprising approximately 1,154 acres) are hereby withdrawn from all forms of entry, appropriation or disposal under the public land laws; from location, entry, and patent under the mining laws; and from disposition under all laws relating to mineral and geothermal leasing, and all amendments thereto.

#### SEC. 10. WATER RIGHTS.

16 USC 410fff-8.

(a) EFFECT ON WATER RIGHTS.—Nothing in this Act shall—

(1) constitute an express or implied reservation of water for any purpose; or

(2) affect any water rights in existence prior to the date of the enactment of this Act, including any water rights held by the United States.

(b) ADDITIONAL WATER RIGHTS.—Any new water right that the Secretary determines is necessary for the purposes of this Act shall be established in accordance with the procedural and substantive requirements of the laws of the State of Colorado.

#### SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO CURECANTI NATIONAL RECREATION AREA.

16 USC 410fff-9.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary, acting through the Director of the National Park Service, shall conduct a study concerning land protection and open space within and adjacent to the area administered as the Curecanti National Recreation Area.

Deadline.

(b) PURPOSE OF STUDY.—The study required to be completed under subsection (a) shall—

(1) assess the natural, cultural, recreational and scenic resource value and character of the land within and surrounding the Curecanti National Recreation Area (including open vistas, wildlife habitat, and other public benefits);

(2) identify practicable alternatives that protect the resource value and character of the land within and surrounding the Curecanti National Recreation Area;

(3) recommend a variety of economically feasible and viable tools to achieve the purposes described in paragraphs (1) and (2); and

(4) estimate the costs of implementing the approaches recommended by the study.

Deadline.

(c) SUBMISSION OF REPORT.—Not later than 3 years from the date of the enactment of this Act, the Secretary shall submit a report to Congress that—

(1) contains the findings of the study required by subsection (a);

(2) makes recommendations to Congress with respect to the findings of the study required by subsection (a); and

(3) makes recommendations to Congress regarding action that may be taken with respect to the land described in the report.

(d) ACQUISITION OF ADDITIONAL LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—Prior to the completion of the study required by subsection (a), the Secretary may acquire certain private land or interests in land as depicted on the Map entitled “Proposed Additions to the Curecanti National Recreation Area”, dated 01/25/99, totaling approximately 1,065 acres and entitled “Hall and Fitti properties”.

(2) METHOD OF ACQUISITION.—

(A) IN GENERAL.—Land or an interest in land under paragraph (1) may be acquired by—

(i) donation;

(ii) purchase with donated or appropriated funds;

or

(iii) exchange.

(B) CONSENT.—No land or interest in land may be acquired without the consent of the owner of the land.

(C) BOUNDARY REVISIONS FOLLOWING ACQUISITION.—Following the acquisition of land under paragraph (1), the Secretary shall—

(i) revise the boundary of the Curecanti National Recreation Area to include newly-acquired land; and

(ii) administer newly-acquired land according to applicable laws (including regulations).

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

16 USC 410fff–  
10.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved October 21, 1999.

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**LEGISLATIVE HISTORY—S. 323:**

HOUSE REPORTS: No. 106–307 (Comm. on Resources).

SENATE REPORTS: No. 106–69 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.

Sept. 27, considered and passed House, amended.

Oct. 1, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 21, Presidential statement.



Public Law 106–77  
106th Congress

An Act

Oct. 22, 1999  
[H.R. 560]

To designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the “Jose V. Toledo Federal Building and United States Courthouse”.

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, shall be known and designated as the “Jose V. Toledo Federal Building and United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the “Jose V. Toledo Federal Building and United States Courthouse”.

Approved October 22, 1999.

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**LEGISLATIVE HISTORY—H.R. 560:**

HOUSE REPORTS: No. 106–108 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 4, considered and passed House.

Oct. 8, considered and passed Senate.



Public Law 106–78  
106th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

Oct. 22, 1999  
[H.R. 1906]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes, namely:

Agriculture,  
Rural  
Development,  
Food and Drug  
Administration,  
and Related  
Agencies  
Appropriations  
Act, 2000.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed \$75,000 for employment under 5 U.S.C. 3109, \$15,436,000, of which, \$12,600,000, to remain available until expended, shall be available only for the development and implementation of a common computing environment: *Provided*, That not to exceed \$11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service, shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the funds made available for the development and implementation of a common computing environment shall only be available upon approval of the Committees on Appropriations and Agriculture of the House of Representatives and the Senate of a plan for the development and implementation of a common computing environment: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 793(c)(1)(C) of Public Law 104–127: *Provided further*, That none of the funds made available by this Act may be used to enforce section 793(d) of Public Law 104–127.

## EXECUTIVE OPERATIONS

## CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,411,000.

## NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$25,000 is for employment under 5 U.S.C. 3109, \$11,718,000.

## OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$5,000 is for employment under 5 U.S.C. 3109, \$6,583,000.

## OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$6,051,000.

## OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109, \$4,783,000.

## OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded by this Act, \$613,000.

## AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

## (INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act,

and for the operation, maintenance, and repair of Agriculture buildings, \$140,364,000: *Provided*, That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account.

#### HAZARDOUS WASTE MANAGEMENT

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961, \$15,700,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

#### DEPARTMENTAL ADMINISTRATION

##### (INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$34,738,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

#### OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), \$3,000,000, to remain available until expended.

#### OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,568,000: *Provided*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities

of congressional relations: *Provided further*, That not less than \$2,241,000 shall be transferred to agencies funded by this Act to maintain personnel at the agency level.

#### OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, \$8,138,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed \$10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed \$2,000,000 may be used for farmers' bulletins.

#### OFFICE OF THE INSPECTOR GENERAL

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, \$65,128,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, including not to exceed \$50,000 for employment under 5 U.S.C. 3109; and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

#### OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$29,194,000.

#### OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, \$540,000.

#### ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, \$65,419,000: *Provided*, That \$1,000,000 shall be transferred to and merged with the appropriation for "Food and Nutrition Service, Food Program Administration" for studies and evaluations: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).



## NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, marketing surveys, and the Census of Agriculture, as authorized by 7 U.S.C. 1621-1627, Public Law 105-113, and other laws, \$99,405,000, of which up to \$16,490,000 shall be available until expended for the Census of Agriculture: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109.

## AGRICULTURAL RESEARCH SERVICE

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$834,322,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$250,000, except for greenhouses or greenhouses which shall each be limited to \$1,000,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center, including an easement to the University of Maryland to construct the Transgenic Animal Facility which upon completion shall be accepted by the Secretary as a gift: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

7 USC 2254.

University of  
Maryland.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

In fiscal year 2000, the agency is authorized to charge fees, commensurate with the fair market value, for any permit, easement, lease, or other special use authorization for the occupancy or use of land and facilities (including land and facilities at the Beltsville Agricultural Research Center) issued by the agency, as authorized by law, and such fees shall be credited to this account and shall remain available until expended for authorized purposes.

#### BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$52,500,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

#### COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

##### RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including \$180,545,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–i); \$21,932,000 for grants for cooperative forestry research (16 U.S.C. 582a–a7); \$30,676,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222), of which \$1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222); \$63,238,000 for special grants for agricultural research (7 U.S.C. 450i(c)); \$13,721,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); \$119,300,000 for competitive research grants (7 U.S.C. 450i(b)); \$5,109,000 for the support of animal health and disease programs (7 U.S.C. 3195); \$750,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); \$650,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977 (7 U.S.C. 3318), to remain available until expended; \$500,000 for the 1994 research program (7 U.S.C. 301 note); \$3,000,000 for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); \$4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); \$1,000,000 for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); \$2,850,000 for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241); \$500,000 for a secondary agriculture education program and 2-year post-secondary education (7

7 USC 3222 note.

U.S.C. 3152(h)); \$4,000,000 for aquaculture grants (7 U.S.C. 3322); \$8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); \$9,200,000 for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, to remain available until expended (7 U.S.C. 2209b); \$1,552,000 for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382; and \$14,825,000 for necessary expenses of Research and Education Activities, of which not to exceed \$100,000 shall be for employment under 5 U.S.C. 3109; in all, \$485,698,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

#### NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 103–382 (7 U.S.C. 301 note), \$4,600,000.

#### EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, \$276,548,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$3,060,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$58,695,000; payments for the pest management program under section 3(d) of the Act, \$10,783,000; payments for the farm safety program under section 3(d) of the Act, \$4,000,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), \$12,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, \$908,000; payments for youth-at-risk programs under section 3(d) of the Act, \$9,000,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, \$3,192,000; payments for Indian reservation agents under section 3(d) of the Act, \$1,714,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$3,309,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), \$2,628,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University, \$26,843,000, of which \$1,000,000 shall be made available to West Virginia State College in Institute, West Virginia, which for fiscal year 2000 and thereafter shall be designated as an eligible institution under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221); and

7 USC 3221 note.

for Federal administration and coordination including administration of the Smith-Lever Act, and the Act of September 29, 1977 (7 U.S.C. 341-349), and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301 note), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, \$12,242,000; in all, \$424,922,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

#### INTEGRATED ACTIVITIES

For the integrated research, education, and extension competitive grants programs, including necessary administrative expenses, \$39,541,000, as follows: payments for the water quality program, \$13,000,000; payments for the food safety program, \$15,000,000; payments for the national agriculture pesticide impact assessment program, \$4,541,000; payments for the Food Quality Protection Act risk mitigation program for major food crop systems, \$4,000,000; payments for the crops affected by Food Quality Protection Act implementation, \$1,000,000; and payments for the methyl bromide transition program, \$2,000,000, as authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626).

#### OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, \$618,000.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947 (21 U.S.C. 114b-c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b); and to protect the environment, as authorized by law, \$441,263,000, of which \$4,105,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least

40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, and section 102 of the Act of September 21, 1944, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building. 21 USC 129.

In fiscal year 2000, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

Of the total amount available under this heading in fiscal year 2000, \$87,000,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$5,200,000, to remain available until expended.

#### AGRICULTURAL MARKETING SERVICE

##### MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed \$90,000 for employment under 5 U.S.C. 3109, \$51,625,000, including funds for the wholesale market development program for the design and

development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

#### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$60,730,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

#### FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

##### (INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$12,443,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

#### PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,200,000.

#### GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, including field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$26,448,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

## LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,557,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

## OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, \$446,000.

## FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, \$649,411,000, of which no less than \$544,902,000 shall be available for Federal food inspection, and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102-237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN  
AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, \$572,000.

## FARM SERVICE AGENCY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, \$794,839,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized

activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$1,000,000 shall be available for employment under 5 U.S.C. 3109.

#### STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987 (7 U.S.C. 5101–5106), \$3,000,000.

#### DAIRY INDEMNITY PROGRAM

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of: (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer; or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968 (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, \$450,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of the farmer's willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

#### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$559,422,000, of which \$431,373,000 shall be for guaranteed loans; operating loans, \$2,397,842,000, of which \$1,697,842,000 shall be for unsubsidized guaranteed loans and \$200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$1,028,000; for emergency insured loans, \$25,000,000 to meet the needs resulting from natural disasters; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, \$100,000,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans,



\$7,243,000, of which \$2,416,000, shall be for guaranteed loans; operating loans, \$70,860,000, of which \$23,940,000 shall be for unsubsidized guaranteed loans and \$17,620,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, \$21,000; and for emergency insured loans, \$3,882,000 to meet the needs resulting from natural disasters.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$214,161,000, of which \$209,861,000 shall be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs with the prior approval of the House and Senate Committees on Appropriations.

#### RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933), \$64,000,000: *Provided*, That not to exceed \$700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

#### CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

#### FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

#### COMMODITY CREDIT CORPORATION FUND

##### REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 2000, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11).

#### OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 2000, the Commodity Credit Corporation shall not expend more than \$5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, 42 U.S.C. 6961: *Provided*, That expenses shall be

for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

## TITLE II

### CONSERVATION PROGRAMS

#### OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, \$693,000.

#### NATURAL RESOURCES CONSERVATION SERVICE

##### CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$661,243,000, to remain available until expended (7 U.S.C. 2209b), of which not less than \$5,990,000 is for snow survey and water forecasting and not less than \$9,125,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

## WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1009), \$10,368,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$110,000 shall be available for employment under 5 U.S.C. 3109.

## WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954 (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, \$99,443,000, to remain available until expended (7 U.S.C. 2209b) (of which up to \$15,000,000 may be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701 and 16 U.S.C. 1006a)): *Provided*, That not to exceed \$47,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed \$1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction: *Provided further*, That of the funds available for Emergency Watershed Protection activities, \$8,000,000 shall be available for Mississippi, New Mexico, Ohio, and Wisconsin for financial and technical assistance for pilot rehabilitation projects of small, upstream dams built under the Watershed and Flood Prevention Act (16 U.S.C. 1001 et seq., section 13 of the Act of December 22, 1994; Public Law 78–534; 58 Stat. 905), and the pilot watershed program authorized under the heading “FLOOD PREVENTION” of the Department of Agriculture Appropriation Act, 1954 (Public Law 83–156; 67 Stat. 214).

## RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607), the Act of April 27, 1935 (16 U.S.C. 590a–f), and the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), \$35,265,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant

to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$50,000 shall be available for employment under 5 U.S.C. 3109.

#### FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized by the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, \$6,325,000, to remain available until expended, as authorized by that Act.

### TITLE III

#### RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service of the Department of Agriculture, \$588,000.

##### RURAL COMMUNITY ADVANCEMENT PROGRAM

##### (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H, 381N, and 381O of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009f), \$718,837,000, to remain available until expended, of which \$23,150,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which \$631,088,000 shall be for the rural utilities programs described in section 381E(d)(2), 306C(a)(2), and 306D of such Act; and of which \$64,599,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided*, That of the amount appropriated for rural community programs, \$6,000,000 shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, and low-income rural communities to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private and public (including tribal) intermediary organizations proposing to carry out a program of technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources in an amount not less than funds provided: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed \$20,000,000 shall be for water and waste

disposal systems to benefit the Colonias along the United States/Mexico borders, including grants pursuant to section 306C of such Act; not to exceed \$12,000,000 shall be for water and waste disposal systems to benefit Federally Recognized Native American Tribes, including grants pursuant to section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribe is not eligible for any other rural utilities programs set aside under the Rural Community Advancement Program; not to exceed \$20,000,000 shall be for water and waste disposal systems for rural and native villages in Alaska pursuant to section 306D of such Act with up to one percent available to administer the program and up to one percent available to improve interagency coordination; not to exceed \$16,215,000 shall be for technical assistance grants for rural waste systems pursuant to section 306(a)(14) of such Act; and not to exceed \$7,300,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed \$45,245,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which \$34,704,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act; of which \$8,435,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any obligated and unobligated balances available from prior years for the “Rural Utilities Assistance Program” account shall be transferred to and merged with this account.

#### RURAL HOUSING SERVICE

##### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$4,300,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which \$3,200,000,000 shall be for unsubsidized guaranteed loans; \$32,396,000 for section 504 housing repair loans; \$100,000,000 for section 538 guaranteed multi-family housing loans; \$25,001,000 for section 514 farm labor housing; \$114,321,000 for section 515 rental housing; \$5,152,000 for section 524 site loans; \$7,503,000 for credit sales of acquired property, of which up to \$1,250,000 may be for multi-family credit sales; and \$5,000,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$113,350,000, of which \$19,520,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$9,900,000; section 538 multi-family housing guaranteed loans, \$480,000; section 514 farm labor housing, \$11,308,000; section 515 rental housing, \$45,363,000; section 524 site loans, \$4,000; credit sales of acquired property, \$874,000, of which up to \$494,250 may be for multi-family credit sales; and section 523 self-help housing

land development loans, \$281,000: *Provided*, That of the total amount appropriated in this paragraph, \$11,180,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$375,879,000, which shall be transferred to and merged with the appropriation for “Rural Housing Service, Salaries and Expenses”: *Provided*, That of this amount the Secretary of Agriculture may transfer up to \$7,000,000 to the appropriation for “Outreach for Socially Disadvantaged Farmers”.

#### RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$640,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, not more than \$5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 2000 shall be funded for a 5-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

Contracts.

#### MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$28,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

#### RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for housing for domestic farm labor, very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1486, 1490e, and 1490m, \$45,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2000, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

## SALARIES AND EXPENSES

For necessary expenses of the Rural Housing Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, title V of the Housing Act of 1949, and cooperative agreements, \$61,979,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$520,000 may be used for employment under 5 U.S.C. 3109: *Provided further*, That the Administrator may expend not more than \$10,000 to provide modest nonmonetary awards to non-USDA employees.

## RURAL BUSINESS-COOPERATIVE SERVICE

## RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

## (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$16,615,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of \$38,256,000: *Provided further*, That of the total amount appropriated, \$3,216,000 shall be available through June 30, 2000, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$3,337,000 shall be transferred to and merged with the appropriation for “Rural Business-Cooperative Service, Salaries and Expenses”.

## RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

## (INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$15,000,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, \$3,453,000.

Of the funds derived from interest on the cushion of credit payments in fiscal year 2000, as authorized by section 313 of the Rural Electrification Act of 1936, \$3,453,000 shall not be obligated and \$3,453,000 are rescinded.

## RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$6,000,000, of which \$1,500,000 shall be available for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That at least 25 percent

of the total amount appropriated shall be made available to cooperatives or associations of cooperatives that assist small, minority producers.

#### SALARIES AND EXPENSES

For necessary expenses of the Rural Business-Cooperative Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements, \$24,612,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$260,000 may be used for employment under 5 U.S.C. 3109.

#### RURAL UTILITIES SERVICE

##### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$121,500,000; 5 percent rural telecommunications loans, \$75,000,000; cost of money rural telecommunications loans, \$300,000,000; municipal rate rural electric loans, \$295,000,000; and loans made pursuant to section 306 of that Act, rural electric, \$1,700,000,000 and rural telecommunications, \$120,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of direct loans, \$1,935,000; cost of municipal rate loans, \$10,827,000; cost of money rural telecommunications loans, \$2,370,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$31,046,000, which shall be transferred to and merged with the appropriation for "Rural Utilities Service, Salaries and Expenses".

##### RURAL TELEPHONE BANK PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out its authorized programs. During fiscal



year 2000 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be \$175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936 (7 U.S.C. 935), \$3,290,000.

In addition, for administrative expenses necessary to carry out the loan programs, \$3,000,000, which shall be transferred to and merged with the appropriation for “Rural Utilities Service, Salaries and Expenses”.

#### DISTANCE LEARNING AND TELEMEDICINE PROGRAM

For the cost of direct loans and grants, as authorized by 7 U.S.C. 950aaa et seq., \$20,700,000, to remain available until expended, to be available for loans and grants for telemedicine and distance learning services in rural areas: *Provided*, That the costs of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, and the Consolidated Farm and Rural Development Act, and for cooperative agreements, \$34,107,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$105,000 may be used for employment under 5 U.S.C. 3109.

### TITLE IV

#### DOMESTIC FOOD PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, \$554,000.

##### FOOD AND NUTRITION SERVICE

##### CHILD NUTRITION PROGRAMS

##### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$9,554,028,000, to remain available through September 30, 2001, of which \$4,618,829,000 is hereby appropriated and \$4,935,199,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That, except as specifically provided under this heading, none of the funds made available under this heading shall be

used for studies and evaluations: *Provided further*, That of the funds made available under this heading, up to \$7,000,000 shall be for school breakfast pilot projects, including the evaluation required under section 18(e) of the National School Lunch Act: *Provided further*, That up to \$4,363,000 shall be available for independent verification of school food service claims: *Provided further*, That none of the funds under this heading shall be available unless the value of bonus commodities provided under section 32 of the Act of August 24, 1935 (49 Stat. 774, chapter 641; 7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is included in meeting the minimum commodity assistance requirement of section 6(g) of the National School Lunch Act (42 U.S.C. 1755(g)).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS,  
AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$4,032,000,000, to remain available through September 30, 2001: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That of the total amount available, the Secretary shall obligate \$10,000,000 for the farmers' market nutrition program within 45 days of the enactment of this Act, and an additional \$5,000,000 for the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of the Child Nutrition Act of 1966: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of the Child Nutrition Act of 1966.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), \$21,071,751,000, of which \$100,000,000 shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act.

## COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983, \$133,300,000, to remain available through September 30, 2001: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

## FOOD DONATIONS PROGRAMS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973; special assistance for the nuclear affected islands as authorized by section 103(h)(2) of the Compacts of Free Association Act of 1985, as amended; and section 311 of the Older Americans Act of 1965, \$141,081,000, to remain available through September 30, 2001.

## FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, \$111,561,000, of which \$5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assisting in the prevention, identification, and prosecution of fraud and other violations of law and of which not less than \$3,000,000 shall be available to improve integrity in the Food Stamp and Child Nutrition programs: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$150,000 shall be available for employment under 5 U.S.C. 3109.

## TITLE V

## FOREIGN ASSISTANCE AND RELATED PROGRAMS

## FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed \$128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$109,203,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

## PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

## (INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691, 1701-1704, 1721-1726a, 1727-1727e, 1731-1736g-3, and 1737), as follows: (1) \$155,000,000 for Public Law 480 title I credit, including Food for Progress programs; (2) \$21,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985; and (3) \$800,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, and the Food for Progress Act of 1985, including the cost of modifying credit agreements under said Act, \$127,813,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, to the extent funds appropriated for Public Law 480 are utilized, \$1,850,000, of which \$1,035,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and \$815,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

## COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

## (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, \$3,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$3,231,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service and General Sales Manager" and \$589,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

## TITLE VI

RELATED AGENCIES AND FOOD AND DRUG  
ADMINISTRATION

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## FOOD AND DRUG ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; \$1,186,072,000, of which not to exceed \$145,434,000 in prescription drug user fees authorized by 21 U.S.C. 379(h) may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 2000 shall be subject to the fiscal year 2000 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$269,245,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$309,026,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs, of which no less than \$11,542,000 shall be available for grants and contracts awarded under section 5 of the Orphan Drug Act (21 U.S.C. 360ee); (3) \$132,092,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$48,821,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$154,271,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs, of which \$1,000,000 shall be for premarket review, enforcement and oversight activities related to users and manufacturers of all reprocessed medical devices as authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), and of which no less than \$55,500,000 and 522 full-time equivalent positions shall be for premarket application review activities to meet statutory review times; (6) \$34,536,000 shall be for the National Center for Toxicological Research; (7) \$34,000,000 shall be for the Office of Tobacco; (8) \$25,855,000 shall be for Rent and Related activities, other than the amounts paid to the General Services Administration; (9) \$100,180,000 shall be for payments to the General Services Administration for rent and related costs; and (10) \$78,046,000 shall be for other activities, including the Office of the Commissioner; the Office of Policy; the Office of the Senior Associate Commissioner; the Office of International and Constituent Relations; the Office of Policy, Legislation, and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity

to another with the prior approval of the Committee on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263(b) may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,350,000, to remain available until expended (7 U.S.C. 2209b).

### INDEPENDENT AGENCIES

#### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed \$25,000 for employment under 5 U.S.C. 3109, \$63,000,000, including not to exceed \$1,000 for official reception and representation expenses: *Provided*, That for fiscal year 2000 and thereafter, the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

7 USC 4a note.

#### FARM CREDIT ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$35,800,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

### TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 2000 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 365 passenger motor vehicles, of which 361 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than \$1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service

Contracts.  
7 USC 1623a.

work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427 and 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed \$2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to \$2,000,000 for costs associated with colocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

7 USC 2209b.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed \$50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with the Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

7 USC 612c note.

SEC. 710. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 711. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 19 percent of total Federal funds provided under each award:

*Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under the Small Business Innovation Development Act of 1982, Public Law 97-219 (15 U.S.C. 638).

SEC. 712. Notwithstanding any other provision of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

Effective date.

SEC. 713. Notwithstanding any other provision of law, effective on September 29, 1999, appropriations made available to the Rural Housing Insurance Fund Program Account for the costs of direct and guaranteed loans and to the Rural Housing Assistance Grants Account in fiscal years 1994, 1995, 1996, 1997, 1998, and 1999 shall remain available until expended to cover obligations made in each of those fiscal years respectively with regard to each account.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 2000 shall remain available until expended to cover obligations made in fiscal year 2000 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; the Rural Housing Insurance Fund Program Account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated by this Act.

SEC. 716. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service; Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or Cooperator to carry out agricultural marketing programs, to carry out programs to protect the Nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the Nation's food supply.

SEC. 717. Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary may enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the Wetlands Reserve Program; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

SEC. 718. None of the funds in this Act may be used to retire more than 5 percent of the Class A stock of the Rural Telephone



Bank or to maintain any account or subaccount within the accounting records of the Rural Telephone Bank the creation of which has not specifically been authorized by statute: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available in this Act may be used to transfer to the Treasury or to the Federal Financing Bank any unobligated balance of the Rural Telephone Bank telephone liquidating account which is in excess of current requirements and such balance shall receive interest as set forth for financial accounts in section 505(c) of the Federal Credit Reform Act of 1990.

SEC. 719. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants: *Provided*, That inter-agency funding is authorized to carry out the purposes of the National Drought Policy Commission.

SEC. 720. None of the funds appropriated by this Act may be used to carry out the provisions of section 918 of Public Law 104-127, the Federal Agriculture Improvement and Reform Act.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. None of the funds appropriated or otherwise made available to the Department of Agriculture shall be used to transmit or otherwise make available to any non-Department of Agriculture employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 723. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 724. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committee

Notification.

on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committee on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

Notification.

SEC. 725. None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds under the provisions of section 793 of Public Law 104-127.

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel who carry out an environmental quality incentives program authorized by sections 334-341 of Public Law 104-127 in excess of \$174,000,000.

7 USC 7218 note.

SEC. 727. None of the funds appropriated or otherwise available to the Department of Agriculture in fiscal year 2000 or thereafter may be used to administer the provision of contract payments to a producer under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for contract acreage on which wild rice is planted unless the contract payment is reduced by an acre for each contract acre planted to wild rice.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to enroll in excess of 150,000 acres in the fiscal year 2000 wetlands reserve program as authorized by 16 U.S.C. 3837.

SEC. 729. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out the transfer or obligation of fiscal year 2000 funds under the provisions of section 401 of Public Law 105-185, the Initiative for Future Agriculture and Food Systems.

7 USC 2009 note.

SEC. 730. Notwithstanding section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009), in fiscal year 2000 and thereafter, the definitions of rural areas for certain business programs administered by the Rural Business-Cooperative Service and the community facilities programs administered by the Rural Housing Service shall be those provided for in statute and regulations prior to the enactment of Public Law 104-127.

SEC. 731. None of the funds appropriated or otherwise made available by this Act shall be used to carry out any commodity purchase program that would prohibit eligibility or participation by farmer-owned cooperatives.

SEC. 732. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out a conservation farm option program, as authorized by section 335 of Public Law 104-127.

SEC. 733. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Drug Analysis in St. Louis, Missouri, or the Food and Drug Administration Detroit, Michigan, District Office Laboratory; or to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office.

SEC. 734. None of the funds made available by this Act or any other Act for any fiscal year may be used to carry out section 302(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) unless the Secretary of Agriculture inspects and certifies agricultural processing equipment, and imposes a fee for the inspection and certification, in a manner that is similar to the inspection and certification of agricultural products under that section, as determined by the Secretary: *Provided*, That this provision shall not affect the authority of the Secretary to carry out the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

7 USC 1622 note.

SEC. 735. None of the funds appropriated by this Act or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the users fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2001 appropriations Act.

SEC. 736. None of the funds appropriated or otherwise made available by this Act shall be used to establish an Office of Community Food Security or any similar office within the United States Department of Agriculture without the prior approval of the Committee on Appropriations of both Houses of Congress.

SEC. 737. None of the funds appropriated or otherwise made available by this or any other Act may be used to carry out provision of section 612 of Public Law 105-185.

SEC. 738. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to carry out the emergency food assistance program authorized by section 27(a) of the Food Stamp Act (7 U.S.C. 2036(a)) if such program exceeds \$98,000,000.

SEC. 739. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan.

16 USC 590h  
note.

SEC. 740. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, permanent employees of county committees employed on or after October 1, 1998, pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies.

SEC. 741. None of the funds appropriated or otherwise made available by this Act may be used to declare excess or surplus all or part of the lands and facilities owned by the Federal Government and administered by the Secretary of Agriculture at Fort Reno, Oklahoma, or to transfer or convey such lands or facilities, without the specific authorization of Congress.

SEC. 742. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service shall provide funds, within discretionary amounts available, for the settlement of claims associated with the Chuquatonchee Watershed Project in Mississippi to close out this project.

Deadline.  
Contracts.  
Hawaii.  
Mail.

SEC. 743. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall offer to enter into an agreement with the Governor of the State of Hawaii to conduct a pilot program to inspect mail entering the State of Hawaii for any plant, plant product, plant pest, or other organism that is subject to Federal quarantine laws.

(b) The agreement described in subsection (a) shall contain the same terms and conditions as are contained in the memorandum of understanding entered into between the Secretary and the State of California, dated February 1, 1999, unless the Secretary and the Governor agree to different terms or conditions.

Termination  
date.

(c) Unless the Secretary and the Governor agree otherwise, the agreement described in subsection (b) shall terminate on the later of—

(1) the date that is 1 year after the date the agreement becomes effective; or

(2) the date that the February 1, 1999 memorandum of understanding terminates.

SEC. 744. Notwithstanding any other provision of law, the Secretary is authorized under section 306 of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), to provide guaranteed lines of credit, including working capital loans, for health care facilities, to address Year 2000 computer conversion issues.

Deadline.

SEC. 745. After taking any action involving the seizure, quarantine, treatment, destruction, or disposal of wheat infested with karnal bunt, the Secretary of Agriculture shall compensate the producers and handlers for economic losses incurred as the result of the action not later than 45 days after receipt of a claim that includes all appropriate paperwork.

SEC. 746. In addition to amounts otherwise appropriated or made available by this Act, \$2,000,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships through the Congressional Hunger Center, which is an organization described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986 and is exempt from taxation under subsection (a) of such section.

SEC. 747. Notwithstanding any other provision of law, there are hereby appropriated \$250,000 for the program authorized under

section 388 of the Federal Agriculture Improvement and Reform Act of 1996, solely for use in the State of New Hampshire.

SEC. 748. The Immigration and Nationality Act (8 U.S.C. 1188 et seq.) is amended—

(1) in section 218(c)(1) by striking “60 days” and inserting “45 days”; and

(2) in section 218(c)(3)(A) by striking “20 days” and inserting “30 days”.

SEC. 749. SUCCESSORSHIP PROVISIONS RELATING TO BARGAINING UNITS AND EXCLUSIVE REPRESENTATIVES. (a) VOLUNTARY AGREEMENT.—

(1) IN GENERAL.—If the exercise of the Secretary of Agriculture’s authority under this section results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, United States Code, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) CRITERIA.—In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, United States Code, relating to determining an exclusive representative; and

(B) section 7112 of title 5, United States Code (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.

(b) EFFECT OF AN AGREEMENT.—

(1) IN GENERAL.—If the affected parties reach agreement on the appropriate unit and the exclusive representative for such unit under subsection (a), the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

Certification.

(2) RESTRICTIONS.—

(A) CONDITIONS REQUIRING NONCERTIFICATION.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) (disregarding section 7112(a) of title 5, United States Code) have not been met; or

(ii) after the Secretary’s exercise of authority and before certification under this section, a valid election under section 7111(b) of title 5, United States Code, is held covering any employees who would be included in the unit proposed for certification.

(B) TEMPORARY WAIVER OF PROVISION THAT WOULD BAR AN ELECTION AFTER A COLLECTIVE BARGAINING AGREEMENT IS REACHED.—Nothing in section 7111(f)(3) of title 5, United States Code, shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) CLARIFICATION.—The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5, United States Code, or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) DELEGATION.—

(A) IN GENERAL.—The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5, United States Code) its authority under the preceding provisions of this subsection.

(B) REVIEW.—Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5, United States Code, in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefore is filed by an affected party within the time specified in such provisions.

(c) DEFINITION.—For purposes of this section, the term “affected party” means—

(1) with respect to an exercise of authority by the Secretary of Agriculture under this section, any labor organization affected thereby; and

(2) the Department of Agriculture.

SEC. 750. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used for the implementation of a Support Services Bureau or similar organization.

SEC. 751. CONTRACTS FOR PROCUREMENT OR PROCESSING OF CERTAIN COMMODITIES. (a) DEFINITIONS.—In this section:

(1) HUBZONE SOLE SOURCE CONTRACT.—The term “HUBZone sole source contract” means a sole source contract authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(2) HUBZONE PRICE EVALUATION PREFERENCE.—The term “HUBZone price evaluation preference” means a price evaluation preference authorized by section 31 of the Small Business Act (15 U.S.C. 657a).

(3) QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—The term “qualified HUBZone small business concern” has the meaning given the term in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

(4) COVERED PROCUREMENT.—The term “covered procurement” means a contract for the procurement or processing of a commodity furnished under title II or III of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.), section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)), the Food for Progress Act of 1985 (7 U.S.C. 1736o), or any other commodity procurement or acquisition by the Commodity Credit Corporation under any other law.

(b) PROHIBITION OF USE OF FUNDS.—None of the funds made available by this Act may be used:

(1) to award a HUBZone sole source contract or a contract awarded through full and open competition in combination with a HUBZone price evaluation preference to any qualified HUBZone small business concern in any covered procurement if performance of the contract by the business concern would

exceed the production capacity of the business concern or would require the business concern to subcontract to any other company or enterprise for the purchase of the commodity being procured through the covered procurement; and

(2) in any contract awarded through full and open competition in any covered procurement—

(A) to fund a price evaluation preference greater than 5 percent if the dollar value of the contract awarded is not greater than 50 percent of the total dollar value being procured in a single tender for a commodity; or

(B) to fund any price evaluation preference at all if the dollar value of the contract awarded is greater than 50 percent of the total dollar value being procured in a single tender for a commodity.

SEC. 752. REDESIGNATION OF NATIONAL SCHOOL LUNCH ACT AS RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT. (a) IN GENERAL.—The first section of the National School Lunch Act (42 U.S.C. 1751 note) is amended by striking “National School Lunch Act” and inserting “Richard B. Russell National School Lunch Act”.

(b) CONFORMING AMENDMENTS.—The following provisions of law are amended by striking “National School Lunch Act” each place it appears and inserting “Richard B. Russell National School Lunch Act”:

(1) Sections 3 and 13(3)(A) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237).

(2) Section 404 of the Agricultural Act of 1949 (7 U.S.C. 1424).

(3) Section 201(a) of the Act entitled “An Act to extend the Agricultural Trade Development and Assistance Act of 1954, and for other purposes”, approved September 21, 1959 (7 U.S.C. 1431c(a); 73 Stat. 610).

(4) Section 211(a) of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4004(a)).

(5) Section 245A(h)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(A)).

(6) Sections 403(c)(2)(C), 422(b)(3), 423(d)(3), 741(a)(1), and 742 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(C), 1632(b)(3), 1183a note, 42 U.S.C. 1751 note, 8 U.S.C. 1615; Public Law 104–193).

(7) Section 2243(b) of title 10, United States Code.

(8) Sections 404B(g)(1)(A), 404D(c)(2), and 404F(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a–22(g)(1)(A), 1070a–24(c)(2), 1070a–26(a)(2); Public Law 105–244).

(9) Section 231(d)(3)(A)(i) of the Carl D. Perkins Vocational Education Act (20 U.S.C. 2341(d)(3)(A)(i)).

(10) Section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

(11) Section 1397E(d)(4)(A)(iv)(II) of the Internal Revenue Code of 1986.

(12) Sections 254(b)(2)(B) and 263(a)(2)(C) of the Job Training Partnership Act (29 U.S.C. 1633(b)(2)(B), 1643(a)(2)(C)).

(13) Section 3803(c)(2)(C)(xiii) of title 31, United States Code.

26 USC 1397E.

(14) Section 602(d)(9)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474(d)(9)(A)).

(15) Sections 2(4), 3(1), and 301 of the Healthy Meals for Healthy Americans Act of 1994 (42 U.S.C. 1751 note; Public Law 103-448).

(16) Sections 3, 4, 7, 10, 13, 16(b), 17, and 19(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1772, 1773, 1776, 1779, 1782, 1785(b), 1786, 1788(d)).

(17) Section 658O(b)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)(3)).

(18) Subsection (b) of the first section of Public Law 87-688 (48 U.S.C. 1666(b)).

(19) Section 10405(a)(2)(H) of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101-239; 103 Stat. 2489).

SEC. 753. Public Law 105-199 (112 Stat. 641) is amended in section 3(b)(1)(G) by striking “persons” and inserting “governors, who may be represented on the Commission by their respective designees,”.

42 USC 5121  
note.

SEC. 754. Section 889 of the Federal Agriculture Improvement and Reform Act of 1996 is amended—

(1) in the heading, by inserting “HARRY K. DUPREE” before “STUTTGART”;

(2) in subsection (b)(1)—

(A) in the heading, by inserting “HARRY K. DUPREE” before “STUTTGART”; and

(B) in subparagraphs (A) and (B), by inserting “Harry K. Dupree” before “Stuttgart National Aquaculture Research Center” each place it appears.

SEC. 755. TOBACCO LEASING AND INFORMATION. (a) CROSS-COUNTY LEASING.—Section 319(l) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314e(l)) is amended in the second sentence by inserting “, Ohio, Indiana, Kentucky,” after “Tennessee”.

(b) TOBACCO PRODUCTION AND MARKETING INFORMATION.—Part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

7 USC 1314j.

**“SEC. 320D. TOBACCO PRODUCTION AND MARKETING INFORMATION.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may, subject to subsection (b), release marketing information submitted by persons relating to the production and marketing of tobacco to State trusts or similar organizations engaged in the distribution of national trust funds to tobacco producers and other persons with interests associated with the production of tobacco, as determined by the Secretary.

“(b) LIMITATIONS.—

“(1) IN GENERAL.—Information may be released under subsection (a) only to the extent that—

“(A) the release is in the interest of tobacco producers, as determined by the Secretary; and

“(B) the information is released to a State trust or other organization that is created to, or charged with, distributing funds to tobacco producers or other parties with an interest in tobacco production or tobacco farms under a national or State trust or settlement.

“(2) EXEMPTION FROM RELEASE.—The Secretary shall, to the maximum extent practicable, in advance of making a



release of information under subsection (a), allow, by announcement, a period of at least 15 days for persons whose consent would otherwise be required by law to effectuate the release, to elect to be exempt from the release.

“(c) ASSISTANCE.—

“(1) IN GENERAL.—In making a release under subsection (a), the Secretary may provide such other assistance with respect to information released under subsection (a) as will facilitate the interest of producers in receiving the funds that are the subject of a trust described in subsection (a).

“(2) FUNDS.—The Secretary shall use amounts made available for salaries and expenses of the Department to carry out paragraph (1).

“(d) RECORDS.—

“(1) IN GENERAL.—A person who obtains information described in subsection (a) shall maintain records that are consistent with the purposes of the release and shall not use the records for any purpose not authorized under this section.

“(2) PENALTY.—A person who knowingly violates this subsection shall be fined not more than \$10,000, imprisoned not more than 1 year, or both.

“(e) APPLICATION.—This section shall not apply to—

“(1) records submitted by cigarette manufacturers with respect to the production of cigarettes;

“(2) records that were submitted as expected purchase intentions in connection with the establishment of national tobacco quotas; or

“(3) records that aggregate the purchases of particular buyers.”.

SEC. 756. Notwithstanding section 306(a)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(7)), the City of Berlin, New Hampshire, shall be eligible during fiscal year 2000 for a rural utilities grant or loan under the Rural Community Advancement Program.

SEC. 757. CRANBERRY MARKETING ORDERS. (a) PAID ADVERTISING FOR CRANBERRIES AND CRANBERRY PRODUCTS.—Section 8c(6)(I) of the Agricultural Adjustment Act (7 U.S.C. 608c(6)(I)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first proviso—

(1) by striking “or Florida grown strawberries” and inserting “, Florida grown strawberries, or cranberries”; and

(2) by striking “and Florida Indian River grapefruit” and inserting “Florida Indian River grapefruit, and cranberries”.

(b) COLLECTION OF CRANBERRY INVENTORY DATA.—Section 8d of the Agricultural Adjustment Act (7 U.S.C. 608d), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following:

“(3) COLLECTION OF CRANBERRY INVENTORY DATA.—

“(A) IN GENERAL.—If an order is in effect with respect to cranberries, the Secretary of Agriculture may require persons engaged in the handling or importation of cranberries or cranberry products (including producer-handlers, second handlers, processors, brokers, and importers) to provide such information as the Secretary considers necessary to effectuate the declared policy of this title, including information on acquisitions, inventories, and dispositions of cranberries and cranberry products.

“(B) DELEGATION TO COMMITTEE.—The Secretary may delegate the authority to carry out subparagraph (A) to any committee that is responsible for administering an order covering cranberries.

Applicability.

“(C) CONFIDENTIALITY.—Paragraph (2) shall apply to information provided under this paragraph.

“(D) VIOLATIONS.—Any person who violates this paragraph shall be subject to the penalties provided under section 8c(14).”.

Effective date.  
7 USC 2025.

SEC. 758. Beginning in fiscal year 2001 and thereafter, the Food Stamp Act (Public Law 95-113, section 16(a)) is amended by inserting after the phrase “Indian reservation under section 11(d) of this Act” the following new phrase: “or in a Native village within the State of Alaska identified in section 11(b) of Public Law 92-203, as amended.”.

7 USC 3242.

SEC. 759. EDUCATION GRANTS TO ALASKA NATIVE SERVING INSTITUTIONS AND NATIVE HAWAIIAN SERVING INSTITUTIONS. (a) EDUCATION GRANTS PROGRAM FOR ALASKA NATIVE SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Alaska Native serving institutions for the purpose of promoting and strengthening the ability of Alaska Native serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Alaska Native serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level including by village elders and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Alaska Native serving institutions, or between Alaska Native serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection \$10,000,000 in fiscal years 2001 through 2006.

(b) EDUCATION GRANTS PROGRAM FOR NATIVE HAWAIIAN SERVING INSTITUTIONS.—

(1) GRANT AUTHORITY.—The Secretary of Agriculture may make competitive grants (or grants without regard to any requirement for competition) to Native Hawaiian serving institutions for the purpose of promoting and strengthening the ability of Native Hawaiian serving institutions to carry out education, applied research, and related community development programs.

(2) USE OF GRANT FUNDS.—Grants made under this section shall be used—

(A) to support the activities of consortia of Native Hawaiian serving institutions to enhance educational equity for under represented students;

(B) to strengthen institutional educational capacities, including libraries, curriculum, faculty, scientific instrumentation, instruction delivery systems, and student recruitment and retention, in order to respond to identified State, regional, national, or international educational needs in the food and agriculture sciences;

(C) to attract and support undergraduate and graduate students from under represented groups in order to prepare them for careers related to the food, agricultural, and natural resource systems of the United States, beginning with the mentoring of students at the high school level and continuing with the provision of financial support for students through their attainment of a doctoral degree; and

(D) to facilitate cooperative initiatives between two or more Native Hawaiian serving institutions, or between Native Hawaiian serving institutions and units of State government or the private sector, to maximize the development and use of resources, such as faculty, facilities, and equipment, to improve food and agricultural sciences teaching programs.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to make grants under this subsection \$10,000,000 for each of fiscal years 2001 through 2006.

SEC. 760. Effective October 1, 1999, section 8c(11) of the Agricultural Adjustment Act (7 U.S.C. 608c(11)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following: “The price of milk paid by a handler at a plant operating in Clark County, Nevada shall not be subject to any order issued under this section.”.

Effective date.

SEC. 761. Notwithstanding any other provision of law, the City of Olean, New York, shall be eligible for grants and loans administered by the Rural Utilities Service.

New York.

SEC. 762. Notwithstanding any other provision of law, the Municipality of Carolina, Puerto Rico shall be eligible for grants and loans administered by the Rural Utilities Service.

Puerto Rico.

SEC. 763. Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (9), by adding “and” after the semicolon at the end;

(2) in paragraph (10), by striking “; and” and inserting a period; and

(3) by striking paragraph (11).

SEC. 764. None of the funds made available by this or any other Act shall be used to implement Notice CRP-338, issued by the Farm Service Agency on March 10, 1999, nor shall funds be

used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: *Provided*, That rental payments for any lands enrolled in the Conservation Reserve Program under this section shall be reduced by an amount equal to the Federal cost of any remaining value of a federally cost-shared conservation practice as determined by the Secretary.

SEC. 765. None of the funds made available by this or any other Act shall be used to implement Notice CRP-327, issued by the Farm Service Agency on October 26, 1998, nor shall funds be used to implement any related administrative action including implementation of such procedures published in Farm Service Agency program manuals: *Provided*, That this section shall not apply to any lands for which there is not full compliance with the conservation practices required under terms of the CRP contract.

Federal buildings  
and facilities.

SEC. 766. The Federal facility located in Riverside, California, and known as the “U.S. Salinity Laboratory”, shall be known and designated as the “George E. Brown, Jr., Salinity Laboratory”: *Provided*, That any reference in any law, map, regulation, document, paper, or other record of the United States to such Federal facility shall be deemed to be a reference to the “George E. Brown, Jr., Salinity Laboratory”.

SEC. 767. Sections 657, 658, 1006, and 1014 of title 18, United States Code, are amended by—

(1) inserting “or successor agency” after “Farmers Home Administration” each place it appears; and

(2) inserting “or successor agency” after “Rural Development Administration” each place it appears.

Alaska.

SEC. 768. Notwithstanding any other provision of law, the maximum income limits established for single family housing for families and individuals in the high cost areas of Alaska shall be 150 percent of the State metropolitan income level for Alaska.

16 USC 3832.

SEC. 769. Section 1232(a)(7) of the Food Security Act of 1985 is amended—

(1) by striking “except that the Secretary may permit harvesting” and inserting “except that the Secretary—

“(A) may permit—

“(i) harvesting”;

(2) by striking “emergency, and the Secretary may permit limited” and inserting “emergency; and

“(ii) limited”;

(3) by inserting “and” after the semicolon at the end; and

(4) by adding at the end the following:

“(B) shall approve not more than six projects, no more than one of which may be in any State, under which land subject to the contract may be harvested for recovery of biomass used in energy production if—

“(i) no acreage subject to the contract is harvested more than once every other year;

“(ii) not more than 25 percent of the total acreage enrolled in the program under this subchapter in any crop reporting district (as designated by the Secretary), is harvested in any 1 year;

“(iii) no portion of the crop is used for any commercial purpose other than energy production from biomass;

“(iv) no wetland, or acreage of any type enrolled in a partial field conservation practice (including riparian forest buffers, filter strips, and buffer strips), is harvested;

“(v) the owner or operator agrees to a payment reduction under this section in an amount determined by the Secretary.

“(C) the total acres for all of the projects shall not exceed 250,000 acres.”.

## **TITLE VIII—EMERGENCY AND DIS- ASTER ASSISTANCE FOR PRODUCERS**

### **Subtitle A—Crop and Market Loss Assistance**

#### **SEC. 801. CROP LOSS ASSISTANCE.**

7 USC 1421 note.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this title as the “Secretary”) shall use \$1,200,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred losses in a 1999 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made for losses associated with crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses due to damaging weather or related condition.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops (including losses of trees from which a crop is harvested, livestock, and fisheries), as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) RICE LOAN DEFICIENCY PAYMENTS.—In the case of producers of the 1999 crop of rice that harvested such rice on or before August 4, 1999, the Secretary may use funds made available under this section to—

(1) make loan deficiency payments to producers that received, or that were eligible to receive, such payments under section 135 of the Agricultural Market Transition Act (7 U.S.C. 7235) in a manner that results in the same total payment that would have been made if the payment had been requested by the producers on August 5, 1999; and

(2) recalculate any repayment made for a marketing assistance loan for the 1999 crop of rice on or before August 4, 1999, as if the repayment had been made on August 5, 1999.

(g) HONEY RECOURSE LOANS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in order to assist producers of honey to market their honey in an orderly manner during a period of disastrously low prices, the Secretary may use funds made available under this section to make available recourse loans to producers of the 1999 crop of honey on fair and reasonable terms and conditions, as determined by the Secretary.

(2) LOAN RATE.—The loan rate of the loans shall be 85 percent of the average price of honey during the 5-crop year period preceding the 1999 crop year, excluding the crop year in which the average price of honey was the highest and the crop year in which the average price of honey was the lowest in the period.

(h) RECOURSE LOANS FOR MOHAIR.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of law, during fiscal year 2000, the Secretary may use funds made available under this section to make recourse loans available in accordance with section 137(c) of the Agricultural Market Transition Act (7 U.S.C. 7237(c)) to producers of mohair produced during or before that fiscal year.

(2) INTEREST.—Section 137(c)(4) of that Act shall not apply to a loan made under paragraph (1).

7 USC 1421 note. **SEC. 802. MARKET LOSS ASSISTANCE.**

(a) ASSISTANCE AUTHORIZED.—The Secretary shall use not more than \$5,544,453,000 of funds of the Commodity Credit Corporation to provide assistance to owners and producers on a farm that are eligible for final payments for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).

(b) AMOUNT.—The amount of assistance made available to owners and producers on a farm under this section shall be proportionate to the amount of the contract payment received by the owners and producers for fiscal year 1999 under a production flexibility contract for the farm under the Agricultural Market Transition Act.

(c) PROTECTION OF TENANTS AND SHARECROPPERS; SHARING OF PAYMENTS.—Sections 111(c) and 114(g) of the Agricultural Market Transition Act (7 U.S.C. 7211(c), 7214(g)) shall apply to the payments made under subsection (a).

7 USC 1421 note. **SEC. 803. SPECIALTY CROPS.**

(a) PEANUTS.—

(1) IN GENERAL.—The Secretary shall use such amounts as are necessary of funds of the Commodity Credit Corporation to provide payments to producers of quota peanuts or additional peanuts to partially compensate the producers for continuing low commodity prices, and increasing costs of production, for the 1999 crop year.

(2) AMOUNT.—The amount of a payment made to producers on a farm of quota peanuts or additional peanuts under paragraph (1) shall be equal to the product obtained by multiplying—

(A) the quantity of quota peanuts or additional peanuts produced or considered produced by the producers; and

(B) an amount equal to 5 percent of the loan rate established for quota peanuts or additional peanuts, respectively, under section 155 of the Agricultural Market Transition Act (7 U.S.C. 7271).

(b) **CONDITION ON PAYMENT OF SALARIES AND EXPENSES.**—None of the funds appropriated or otherwise made available by this Act or any other Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out or enforce section 156(f) of the Agricultural Market Transition Act (7 U.S.C. 7272(f)) through fiscal year 2001.

(c) **TOBACCO.**—

(1) **IN GENERAL.**—The Secretary shall use \$328,000,000 of funds of the Commodity Credit Corporation to make payments to States on behalf of persons described in paragraph (2) for the reduction in the quantity of quota allotted to certain farms under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) from the 1998 crop year to the 1999 crop year.

(2) **ELIGIBLE PERSONS.**—To be eligible to receive a payment under paragraphs (1) through (5), a person must own or operate, or produce tobacco on, a farm—

(A) for which the quantity of quota allotted to the farm under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) was reduced from the 1998 crop year to the 1999 crop year; and

(B) that was used for the production of tobacco during the 1998 or 1999 crop year.

(3) **ALLOCATION TO STATES.**—The Secretary shall allocate funds made available under paragraph (1) to States with eligible persons described in paragraph (2) in proportion to the relative quantity of quota allotted to farms in the States that was reduced from the 1998 crop year to the 1999 crop year.

(4) **DISTRIBUTION BY STATES.**—

(A) **IN GENERAL.**—In the case of a State described in paragraph (3) that is a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in accordance with the formulas established pursuant to the Trust.

(B) **OTHER STATES.**—Subject to the approval of the Secretary, in the case of a State described in paragraph (3) that is not a party to the National Tobacco Grower Settlement Trust, the State shall distribute funds made available under paragraph (3) to eligible persons in the State in a manner determined by the State.

(5) **ALTERNATIVE DISTRIBUTION.**—In lieu of making payments under this subsection to States, the Secretary may distribute funds directly to eligible persons using the facilities of private disbursing agents, facilities of the Farm Service Agency, or other available facilities.

(6) **FLUE-CURED TOBACCO.**—

(A) **LIMITATION ON QUANTITY OF ALLOTMENT LEASED OR SOLD.**—Section 316(e) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1316(e)) is amended—

(i) in paragraph (1), by striking “farm or, in” and all that follows through “: *Provided*, That in” and inserting “farm. In”;

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following: “(2) Paragraph (1) shall not apply to flue-cured tobacco.”.

(B) TRANSFERS OF QUOTA OR ALLOTMENT ACROSS COUNTY LINES IN A STATE.—Section 316(g) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(g)) is amended by adding at the end the following:

“(3) TRANSFERS ALLOWED BY REFERENDUM.—

“(A) REFERENDUM.—On the request of at least 25 percent of the active flue-cured tobacco producers within a State, the Secretary shall conduct a referendum of the active flue-cured tobacco producers within the State to determine whether the producers favor or oppose permitting the sale of a flue-cured tobacco allotment or quota from a farm in a State to any other farm in the State.

“(B) APPROVAL.—If the Secretary determines that a majority of the active flue-cured tobacco producers voting in the referendum approves permitting the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State, the Secretary shall permit the sale of a flue-cured tobacco allotment or quota from a farm in the State to any other farm in the State.”.

(C) SAME GROWER IN CONTIGUOUS COUNTIES.—Section 379(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379(b)) is amended by inserting “or flue-cured” after “Burley”.

7 USC 1421 note. **SEC. 804. OILSEEDS.**

(a) IN GENERAL.—The Secretary shall use \$475,000,000 of funds of the Commodity Credit Corporation to make payments to producers of the 1999 crop of oilseeds that are eligible to obtain a marketing assistance loan under section 131 of the Agricultural Market Transition Act (7 U.S.C. 7231).

(b) COMPUTATION.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage of the producers on the farm for the oilseed, as determined under subsection (c); and

(3) the yield of the producers on the farm for the oilseed, as determined under subsection (d).

(c) ACREAGE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the acreage of the producers on the farm for an oilseed under subsection (b)(2) shall be equal to the greater of—

(A) the number of acres planted to the oilseed by the producers on the farm during the 1997 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late); or

(B) the number of acres planted to the oilseed by the producers on the farm during the 1998 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).



(2) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the acreage of the producers for the oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999 crop year, as reported by the producers on the farm to the Secretary (including any acreage reports that are filed late).

(d) YIELD.—

(1) SOYBEANS.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(2) OTHER OILSEEDS.—Except as provided in paragraph (3), in the case of oilseeds other than soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greatest of—

(A) the average national yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre;

(B) the actual yield of the producers on the farm for the 1997 crop year; or

(C) the actual yield of the producers on the farm for the 1998 crop year.

(3) NEW PRODUCERS.—In the case of producers on a farm that planted acreage to an oilseed during the 1999 crop year but not the 1997 or 1998 crop year, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average county yield per harvested acre for each of the 1994 through 1998 crop years, excluding the crop year with the highest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999 crop.

(4) DATA SOURCE.—To the maximum extent available, the Secretary shall use data provided by the National Agricultural Statistics Service to carry out this subsection.

#### SEC. 805. LIVESTOCK AND DAIRY.

7 USC 1421 note.

The Secretary shall use \$325,000,000 of funds of the Commodity Credit Corporation to provide assistance directly to livestock and dairy producers, in a manner determined appropriate by the Secretary, to compensate the producers for economic losses incurred during 1999.

#### SEC. 806. UPLAND COTTON.

7 USC 1421 note.

(a) IN GENERAL.—Section 136(a) of the Agricultural Market Transition Act (7 U.S.C. 7236(a)) is amended—

(1) in paragraph (1), by striking “or cash payments” and inserting “or cash payments, at the option of the recipient,”;

(2) by striking “3 cents per pound” each place it appears and inserting “1.25 cents per pound”;

(3) in paragraph (3)—

(A) in the first sentence of subparagraph (A), by striking “owned by the Commodity Credit Corporation in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates” and inserting “owned by the Commodity Credit Corporation or pledged to the Commodity Credit Corporation as collateral for a loan in such manner, and at such price levels, as the Secretary determines will best effectuate the purposes of cotton user marketing certificates, including enhancing the competitiveness and marketability of United States cotton”; and

(B) in subparagraph (B), by striking the second sentence; and

(4) by striking paragraph (4).

(b) ENSURING THE AVAILABILITY OF UPLAND COTTON.—Section 136(b) of the Agricultural Market Transition Act (7 U.S.C. 7236(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) ESTABLISHMENT.—

President.

“(A) IN GENERAL.—The President shall carry out an import quota program during the period ending July 31, 2003, as provided in this subsection.

“(B) PROGRAM REQUIREMENTS.—Except as provided in subparagraph (C), whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M)  $1\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe, adjusted for the value of any certificate issued under subsection (a), exceeds the Northern Europe price by more than 1.25 cents per pound, there shall immediately be in effect a special import quota.

“(C) TIGHT DOMESTIC SUPPLY.—During any month for which the Secretary estimates the season-ending United States upland cotton stocks-to-use ratio, as determined under subparagraph (D), to be below 16 percent, the Secretary, in making the determination under subparagraph (B), shall not adjust the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M)  $1\frac{3}{32}$ -inch cotton, delivered C.I.F. Northern Europe, for the value of any certificates issued under subsection (a).

“(D) SEASON-ENDING UNITED STATES STOCKS-TO-USE RATIO.—For the purposes of making estimates under subparagraph (C), the Secretary shall, on a monthly basis, estimate and report the season-ending United States upland cotton stocks-to-use ratio, excluding projected raw cotton imports but including the quantity of raw cotton that has been imported into the United States during the marketing year.”; and

(2) by adding at the end the following:

“(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 5 week’s consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.”.

**SEC. 807. MILK.**

7 USC 1421 note.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended—

(1) in subsection (b)(4), by striking “calendar year 1999” and inserting “each of calendar years 1999 and 2000”; and

(2) in subsection (h), by striking “1999” each place it appears and inserting “2000”.

(b) CONFORMING AMENDMENT.—Section 142(e) of the Agricultural Market Transition Act (7 U.S.C. 7252(e)) is amended by striking “2000” and inserting “2001”.

## Subtitle B—Other Assistance

**SEC. 811. AUTHORITY FOR ADVANCE PAYMENT IN FULL OF REMAINING PAYMENTS UNDER PRODUCTION FLEXIBILITY CONTRACTS.**

7 USC 1421 note.

Section 112(d)(3) of the Agricultural Market Transition Act (7 U.S.C. 7212(d)(3)) is amended—

(1) in the paragraph heading, by striking “FOR FISCAL YEAR 1999”; and

(2) by striking “for fiscal year 1999” and inserting “for any of fiscal years 1999 through 2002”.

**SEC. 812. COMMODITY CERTIFICATES.**

7 USC 1421 note.

Subtitle E of the Agricultural Market Transition Act (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

**“SEC. 166. COMMODITY CERTIFICATES.**

7 USC 7286.

“(a) IN GENERAL.—In making in-kind payments under subtitle C, the Commodity Credit Corporation may—

“(1) acquire and use commodities that have been pledged to the Commodity Credit Corporation as collateral for loans made by the Corporation;

“(2) use other commodities owned by the Commodity Credit Corporation; and

“(3) redeem negotiable marketing certificates for cash under terms and conditions established by the Secretary.

“(b) METHODS OF PAYMENT.—The Commodity Credit Corporation may make in-kind payments—

“(1) by delivery of the commodity at a warehouse or other similar facility;

“(2) by the transfer of negotiable warehouse receipts;

“(3) by the issuance of negotiable certificates, which the Commodity Credit Corporation shall exchange for a commodity owned or controlled by the Corporation in accordance with regulations promulgated by the Corporation; or

“(4) by such other methods as the Commodity Credit Corporation determines appropriate to promote the efficient, equitable, and expeditious receipt of the in-kind payments so that

a person receiving the payments receives the same total return as if the payments had been made in cash.

“(c) ADMINISTRATION.—

“(1) FORM.—At the option of a producer, the Commodity Credit Corporation shall make negotiable certificates authorized under subsection (b)(3) available to the producer, in the form of program payments or by sale, in a manner that the Corporation determines will encourage the orderly marketing of commodities pledged as collateral for loans made to producers under subtitle C.

“(2) TRANSFER.—A negotiable certificate issued in accordance with this subsection may be transferred to another person in accordance with regulations promulgated by the Secretary.”.

7 USC 1421 note. **SEC. 813. LIMITATION ON MARKETING LOAN GAINS AND LOAN DEFICIENCY PAYMENTS.**

(a) IN GENERAL.—Notwithstanding section 1001(2) of the Food Security Act of 1985 (7 U.S.C. 1308(1)), the total amount of the payments specified in section 1001(3) of that Act that a person shall be entitled to receive under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.) for one or more contract commodities and oilseeds produced during the 1999 crop year may not exceed \$150,000.

(b) 1999 MARKETINGS.—In carrying out subsection (a), the Secretary shall allow a producer that has marketed a quantity of an eligible 1999 crop for which the producer has not received a loan deficiency payment or marketing loan gain under section 134 or 135 of the Agricultural Market Transition Act (7 U.S.C. 7234, 7235) to receive such payment or gain as of the date on which the quantity was marketed or redeemed, as determined by the Secretary.

7 USC 1421 note. **SEC. 814. ASSISTANCE FOR PURCHASE OF ADDITIONAL CROP INSURANCE COVERAGE.**

The Secretary shall transfer \$400,000,000 of funds of the Commodity Credit Corporation to the Federal Crop Insurance Corporation to be used to assist agricultural producers in purchasing additional coverage for the 2000 crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

Oklahoma.  
7 USC 1421 note. **SEC. 815. FORGIVENESS OF CERTAIN WATER AND WASTE DISPOSAL LOANS.**

The Secretary shall forgive the principal indebtedness and accrued interest owed by the City of Stroud, Oklahoma, to the Rural Utilities Service on water and waste disposal loans numbered 9105 and 9107.

7 USC 1421 note. **SEC. 816. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.**

(a) DEFINITIONS.—Section 375(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(a)) is amended by adding at the end the following:

“(5) INTERMEDIARY.—The term ‘intermediary’ means a financial institution receiving Center funds for establishing a revolving fund and relending to an eligible entity.”.

(b) REVOLVING FUND.—Section 375(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)) is amended—

(1) in paragraph (3)—

(A) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Center may use amounts in the Fund to make direct loans, loan guarantees, cooperative agreements, equity interests, investments, repayable grants, and grants to eligible entities, either directly or through an intermediary, in accordance with a strategic plan submitted under subsection (d).”;

(B) in subparagraph (B), by adding at the end the following: “The Fund is intended to furnish the initial capital for a revolving fund that will eventually be privatized for the purposes of assisting the United States sheep and goat industries.”;

(C) by striking subparagraph (D);

(D) by striking subparagraph (E) and inserting the following:

“(E) ADMINISTRATION.—The Center may not use more than 3 percent of the amounts in the portfolio of the Center for each fiscal year for the administration of the Center. The portfolio shall be calculated at the beginning of each fiscal year and shall include a total of—

“(i) all outstanding loan balances;

“(ii) the Fund balance;

“(iii) the outstanding balance to intermediaries;

and

“(iv) the amount the Center paid for all equity interests.”;

(E) in subparagraph (H)—

(i) in clause (v), by striking “or” at the end;

(ii) in clause (vi), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(vii) purchase equity interests.”; and

(F) by redesignating subparagraphs (E) through (H) as subparagraphs (D) through (G), respectively; and

(2) in paragraph (6), by striking subparagraph (D).

(c) BOARD OF DIRECTORS.—Section 375(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(f)) is amended—

(1) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) review any contract, direct loan, loan guarantee, cooperative agreement, equity interest, investment, repayable grant, and grant to be made or entered into by the Center and any financial assistance provided to the Center.”;

(2) in paragraph (5), by striking subparagraph (C) and inserting the following:

“(C) REAPPOINTMENT.—A voting member may be reappointed for not more than one additional term.”; and

(3) in paragraph (6), by striking subparagraph (B) and inserting the following:

“(B) REAPPOINTMENT.—A voting member appointed to fill a vacancy for an unexpired term may be reappointed for one full term.”.

(d) PRIVATIZATION.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by adding at the end the following:

“(j) PRIVATIZATION.—

“(1) IN GENERAL.—Privatization of a revolving fund for the purposes of assisting the United States sheep and goat industries shall occur on the earlier of—

“(A) September 30, 2006; or

“(B) the date as of which a total of \$30,000,000 has been appropriated for the Center under subsection (e)(6)(C).

“(2) PRIVATIZATION PROPOSAL.—On privatization of a revolving fund in accordance with paragraph (1), the Board shall submit to the Secretary, for approval, a privatization proposal that—

“(A) delineates a private successor entity to the Center;

and

“(B) establishes a transition plan.

“(3) PRIVATE SUCCESSOR ENTITY.—The private successor entity shall—

“(A) have the purposes described in subsection (c);

“(B) be organized under the laws of one of the States;

and

“(C) be able to continue the activities of the Center.

“(4) TRANSITION PLAN.—The transition plan shall—

“(A) identify any continuing role of the Federal Government with respect to the Center;

“(B) provide for the transfer of all Center assets and liabilities to the private successor entity; and

“(C) delineate the status of the Board and employees of the Center.

“(5) IMPLEMENTATION.—

“(A) IN GENERAL.—On approval by the Secretary of the private successor entity and the transition plan, the Center shall create the private successor entity and implement the transition plan.

“(B) AUTHORITY.—The Secretary shall have all necessary authority to implement the transition plan.

“(6) TRANSFER OF FUNDS.—On creation of the private successor entity, all funds held by the Department of the Treasury pursuant to this section shall be transferred to the private successor entity.

“(7) REPEAL.—On the date the Secretary publishes notice in the Federal Register that the transition plan is complete, this section is repealed.”.

7 USC 1421 note. **SEC. 817. FISHERIES.**

Alaska.

(a) NORTON SOUND FISHERIES FAILURE.—

(1) INCOME ELIGIBILITY.—Section 763(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–36), is amended by striking “federal poverty level” and inserting “income eligibility level established for Alaska under the temporary assistance to needy families (TANF) program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)”.

(2) EMERGENCY ASSISTANCE.—Section 1124 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–45), is amended by inserting before the period at the end the following: “or a fisheries failure in the Norton Sound region

of Alaska that has resulted in the closure of commercial and subsistence fisheries to persons that depend on fish as their primary source of food and income”.

(3) APPROPRIATION.—

(A) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until expended, to provide emergency disaster assistance to persons or entities affected by the 1999 fisheries failure in the Norton Sound region of Alaska.

(B) TRANSFER.—To carry out this paragraph, the Secretary shall transfer to the Secretary of Commerce for obligation and expenditure—

(i) \$10,000,000 for fiscal year 2001 for grants under section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149); and

(ii) \$5,000,000 for fiscal year 2001 for carrying out section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a).

(b) COMMERCIAL FISHERIES FAILURE.—

(1) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there is appropriated to the Department of Agriculture for fiscal year 2001, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until expended, which shall be transferred to the Department of Commerce to provide emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(2) USE.—Amounts made available under this subsection shall be used to support cooperative research and management activities administered by the National Marine Fisheries Services and based on recommendations by the New England Fishery Management Council.

**SEC. 818. SENSE OF THE CONGRESS REGARDING FAST-TRACK AUTHORITY AND FUTURE WORLD TRADE ORGANIZATION NEGOTIATIONS.**

7 USC 1421 note.

It is the sense of the Congress that—

(1) the President should make a formal request for appropriate fast-track authority for future United States trade negotiations;

(2) regarding future World Trade Organization negotiations—

(A) rules for trade in agricultural commodities should be strengthened and trade-distorting import and export practices should be eliminated or substantially reduced;

(B) the rules of the World Trade Organization should be strengthened regarding the practices or policies of a foreign government that unreasonably—

(i) restrict market access for products of new technologies, including products of biotechnology; or

- (ii) delay or preclude implementation of a report of a dispute panel of the World Trade Organization; and
- (C) negotiations within the World Trade Organization should be structured so as to provide the maximum leverage possible to ensure the successful conclusion of negotiations on agricultural products;
- (3) the President should—
  - (A) conduct a comprehensive evaluation of all existing export and food aid programs, including—
    - (i) the export credit guarantee program established under section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622);
    - (ii) the market access program established under section 203 of that Act (7 U.S.C. 5623);
    - (iii) the export enhancement program established under section 301 of that Act (7 U.S.C. 5651);
    - (iv) the foreign market development cooperator program established under section 702 of that Act (7 U.S.C. 5722); and
    - (v) programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.); and
  - (B) transmit to Congress—
    - (i) the results of the evaluation under subparagraph (A); and
    - (ii) recommendations on maximizing the effectiveness of the programs described in subparagraph (A); and
- (4) the Secretary should carry out a purchase and donation or concessional sales initiative in each of fiscal years 1999 and 2000 to promote the export of additional quantities of soybeans, beef, pork, poultry, and products of such commodities (including soybean meal, soybean oil, textured vegetable protein, and soy protein concentrates and isolates) using programs established under—
  - (A) the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.);
  - (B) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);
  - (C) titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.); and
  - (D) the Food for Progress Act of 1985 (7 U.S.C. 1736o).

## Subtitle C—Administration

7 USC 1421 note. **SEC. 821. COMMODITY CREDIT CORPORATION.**

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

7 USC 1421 note. **SEC. 822. ADMINISTRATIVE COSTS.**

(a) **RESERVATION OF FUNDS.**—Subject to subsections (b) and (c), the Secretary may reserve up to \$56,000,000 of the amounts made available under subtitle A to cover administrative costs



incurred by the Farm Service Agency directly related to carrying out that subtitle.

(b) **PROPORTIONAL RESERVATION.**—The amount reserved by the Secretary from the amounts made available under each section of subtitle A (other than section 802) shall bear the same proportion to the total amount reserved under subsection (a) as the administrative costs incurred by the Farm Service Agency to carry out that section (other than section 802) bear to the total administrative costs incurred by the Farm Service Agency to carry out that subtitle (other than section 802).

(c) **EXCEPTION FOR MARKET LOSS ASSISTANCE.**—The Secretary may not reserve any portion of the amount made available under section 802 to pay administrative costs.

**SEC. 823. EMERGENCY REQUIREMENT.**

7 USC 1421 note.

The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

**SEC. 824. REGULATIONS.**

7 USC 1421 note.

(a) **PROMULGATION.**—As soon as practicable after the date of the enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement subtitle A and the amendments made by subtitle A. The promulgation of the regulations and administration of subtitle A shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(b) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

**SEC. 825. LIVESTOCK AND DAIRY ASSISTANCE.**

7 USC 1421 note.

(a) **LIVESTOCK ASSISTANCE.**—Of the funds provided in sections 801 and 805, no less than \$200,000,000 shall be in the form of assistance to livestock producers for losses due to drought or other natural disasters.

(b) **DAIRY ASSISTANCE.**—Of the funds provided in section 805, no less than \$125,000,000 shall be in the form of assistance to dairy producers.

(c) **FORM OF ASSISTANCE.**—Assistance for livestock losses shall be in the form of grants and or other in-kind assistance, but shall not include loans.

Livestock  
Mandatory  
Reporting Act of  
1999.

## **TITLE IX—LIVESTOCK MANDATORY REPORTING**

7 USC 1635 note. **SEC. 901. SHORT TITLE.**

This title may be cited as the “Livestock Mandatory Reporting Act of 1999”.

### **Subtitle A—Livestock Mandatory Reporting**

7 USC 1635 note. **SEC. 911. LIVESTOCK MANDATORY REPORTING.**

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) by inserting before section 202 (7 U.S.C. 1621) the following:

#### **“Subtitle A—General Provisions”;**

and

(2) by adding at the end the following:

#### **“Subtitle B—Livestock Mandatory Reporting**

##### **“CHAPTER 1—PURPOSE; DEFINITIONS**

7 USC 1635. **“SEC. 211. PURPOSE.**

“The purpose of this subtitle is to establish a program of information regarding the marketing of cattle, swine, lambs, and products of such livestock that—

“(1) provides information that can be readily understood by producers, packers, and other market participants, including information with respect to the pricing, contracting for purchase, and supply and demand conditions for livestock, livestock production, and livestock products;

“(2) improves the price and supply reporting services of the Department of Agriculture; and

“(3) encourages competition in the marketplace for livestock and livestock products.

7 USC 1635a. **“SEC. 212. DEFINITIONS.**

“In this subtitle:

“(1) **BASE PRICE.**—The term ‘base price’ means the price paid for livestock, delivered at the packing plant, before application of any premiums or discounts, expressed in dollars per hundred pounds of carcass weight.

“(2) **BASIS LEVEL.**—The term ‘basis level’ means the agreed-on adjustment to a future price to establish the final price paid for livestock.

“(3) **CURRENT SLAUGHTER WEEK.**—The term ‘current slaughter week’ means the period beginning Monday, and ending Sunday, of the week in which a reporting day occurs.

“(4) F.O.B.—The term ‘F.O.B.’ means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

“(5) LIVESTOCK.—The term ‘livestock’ means cattle, swine, and lambs.

“(6) LOT.—The term ‘lot’ means a group of one or more livestock that is identified for the purpose of a single transaction between a buyer and a seller.

“(7) MARKETING.—The term ‘marketing’ means the sale or other disposition of livestock, livestock products, or meat or meat food products in commerce.

“(8) NEGOTIATED PURCHASE.—The term ‘negotiated purchase’ means a cash or spot market purchase by a packer of livestock from a producer under which—

“(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

“(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

“(9) NEGOTIATED SALE.—The term ‘negotiated sale’ means a cash or spot market sale by a producer of livestock to a packer under which—

“(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

“(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

“(10) PRIOR SLAUGHTER WEEK.—The term ‘prior slaughter week’ means the Monday through Sunday prior to a reporting day.

“(11) PRODUCER.—The term ‘producer’ means any person engaged in the business of selling livestock to a packer for slaughter (including the sale of livestock from a packer to another packer).

“(12) REPORTING DAY.—The term ‘reporting day’ means a day on which—

“(A) a packer conducts business regarding livestock committed to the packer, or livestock purchased, sold, or slaughtered by the packer;

“(B) the Secretary is required to make information concerning the business described in subparagraph (A) available to the public; and

“(C) the Department of Agriculture is open to conduct business.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

“(14) STATE.—The term ‘State’ means each of the 50 States.

## “CHAPTER 2—CATTLE REPORTING

### “SEC. 221. DEFINITIONS.

7 USC 1635d.

“In this chapter:

“(1) CATTLE COMMITTED.—The term ‘cattle committed’ means cattle that are scheduled to be delivered to a packer within the 7-day period beginning on the date of an agreement to sell the cattle.

“(2) CATTLE TYPE.—The term ‘cattle type’ means the following types of cattle purchased for slaughter:

“(A) Fed steers.

“(B) Fed heifers.

“(C) Fed Holsteins and other fed dairy steers and heifers.

“(D) Cows.

“(E) Bulls.

“(3) FORMULA MARKETING ARRANGEMENT.—The term ‘formula marketing arrangement’ means the advance commitment of cattle for slaughter by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

“(4) FORWARD CONTRACT.—The term ‘forward contract’ means—

“(A) an agreement for the purchase of cattle, executed in advance of slaughter, under which the base price is established by reference to—

“(i) prices quoted on the Chicago Mercantile Exchange; or

“(ii) other comparable publicly available prices; or

“(B) such other forward contract as the Secretary determines to be applicable.

“(5) PACKER.—The term ‘packer’ means any person engaged in the business of buying cattle in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from cattle for sale or shipment in commerce, or of marketing meats or meat food products from cattle in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

“(A) the term includes only a cattle processing plant that is federally inspected;

“(B) for any calendar year, the term includes only a cattle processing plant that slaughtered an average of at least 125,000 head of cattle per year during the immediately preceding 5 calendar years; and

“(C) in the case of a cattle processing plant that did not slaughter cattle during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

“(6) PACKER-OWNED CATTLE.—The term ‘packer-owned cattle’ means cattle that a packer owns for at least 14 days immediately before slaughter.

“(7) TERMS OF TRADE.—The term ‘terms of trade’ includes, with respect to the purchase of cattle for slaughter—

“(A) whether a packer provided any financing agreement or arrangement with regard to the cattle;

“(B) whether the delivery terms specified the location of the producer or the location of the packer’s plant;

“(C) whether the producer is able to unilaterally specify the date and time during the business day of the packer that the cattle are to be delivered for slaughter; and

“(D) the percentage of cattle purchased by a packer as a negotiated purchase that are delivered to the plant

for slaughter more than 7 days, but fewer than 14 days, after the earlier of—

“(i) the date on which the cattle were committed to the packer; or

“(ii) the date on which the cattle were purchased by the packer.

“(8) TYPE OF PURCHASE.—The term ‘type of purchase’, with respect to cattle, means—

“(A) a negotiated purchase;

“(B) a formula market arrangement; and

“(C) a forward contract.

**“SEC. 222. MANDATORY REPORTING FOR LIVE CATTLE.**

7 USC 1635e.

“(a) ESTABLISHMENT.—The Secretary shall establish a program of live cattle price information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the cattle slaughtering industry.

“(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

“(1) IN GENERAL.—Whenever the prices or quantities of cattle are required to be reported or published under this section, the prices or quantities shall be categorized so as to clearly delineate—

“(A) the prices or quantities, as applicable, of the cattle purchased in the domestic market; and

“(B) the prices or quantities, as applicable, of imported cattle.

“(2) PACKER-OWNED CATTLE.—Information required under this section for packer-owned cattle shall include quantity and carcass characteristics, but not price.

“(c) DAILY REPORTING.—

“(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (including once not later than 10:00 a.m. Central Time and once not later than 2:00 p.m. Central Time) the following information for each cattle type:

Deadline.

“(A) The prices for cattle (per hundredweight) established on that day, categorized by—

“(i) type of purchase;

“(ii) the quantity of cattle purchased on a live weight basis;

“(iii) the quantity of cattle purchased on a dressed weight basis;

“(iv) a range of the estimated live weights of the cattle purchased;

“(v) an estimate of the percentage of the cattle purchased that were of a quality grade of choice or better; and

“(vi) any premiums or discounts associated with—

“(I) weight, grade, or yield; or

“(II) any type of purchase.

“(B) The quantity of cattle delivered to the packer (quoted in numbers of head) on that day, categorized by—

	<p>“(i) type of purchase;</p> <p>“(ii) the quantity of cattle delivered on a live weight basis; and</p> <p>“(iii) the quantity of cattle delivered on a dressed weight basis.</p> <p>“(C) The quantity of cattle committed to the packer (quoted in numbers of head) as of that day, categorized by—</p> <p>“(i) type of purchase;</p> <p>“(ii) the quantity of cattle committed on a live weight basis; and</p> <p>“(iii) the quantity of cattle committed on a dressed weight basis.</p> <p>“(D) The terms of trade regarding the cattle, as applicable.</p>
Public information.	<p>“(2) PUBLICATION.—The Secretary shall make the information available to the public not less frequently than three times each reporting day.</p>
Deadline.	<p>“(d) WEEKLY REPORTING.—</p> <p>“(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information applicable to the prior slaughter week:</p> <p>“(A) The quantity of cattle purchased through a forward contract that were slaughtered.</p> <p>“(B) The quantity of cattle delivered under a formula marketing arrangement that were slaughtered.</p> <p>“(C) The quantity and carcass characteristics of packer-owned cattle that were slaughtered.</p> <p>“(D) The quantity, basis level, and delivery month for all cattle purchased through forward contracts that were agreed to by the parties.</p> <p>“(E) The range and average of intended premiums and discounts that are expected to be in effect for the current slaughter week.</p>
Deadline.	<p>“(2) FORMULA PURCHASES.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information for cattle purchased through a formula marketing arrangement and slaughtered during the prior slaughter week:</p> <p>“(A) The quantity (quoted in both numbers of head and hundredweights) of cattle.</p> <p>“(B) The weighted average price paid for a carcass, including applicable premiums and discounts.</p> <p>“(C) The range of premiums and discounts paid.</p> <p>“(D) The weighted average of premiums and discounts paid.</p> <p>“(E) The range of prices paid.</p> <p>“(F) The aggregate weighted average price paid for a carcass.</p> <p>“(G) The terms of trade regarding the cattle, as applicable.</p>
Public information. Deadline.	<p>“(3) PUBLICATION.—The Secretary shall make available to the public the information obtained under paragraphs (1) and</p>

(2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

“(e) REGIONAL REPORTING OF CATTLE TYPES.—

“(1) IN GENERAL.—The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holsteins and other fed dairy steers and heifers, cows, and bulls based on the number of packers required to report under this section.

“(2) REPORT.—Not later than 2 years after the date of the enactment of this subtitle, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under paragraph (1). Deadline.

**“SEC. 223. MANDATORY PACKER REPORTING OF BOXED BEEF SALES.** 7 USC 1635f.

“(a) DAILY REPORTING.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total boxed beef sales, including—

“(1) the price for each lot of each negotiated boxed beef sale (determined by seller-buyer interaction and agreement), quoted in dollars per hundredweight (on a F.O.B. plant basis);

“(2) the quantity for each lot of each sale, quoted by number of boxes sold; and

“(3) information regarding the characteristics of each lot of each sale, including—

“(A) the grade of beef (USDA Choice or better, USDA Select, or ungraded no-roll product);

“(B) the cut of beef; and

“(C) the trim specification.

“(b) PUBLICATION.—The Secretary shall make available to the public the information required to be reported under subsection (a) not less frequently than twice each reporting day. Public information.

**“CHAPTER 3—SWINE REPORTING**

**“SEC. 231. DEFINITIONS.**

7 USC 1635i.

“In this chapter:

“(1) AFFILIATE.—The term ‘affiliate’, with respect to a packer, means—

“(A) a person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the packer;

“(B) a person 5 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the packer; and

“(C) a person that directly or indirectly controls, or is controlled by or under common control with, the packer.

“(2) APPLICABLE REPORTING PERIOD.—The term ‘applicable reporting period’ means the period of time prescribed by the prior day report, the morning report, and the afternoon report, as required under section 232(c).

“(3) BARROW.—The term ‘barrow’ means a neutered male swine.

“(4) BASE MARKET HOG.—The term ‘base market hog’ means a hog for which no discounts are subtracted from and no premiums are added to the base price.

“(5) BRED FEMALE SWINE.—The term ‘bred female swine’ means any female swine, whether a sow or gilt, that has been mated or inseminated and is assumed, or has been confirmed, to be pregnant.

“(6) FORMULA PRICE.—The term ‘formula price’ means a price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

“(7) GILT.—The term ‘gilt’ means a young female swine that has not produced a litter.

“(8) HOG CLASS.—The term ‘hog class’ means, as applicable—

“(A) barrows or gilts;

“(B) sows; or

“(C) boars or stags.

“(9) NONCARCASS MERIT PREMIUM.—The term ‘noncarcass merit premium’ means an increase in the base price of the swine offered by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual amount of the premium is known before the sale and delivery of the swine.

“(10) OTHER MARKET FORMULA PURCHASE.—

“(A) IN GENERAL.—The term ‘other market formula purchase’ means a purchase of swine by a packer in which the pricing mechanism is a formula price based on any market other than the market for swine, pork, or a pork product.

“(B) INCLUSION.—The term ‘other market formula purchase’ includes a formula purchase in a case in which the price formula is based on one or more futures or options contracts.

“(11) OTHER PURCHASE ARRANGEMENT.—The term ‘other purchase arrangement’ means a purchase of swine by a packer that—

“(A) is not a negotiated purchase, swine or pork market formula purchase, or other market formula purchase; and

“(B) does not involve packer-owned swine.

“(12) PACKER.—The term ‘packer’ means any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

“(A) the term includes only a swine processing plant that is federally inspected;

“(B) for any calendar year, the term includes only a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding 5 calendar years; and

“(C) in the case of a swine processing plant that did not slaughter swine during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether



the processing plant should be considered a packer under this chapter.

“(13) PACKER-OWNED SWINE.—The term ‘packer-owned swine’ means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 14 days immediately before slaughter.

“(14) PACKER-SOLD SWINE.—The term ‘packer-sold swine’ means the swine that are—

“(A) owned by a packer (including a subsidiary or affiliate of the packer) for more than 14 days immediately before sale for slaughter; and

“(B) sold for slaughter to another packer.

“(15) PORK.—The term ‘pork’ means the meat of a porcine animal.

“(16) PORK PRODUCT.—The term ‘pork product’ means a product or byproduct produced or processed in whole or in part from pork.

“(17) PURCHASE DATA.—The term ‘purchase data’ means all of the applicable data, including weight (if purchased live), for all swine purchased during the applicable reporting period, regardless of the expected delivery date of the swine, reported by—

“(A) hog class;

“(B) type of purchase; and

“(C) packer-owned swine.

“(18) SLAUGHTER DATA.—The term ‘slaughter data’ means all of the applicable data for all swine slaughtered by a packer during the applicable reporting period, regardless of when the price of the swine was negotiated or otherwise determined, reported by—

“(A) hog class;

“(B) type of purchase; and

“(C) packer-owned swine.

“(19) SOW.—The term ‘sow’ means an adult female swine that has produced one or more litters.

“(20) SWINE.—The term ‘swine’ means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

“(21) SWINE OR PORK MARKET FORMULA PURCHASE.—The term ‘swine or pork market formula purchase’ means a purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or a pork product, other than a future or option for swine, pork, or a pork product.

“(22) TYPE OF PURCHASE.—The term ‘type of purchase’, with respect to swine, means—

“(A) a negotiated purchase;

“(B) other market formula purchase;

“(C) a swine or pork market formula purchase; and

“(D) other purchase arrangement.

**“SEC. 232. MANDATORY REPORTING FOR SWINE.**

7 USC 1635j.

“(a) ESTABLISHMENT.—The Secretary shall establish a program of swine price information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the swine slaughtering industry.

“(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

“(1) IN GENERAL.—The Secretary shall establish and implement a price reporting program in accordance with this section that includes the reporting and publication of information required under this section.

“(2) PACKER-OWNED SWINE.—Information required under this section for packer-owned swine shall include quantity and carcass characteristics, but not price.

“(3) PACKER-SOLD SWINE.—If information regarding the type of purchase is required under this section, the information shall be reported according to the numbers and percentages of each type of purchase comprising—

“(A) packer-sold swine; and

“(B) all other swine.

“(4) ADDITIONAL INFORMATION.—

“(A) REVIEW.—The Secretary shall review the information required to be reported by packers under this section at least once every 2 years.

Regulations.

“(B) OUTDATED INFORMATION.—After public notice and an opportunity for comment, subject to subparagraph (C), the Secretary shall promulgate regulations that specify additional information that shall be reported under this section if the Secretary determines under the review under subparagraph (A) that—

“(i) information that is currently required no longer accurately reflects the methods by which swine are valued and priced by packers; or

“(ii) packers that slaughter a significant majority of the swine produced in the United States no longer use backfat or lean percentage factors as indicators of price.

“(C) LIMITATION.—Under subparagraph (B), the Secretary may not require packers to provide any new or additional information that—

“(i) is not generally available or maintained by packers; or

“(ii) would be otherwise unduly burdensome to provide.

“(c) DAILY REPORTING.—

“(1) PRIOR DAY REPORT.—

“(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

“(i) comply with the publication requirements of this section; and

“(ii) provide for the timely access to the information by producers, packers, and other market participants.

Deadline.

“(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—Not later than 7:00 a.m. Central Time on each

reporting day, a packer required to report under subparagraph (A) shall report information regarding all swine purchased, priced, or slaughtered during the prior business day of the packer.

“(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

“(i) all purchase data, including—

“(I) the total number of—

“(aa) swine purchased; and

“(bb) swine scheduled for delivery; and

“(II) the base price and purchase data for slaughtered swine for which a price has been established;

“(ii) all slaughter data for the total number of swine slaughtered, including—

“(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of swine delivered at the plant—

“(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

“(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

“(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of swine) obtained by dividing—

“(aa) the total amount paid for the swine slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

“(bb) the total carcass weight (in hundred pound increments) of the swine;

“(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

“(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of swine slaughtered at a packing plant during the applicable reporting

period per hundred pounds of carcass weight of swine;

“(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

“(aa) the total carcass weight of the swine slaughtered at the packing plant during the applicable reporting period; by

“(bb) the number of the swine described in item (aa),  
adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

“(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for swine slaughtered during the applicable reporting period, resulting from the fact that the swine did not fall within the individual packer’s established carcass weight or lot variation range;

“(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer’s measurement to that reference point using an adjustment made by the Secretary) of the swine slaughtered during the applicable reporting period;

“(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the swine slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the swine of the individual packer to correlate to a common percent lean measurement; and

“(IX) the total slaughter quantity, which shall be equal to the total number of swine slaughtered during the applicable reporting period, including all types of purchases and packer-owned swine; and

“(iii) packer purchase commitments, which shall be equal to the number of swine scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

Deadline.

“(D) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 8:00 a.m. Central Time on the reporting day on which the information is received from the packer.

“(2) MORNING REPORT.—

“(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

Deadline.

“(i) the packer’s best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

“(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

“(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

“(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

“(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

Deadline.

“(3) AFTERNOON REPORT.—

“(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

Deadline.

“(i) the packer’s best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

“(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

“(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

“(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

“(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.

Deadline.

“(d) WEEKLY NONCARCASS MERIT PREMIUM REPORT.—

“(1) IN GENERAL.—Not later than 4:00 p.m. Central Time on the first reporting day of each week, the corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary a noncarcass merit premium report that lists—

Deadline.

“(A) each category of standard noncarcass merit premiums used by the packer in the prior slaughter week; and

“(B) the amount (in dollars per hundred pounds of carcass weight) paid to producers by the packer, by category.

“(2) PREMIUM LIST.—A packer shall maintain and make available to a producer, on request, a current listing of the dollar values (per hundred pounds of carcass weight) of each noncarcass merit premium used by the packer during the current or the prior slaughter week.

“(3) AVAILABILITY.—A packer shall not be required to pay a listed noncarcass merit premium to a producer that meets the requirements for the premium if the need for swine in a given category is filled at a particular point in time.

Deadline.

“(4) PUBLICATION.—The Secretary shall publish the information obtained under this subsection as soon as practicable, but not later than 5:00 p.m. Central Time, on the first reporting day of each week.

#### “CHAPTER 4—LAMB REPORTING

7 USC 1635m.

##### “SEC. 241. MANDATORY REPORTING FOR LAMBS.

“(a) ESTABLISHMENT.—The Secretary may establish a program of mandatory lamb price information reporting that will—

“(1) provide timely, accurate, and reliable market information;

“(2) facilitate more informed marketing decisions; and

“(3) promote competition in the lamb slaughtering industry.

“(b) NOTICE AND COMMENT.—If the Secretary establishes a mandatory price reporting program under subsection (a), the Secretary shall provide an opportunity for comment on proposed regulations to establish the program during the 30-day period beginning on the date of the publication of the proposed regulations.

#### “CHAPTER 5—ADMINISTRATION

7 USC 1636.

##### “SEC. 251. GENERAL PROVISIONS.

“(a) CONFIDENTIALITY.—The Secretary shall make available to the public information, statistics, and documents obtained from, or submitted by, packers, retail entities, and other persons under this subtitle in a manner that ensures that confidentiality is preserved regarding—

“(1) the identity of persons, including parties to a contract; and

“(2) proprietary business information.

“(b) DISCLOSURE BY FEDERAL GOVERNMENT EMPLOYEES.—

“(1) IN GENERAL.—Subject to paragraph (2), no officer, employee, or agent of the United States shall, without the consent of the packer or other person concerned, divulge or make known in any manner, any facts or information regarding the business of the packer or other person that was acquired through reporting required under this subtitle.

“(2) EXCEPTIONS.—Information obtained by the Secretary under this subtitle may be disclosed—

“(A) to agents or employees of the Department of Agriculture in the course of their official duties under this subtitle;

“(B) as directed by the Secretary or the Attorney General, for enforcement purposes; or

“(C) by a court of competent jurisdiction.

“(3) DISCLOSURE UNDER FREEDOM OF INFORMATION ACT.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

“(c) REPORTING BY PACKERS.—A packer shall report all information required under this subtitle on an individual lot basis.

“(d) REGIONAL REPORTING AND AGGREGATION.—The Secretary shall make information obtained under this subtitle available to the public only in a manner that—

Public  
information.

“(1) ensures that the information is published on a national and a regional or statewide basis as the Secretary determines to be appropriate;

“(2) ensures that the identity of a reporting person is not disclosed; and

“(3) conforms to aggregation guidelines established by the Secretary.

“(e) ADJUSTMENTS.—Prior to the publication of any information required under this subtitle, the Secretary may make reasonable adjustments in information reported by packers to reflect price aberrations or other unusual or unique occurrences that the Secretary determines would distort the published information to the detriment of producers, packers, or other market participants.

“(f) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under chapter 2, 3, or 4.

“(g) ELECTRONIC REPORTING AND PUBLISHING.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

“(h) REPORTING OF ACTIVITIES ON WEEKENDS AND HOLIDAYS.—

“(1) IN GENERAL.—Livestock committed to a packer, or purchased, sold, or slaughtered by a packer, on a weekend day or holiday shall be reported by the packer to the Secretary (to the extent required under this subtitle), and reported by the Secretary, on the immediately following reporting day.

“(2) LIMITATION ON REPORTING BY PACKERS.—A packer shall not be required to report actions under paragraph (1) more than once on the immediately following reporting day.

“(i) EFFECT ON OTHER LAWS.—Nothing in this subtitle, the Livestock Mandatory Reporting Act of 1999, or amendments made by that Act restricts or modifies the authority of the Secretary to—

“(1) administer or enforce the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

“(2) administer, enforce, or collect voluntary reports under this title or any other law; or

“(3) access documentary evidence as provided under sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50).

#### “SEC. 252. UNLAWFUL ACTS.

7 USC 1636a.

“It shall be unlawful and a violation of this subtitle for any packer or other person subject to this subtitle (in the submission of information required under chapter 2, 3, or 4, as determined by the Secretary) to willfully—

“(1) fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary (including estimated information);

“(2) solicit or request that a packer, the buyer or seller of livestock or livestock products, or any other person fail to provide, as a condition of any transaction, accurate or timely information required under this subtitle;

“(3) fail or refuse to comply with this subtitle; or

“(4) report estimated information in any report required under this subtitle in a manner that demonstrates a pattern of significant variance in accuracy when compared to the actual information that is reported for the same reporting period, or as determined by any audit, oversight, or other verification procedures of the Secretary.

7 USC 1636b.

**“SEC. 253. ENFORCEMENT.**

“(a) CIVIL PENALTY.—

“(1) IN GENERAL.—Any packer or other person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than \$10,000 for each violation.

“(2) CONTINUING VIOLATION.—Each day during which a violation continues shall be considered to be a separate violation.

“(3) FACTORS.—In determining the amount of a civil penalty to be assessed under paragraph (1), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person that has committed the violation to continue in business.

“(4) MULTIPLE VIOLATIONS.—In determining whether to assess a civil penalty under paragraph (1), the Secretary shall consider whether a packer or other person subject to this subtitle has engaged in a pattern of errors, delays, or omissions in violation of this subtitle.

“(b) CEASE AND DESIST.—In addition to, or in lieu of, a civil penalty under subsection (a), the Secretary may issue an order to cease and desist from continuing any violation.

“(c) NOTICE AND HEARING.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this section unless the person against which the penalty is assessed or to which the order is issued is given notice and opportunity for a hearing before the Secretary with respect to the violation.

“(d) FINALITY AND JUDICIAL REVIEW.—

“(1) IN GENERAL.—The order of the Secretary assessing a civil penalty or issuing a cease and desist order under this section shall be final and conclusive unless the affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

“(2) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

“(e) ENFORCEMENT.—

“(1) IN GENERAL.—If, after the lapse of the period allowed for appeal or after the affirmance of a penalty assessed under this section, the person against which the civil penalty is assessed fails to pay the penalty, the Secretary may refer



the matter to the Attorney General who may recover the penalty by an action in United States district court.

“(2) FINALITY.—In the action, the final order of the Secretary shall not be subject to review.

“(f) INJUNCTION OR RESTRAINING ORDER.—

“(1) IN GENERAL.—If the Secretary has reason to believe that any person subject to this subtitle has failed or refused to provide the Secretary information required to be reported pursuant to this subtitle, and that it would be in the public interest to enjoin the person from further failure to comply with the reporting requirements, the Secretary may notify the Attorney General of the failure.

“(2) ATTORNEY GENERAL.—The Attorney General may apply to the appropriate district court of the United States for a temporary or permanent injunction or restraining order.

“(3) COURT.—When needed to carry out this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

“(g) FAILURE TO OBEY ORDERS.—

“(1) IN GENERAL.—If a person subject to this subtitle fails to obey a cease and desist or civil penalty order issued under this subsection after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate district court for enforcement of the order.

“(2) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

“(3) CIVIL PENALTY.—If the court finds that the person violated the cease and desist provisions of the order, the person shall be subject to a civil penalty of not more than \$10,000 for each offense.

**“SEC. 254. FEES.**

7 USC 1636c.

“The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement, or any other fee for the submission or reporting of information, for the receipt or availability of, or access to, published reports or information, or for any other activity required under this subtitle.

**“SEC. 255. RECORDKEEPING.**

7 USC 1636d.

“(a) IN GENERAL.—Subject to subsection (b), each packer required to report information to the Secretary under this subtitle shall maintain, and make available to the Secretary on request, for 2 years—

“(1) the original contracts, agreements, receipts and other records associated with any transaction relating to the purchase, sale, pricing, transportation, delivery, weighing, slaughter, or carcass characteristics of all livestock; and

“(2) such records or other information as is necessary or appropriate to verify the accuracy of the information required to be reported under this subtitle.

“(b) LIMITATIONS.—Under subsection (a)(2), the Secretary may not require a packer to provide new or additional information if—

“(1) the information is not generally available or maintained by packers; or

“(2) the provision of the information would be unduly burdensome.

“(c) PURCHASES OF CATTLE OR SWINE.—A record of a purchase of a lot of cattle or a lot of swine by a packer shall evidence whether the purchase occurred—

“(1) before 10:00 a.m. Central Time;

“(2) between 10:00 a.m. and 2:00 p.m. Central Time; or

“(3) after 2:00 p.m. Central Time.

7 USC 1636e.

**“SEC. 256. VOLUNTARY REPORTING.**

“The Secretary shall encourage voluntary reporting by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) to which the mandatory reporting requirements of this subtitle do not apply.

Records.  
16 USC 1636f.

**“SEC. 257. PUBLICATION OF INFORMATION ON RETAIL PURCHASE PRICES FOR REPRESENTATIVE MEAT PRODUCTS.**

Effective date.

“(a) IN GENERAL.—Beginning not later than 90 days after the date of the enactment of this subtitle, the Secretary shall compile and publish at least monthly (weekly, if practicable) information on retail prices for representative food products made from beef, pork, chicken, turkey, veal, or lamb.

“(b) INFORMATION.—The report published by the Secretary under subsection (a) shall include—

“(1) information on retail prices for each representative food product described in subsection (a); and

“(2) information on total sales quantity (in pounds and dollars) for each representative food product.

“(c) MEAT PRICE SPREADS REPORT.—During the period ending 2 years after the initial publication of the report required under subsection (a), the Secretary shall continue to publish the Meat Price Spreads Report in the same manner as the Report was published before the date of the enactment of this subtitle.

“(d) INFORMATION COLLECTION.—

“(1) IN GENERAL.—To ensure the accuracy of the reports required under subsection (a), the Secretary shall obtain the information for the reports from one or more sources including—

“(A) a consistently representative set of retail transactions; and

“(B) both prices and sales quantities for the transactions.

“(2) SOURCE OF INFORMATION.—The Secretary may—

“(A) obtain the information from retailers or commercial information sources; and

“(B) use valid statistical sampling procedures, if necessary.

“(3) ADJUSTMENTS.—In providing information on retail prices under this section, the Secretary may make adjustments to take into account differences in—

“(A) the geographic location of consumption;

“(B) the location of the principal source of supply;

“(C) distribution costs; and

“(D) such other factors as the Secretary determines reflect a verifiable comparative retail price for a representative food product.

“(e) ADMINISTRATION.—The Secretary—

“(1) shall collect information under this section only on a voluntary basis; and

“(2) shall not impose a penalty on a person for failure to provide the information or otherwise compel a person to provide the information.

**“SEC. 258. SUSPENSION AUTHORITY REGARDING SPECIFIC TERMS OF PRICE REPORTING REQUIREMENTS.** 7 USC 1636g.

“(a) IN GENERAL.—The Secretary may suspend any requirement of this subtitle if the Secretary determines that application of the requirement is inconsistent with the purposes of this subtitle.

“(b) SUSPENSION PROCEDURE.—

“(1) PERIOD.—A suspension under subsection (a) shall be for a period of not more than 240 days.

“(2) ACTION BY CONGRESS.—If an Act of Congress concerning the requirement that is the subject of the suspension under subsection (a) is not enacted by the end of the period of the suspension established under paragraph (1), the Secretary shall implement the requirement.

**“SEC. 259. FEDERAL PREEMPTION.**

7 USC 1636h.

“In order to achieve the goals, purposes, and objectives of this title on a nationwide basis and to avoid potentially conflicting State laws that could impede the goals, purposes, or objectives of this title, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subtitle with respect to the submission or reporting of information, or the publication of such information, on the prices and quantities of livestock or livestock products.”.

**SEC. 912. UNJUST DISQUALIFICATION.**

7 USC 1635 note.

Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended by striking “whatsoever” each place it appears.

**SEC. 913. CONFORMING AMENDMENTS.**

7 USC 1635 note.

(a) Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), is repealed.

(b) Section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), is amended—

(1) by striking subsection (b) and inserting the following:

“(b) EXPORT MARKET REPORTING.—The Secretary shall—

“(1) implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products; and

“(2) develop a data-reporting program to disseminate summary information in a timely manner (in the case of beef, consistent with the reporting under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))).”; and

(2) in subsection (c), by striking “this section of the Act” and inserting “subsection (b)”.

## Subtitle B—Related Beef Reporting Provisions

7 USC 1635 note. **SEC. 921. BEEF EXPORT REPORTING.**

Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting “, beef,” after “cotton”.

7 USC 1635 note. **SEC. 922. EXPORT CERTIFICATES FOR MEAT AND MEAT FOOD PRODUCTS.**

Deadline. Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall fully implement a program, through the use of a streamlined electronic online system, to issue and report export certificates for all meat and meat products.

7 USC 1635 note. **SEC. 923. IMPORTS OF BEEF, BEEF VARIETY MEATS, AND CATTLE.**

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) obtain information regarding the import of beef and beef variety meats (consistent with the information categories reported for beef exports under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))) and cattle using available information sources; and

Publication. (2) publish the information in a timely manner weekly and in a form that maximizes the utility of the information to beef producers, packers, and other market participants.

(b) CONTENT.—The published information shall include information reporting the year-to-date cumulative annual imports of beef, beef variety meats, and cattle for the current and prior marketing years.

7 USC 1635 note. **SEC. 924. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out sections 922 and 923.

## Subtitle C—Related Swine Reporting Provisions

7 USC 1635 note. **SEC. 931. IMPROVEMENT OF HOGS AND PIGS INVENTORY REPORT.**

Publication.  
Effective date.

(a) IN GENERAL.—Effective beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish on a monthly basis the Hogs and Pigs Inventory Report.

(b) GESTATING SOWS.—The Secretary shall include in a separate category of the Report the number of bred female swine that are assumed, or have been confirmed, to be pregnant during the reporting period.

(c) PHASE-OUT.—Effective for a period of eight quarters after the implementation of the monthly report required under subsection (a), the Secretary shall continue to maintain and publish on a quarterly basis the Hogs and Pigs Inventory Report published on or before the date of the enactment of this Act.

Records.  
7 USC 1635 note.

**SEC. 932. BARROW AND GILT SLAUGHTER.**

(a) IN GENERAL.—The Secretary of Agriculture shall promptly obtain and maintain, through an appropriate collection system or valid sampling system at packing plants, information on the total

slaughter of swine that reflects differences in numbers between barrows and gilts, as determined by the Secretary.

(b) AVAILABILITY.—The information shall be made available to swine producers, packers, and other market participants in a report published by the Secretary not less frequently than weekly. Publication.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the collection and compilation of information, and the publication of the report, required by this section.

(2) NONDELEGATION.—The Secretary shall not delegate the collection, compilation, or administration of the information required by this section to any packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)).

**SEC. 933. AVERAGE TRIM LOSS CORRELATION STUDY AND REPORT.**

7 USC 1635 note.

(a) IN GENERAL.—The Secretary of Agriculture shall contract with a qualified contractor to conduct a correlation study and prepare a report establishing a baseline and standards for determining and improving average trim loss measurements and processing techniques for pork processors to employ in the slaughter of swine. Contracts.

(b) CORRELATION STUDY AND REPORT.—The study and report shall—

(1) analyze processing techniques that would assist the pork processing industry in improving procedures for uniformity and transparency in how trim loss is discounted (in dollars per hundred pounds carcass weight) by different packers and processors;

(2) analyze slaughter inspection procedures that could be improved so that trimming procedures and policies of the Secretary are uniform to the maximum extent determined practicable by the Secretary;

(3) determine how the Secretary may be able to foster improved breeding techniques and animal handling and transportation procedures through training programs made available to swine producers so as to minimize trim loss in slaughter processing; and

(4) make recommendations that are designed to effect changes in the pork industry so as to achieve continuous improvement in average trim losses and discounts.

(c) SUBSEQUENT REPORTS ON STATUS OF IMPROVEMENTS AND UPDATES IN BASELINE.—Not less frequently than once every 2 years after the initial publication of the report required under this section, the Secretary shall make subsequent periodic reports that—

(1) examine the status of the improvement in reducing trim loss discounts in the pork processing industry; and

(2) update the baseline to reflect changes in trim loss discounts.

(d) SUBMISSION OF REPORTS TO CONGRESS, PRODUCERS, PACKERS, AND OTHERS.—The reports required under this section shall be made available to—

(1) the public on the Internet; Public information.

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) producers and packers; and

(5) other market participants.

**SEC. 934. SWINE PACKER MARKETING CONTRACTS.**

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended—

(1) by inserting before section 201 (7 U.S.C. 191) the following:

**“Subtitle A—General Provisions”;**

and

(2) by adding at the end the following:

**“Subtitle B—Swine Packer Marketing  
Contracts**

7 USC 198.

**“SEC. 221. DEFINITIONS.**

“Except as provided in section 223(a), in this subtitle:

“(1) MARKET.—The term ‘market’ means the sale or disposition of swine, pork, or pork products in commerce.

“(2) PACKER.—The term ‘packer’ has the meaning given the term in section 231 of the Agricultural Marketing Act of 1946.

“(3) PORK.—The term ‘pork’ means the meat of a porcine animal.

“(4) PORK PRODUCT.—The term ‘pork product’ means a product or byproduct produced or processed in whole or in part from pork.

“(5) STATE.—The term ‘State’ means each of the 50 States.

“(6) SWINE.—The term ‘swine’ means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

“(7) TYPE OF CONTRACT.—The term ‘type of contract’ means the classification of contracts or risk management agreements for the purchase of swine by—

“(A) the mechanism used to determine the base price for swine committed to a packer, grouped into practicable classifications by the Secretary (including swine or pork market formula purchases, other market formula purchases, and other purchase arrangements); and

“(B) the presence or absence of an accrual account or ledger that must be repaid by the producer or packer that receives the benefit of the contract pricing mechanism in relation to negotiated prices.

“(8) OTHER TERMS.—Except as provided in this subtitle, a term has the meaning given the term in section 212 or 231 of the Agricultural Marketing Act of 1946.

7 USC 198a.

**“SEC. 222. SWINE PACKER MARKETING CONTRACTS OFFERED TO PRODUCERS.**

Records.

“(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish and maintain a library or catalog of each type of contract offered by packers to swine producers for the purchase of all or part of the producers’ production of swine (including swine that are purchased or committed for delivery), including all available noncarcass merit premiums.

“(b) AVAILABILITY.—The Secretary shall make available to swine producers and other interested persons information on the types of contracts described in subsection (a), including notice (on a real-time basis if practicable) of the types of contracts that are being offered by each individual packer to, and are open to acceptance by, producers for the purchase of swine.

“(c) CONFIDENTIALITY.—The reporting requirements under subsections (a) and (b) shall be subject to the confidentiality protections provided under section 251 of the Agricultural Marketing Act of 1946.

“(d) INFORMATION COLLECTION.—

“(1) IN GENERAL.—The Secretary shall—

“(A) obtain (by a filing or other procedure required of each individual packer) information indicating what types of contracts for the purchase of swine are available from each packer; and

“(B) make the information available in a monthly report to swine producers and other interested persons.

“(2) CONTRACTED SWINE NUMBERS.—Each packer shall provide, and the Secretary shall collect and publish in the monthly report required under paragraph (1)(B), information specifying—

“(A) the types of existing contracts for each packer;

“(B) the provisions contained in each contract that provide for expansion in the numbers of swine to be delivered under the contract for the following 6-month and 12-month periods;

“(C) an estimate of the total number of swine committed by contract for delivery to all packers within the 6-month and 12-month periods following the date of the report, reported by reporting region and by type of contract; and

“(D) an estimate of the maximum total number of swine that potentially could be delivered within the 6-month and 12-month periods following the date of the report under the provisions described in subparagraph (B) that are included in existing contracts, reported by reporting region and by type of contract.

“(e) VIOLATIONS.—It shall be unlawful and a violation of this title for any packer to willfully fail or refuse to provide to the Secretary accurate information required under, or to willfully fail or refuse to comply with any requirement of, this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

**“SEC. 223. REPORT ON THE SECRETARY’S JURISDICTION, POWER, DUTIES, AND AUTHORITIES.**

7 USC 198b.

“(a) DEFINITION OF PACKER.—In this section, the term ‘packer’ has the meaning given the term in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191).

“(b) REPORT.—Not later than 90 days after the date of the enactment of this subtitle, the Comptroller General of the United States shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the jurisdiction, powers, duties, and authorities of the Secretary that relate to packers and other persons involved in procuring, slaughtering, or

Publication.

Deadline.

processing swine, pork, or pork products that are covered by this Act and other laws, including—

“(1) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), especially sections 6, 8, 9, and 10 of that Act (15 U.S.C. 46, 48, 49, and 50); and

“(2) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

“(c) **CONTENTS.**—The Comptroller General shall include in the report an analysis of—

“(1) burdens on and obstructions to commerce in swine, pork, and pork products by packers, and other persons that enter into arrangements with the packers, that are contrary to, or do not protect, the public interest;

“(2) noncompetitive pricing arrangements between or among packers, or other persons involved in the processing, distribution, or sale of pork and pork products, including arrangements provided for in contracts for the purchase of swine;

“(3) the effective monitoring of contracts entered into between packers and swine producers;

“(4) investigations that relate to, and affect, the disclosure of—

“(A) transactions involved in the business conduct and practices of packers; and

“(B) the pricing of swine paid to producers by packers and the pricing of products in the pork and pork product merchandising chain;

“(5) the adequacy of the authority of the Secretary to prevent a packer from unjustly or arbitrarily refusing to offer a producer, or disqualifying a producer from eligibility for, a particular contract or type of contract for the purchase of swine; and

“(6) the ability of the Secretary to cooperate with and enhance the enforcement of actions initiated by other Federal departments and agencies, or Federal independent agencies, to protect trade and commerce in the pork and pork product industries against unlawful restraints and monopolies.”.

7 USC 1635 note.

#### **SEC. 935. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

## **Subtitle D—Implementation**

Deadline.

Publication.

7 USC 1635 note.

#### **SEC. 941. REGULATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish final regulations to implement this title and the amendments made by this title.

(b) **PUBLICATION OF PROPOSED REGULATIONS.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations to implement this title and the amendments made by this title.

(c) **COMMENT PERIOD.**—The Secretary shall provide an opportunity for comment on the proposed regulations during the 30-



day period beginning on the date of the publication of the proposed regulations.

(d) FINAL REGULATIONS.—Not later than 60 days after the conclusion of the comment period, the Secretary shall publish the final regulations and implement this title and the amendments made by this title.

**SEC. 942. TERMINATION OF AUTHORITY.**

7 USC 1635 note.

The authority provided by this title and the amendments made by this title terminate 5 years after the date of the enactment of this Act.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000”.

Approved October 22, 1999.

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**LEGISLATIVE HISTORY—H.R. 1906 (S. 1233):**

HOUSE REPORTS: Nos. 106–157 (Comm. on Appropriations) and 106–354 (Comm. of Conference).

SENATE REPORTS: No. 106–80 accompanying S. 1233 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

May 25, 26, June 8, considered and passed House.

Aug. 4, considered and passed Senate, amended, in lieu of S. 1233.

Oct. 1, House agreed to conference report.

Oct. 7, 12, 13, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 22, Presidential statement.



Public Law 106–79  
106th Congress

An Act

Oct. 25, 1999  
[H.R. 2561]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Department of  
Defense  
Appropriations  
Act, 2000.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$22,006,361,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,258,823,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and

expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$6,555,403,000.

#### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund, \$17,861,803,000.

#### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,289,996,000.

#### RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,473,388,000.

#### RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent

duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$412,650,000.

#### RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$892,594,000.

#### NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,610,479,000.

#### NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,533,196,000.

### TITLE II

#### OPERATION AND MAINTENANCE

##### OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law;

and not to exceed \$10,624,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$19,256,152,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds made available under this heading, \$5,000,000, to remain available until expended, shall be transferred to “National Park Service—Construction” within 30 days of the enactment of this Act, only for necessary infrastructure repair improvements at Fort Baker, under the management of the Golden Gate Recreation Area: *Provided further*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of the funds appropriated under this heading, \$4,000,000 shall not be available until 30 days after the Secretary of the Army provides to the congressional defense committees the results of an assessment, solicited by means of a competitive bid, on the prospects of recovering costs associated with the environmental restoration of the Department of the Army’s government-owned, contractor-operated facilities: *Provided further*, That of the funds made available under this heading, \$7,000,000 shall only be available to the Secretary of the Army, acting through the Chief of Engineers, only for demolition and removal of facilities, buildings, and structures used at MOTBY (a Military Traffic Management Command facility): *Provided further*, That notwithstanding section 2215 of title 10, United States Code, of the funds appropriated in this paragraph, \$975,666 is authorized to be transferred to the Presidential Advisory Commission on Holocaust Assets in the United States, to remain available until March 31, 2001.

#### OPERATION AND MAINTENANCE, NAVY

##### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$5,155,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$22,958,784,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

#### OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$2,808,354,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,882,000 can be used for emergencies and

extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$20,896,959,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That, notwithstanding any other provision of law, that of the funds available under this heading, \$950,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial College for the purpose of funding minority aviation training.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$11,489,483,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$32,300,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided*, That of the amount appropriated under the heading "Operation and Maintenance, Defense-Wide" in division B, title I, of Public Law 105-277, the amount of \$202,000,000 not covered as of July 12, 1999, by an official budget request under the fifth proviso of that section is available, subject to such an official budget request for that entire amount, only for the following accounts in the specified amounts:

"Other Procurement, Air Force", \$102,000,000; and

"Procurement, Defense-Wide", \$100,000,000:

*Provided further*, That none of the amount of \$202,000,000 described in the preceding proviso may be made available for obligation unless the entire amount is released to the Department of Defense and made available for obligation for the accounts, and in the amounts, specified in the preceding proviso: *Provided further*, That of the amounts provided under this heading, \$20,000,000 to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance, procurement, and research, development, test and evaluation appropriations accounts, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided in this Act: *Provided further*, That of the funds made available under this heading, \$10,000,000 shall be available only for retrofitting security containers that are under the control of, or that are accessible by, defense contractors.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation;

care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,469,176,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$958,978,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$138,911,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,782,591,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$3,161,378,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks

under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$3,241,138,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, \$1,722,600,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$7,621,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$378,170,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$284,000,000, to remain available until transferred: *Provided*, That the Secretary of the Navy



shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$376,800,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$25,370,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$239,214,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available

to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

#### OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), \$55,800,000, to remain available until September 30, 2001.

#### FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, \$460,500,000, to remain available until September 30, 2002: *Provided*, That of the amounts provided under this heading, \$25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

#### QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks), \$300,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 2001, as follows:

Army, \$77,000,000;  
Navy, \$77,000,000;  
Marine Corps, \$58,500,000;  
Air Force, \$77,000,000; and  
Defense-Wide, \$10,500,000:

*Provided*, That notwithstanding any other provision of law, of the funds appropriated under this heading for Defense-Wide activities, the entire amount shall only be available for grants by the Secretary of Defense to local educational authorities which maintain primary and secondary educational facilities located within Department of Defense installations, and which are used primarily by Department of Defense military and civilian dependents, for facility repairs and improvements to such educational facilities: *Provided further*, That such grants to local educational authorities may be made for repairs and improvements to such educational facilities as required to meet classroom size requirements: *Provided further*, That the cumulative amount of any grant or grants to any single

local educational authority provided pursuant to the provisions under this heading shall not exceed \$1,500,000.

#### PENTAGON RENOVATION TRANSFER FUND

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation, \$222,800,000, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2001.

### TITLE III

#### PROCUREMENT

##### AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,451,688,000, to remain available for obligation until September 30, 2002.

##### MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,322,305,000, to remain available for obligation until September 30, 2002.

##### PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other

expenses necessary for the foregoing purposes, \$1,586,490,000, to remain available for obligation until September 30, 2002.

#### PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,204,120,000, to remain available for obligation until September 30, 2002.

#### OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 36 passenger motor vehicles for replacement only; and the purchase of three vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,738,934,000, to remain available for obligation until September 30, 2002.

#### AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$8,662,655,000, to remain available for obligation until September 30, 2002.

#### WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary

therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$1,383,413,000, to remain available for obligation until September 30, 2002.

#### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$525,200,000, to remain available for obligation until September 30, 2002.

#### SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN (AP), \$748,497,000;

CVN-77 (AP), \$751,540,000;

CVN Refuelings (AP), \$345,565,000;

DDG-51 destroyer program, \$2,681,653,000;

LPD-17 amphibious transport dock ship, \$1,508,338,000;

LHD-8 (AP), \$375,000,000;

ADC(X), \$439,966,000;

LCAC landing craft air cushion program, \$31,776,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, \$171,119,000;

In all: \$7,053,454,000, to remain available for obligation until September 30, 2004: *Provided*, That additional obligations may be incurred after September 30, 2004, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted

the authority to enter into a contract for an LHD-1 Amphibious Assault Ship which shall be funded on an incremental basis.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 50 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$4,320,238,000, to remain available for obligation until September 30, 2002.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 43 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,300,920,000, to remain available for obligation until September 30, 2002.

#### AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$8,228,630,000, to remain available for obligation until September 30, 2002.

#### MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction

prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$2,211,407,000, to remain available for obligation until September 30, 2002.

#### PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$442,537,000, to remain available for obligation until September 30, 2002.

#### OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 53 passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$7,146,157,000, to remain available for obligation until September 30, 2002.

#### PROCUREMENT, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 103 passenger motor vehicles for replacement only; the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$250,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,249,566,000, to remain available for obligation until September 30, 2002: *Provided*, That of the funds available under this heading, not less than \$39,491,000, including \$6,000,000 derived by transfer from

“Research, Development, Test and Evaluation, Defense-Wide”, shall be available only to support Electronic Commerce Resource Centers.

#### NATIONAL GUARD AND RESERVE EQUIPMENT

Deadline.

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$150,000,000, to remain available for obligation until September 30, 2002: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

#### DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$3,000,000 only for microwave power tubes and to remain available until expended.

### TITLE IV

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$5,266,601,000, to remain available for obligation until September 30, 2001.

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,110,326,000, to remain available for obligation until September 30, 2001: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique requirements of the Special Operation Forces: *Provided further*, That of the funds available under this heading, no more than \$7,000,000 shall be available only to initiate a cost improvement program for the Intercooled Recuperated Gas Turbine Engine program: *Provided further*, That the funds identified in the immediately preceding proviso shall be made available only if the Secretary of the Navy certifies to the congressional defense committees that binding commitments to finance the remaining cost of the ICR cost improvement program have been secured from non-federal sources: *Provided further*, That should the Secretary of the Navy fail to make the certification required in the immediately preceding proviso by July 31, 2000, the Secretary shall make the funds subject to such certification available for DD–21 ship propulsion risk reduction: *Provided further*, That the Department of Defense shall not



pay more than one-third of the cost of the Intercooled Recuperated Gas Turbine Engine cost improvement program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$13,674,537,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,256,705,000, to remain available for obligation until September 30, 2001: *Provided*, That of the amount appropriated in section 102 of division B, title I, of Public Law 105-277 (112 Stat. 2681-558), the amount of \$230,000,000 not covered as of July 12, 1999, by an official budget request under the third proviso of that section is available, subject to such an official budget request for that entire amount, only for the following programs in the specified amounts:

“Theater High-Altitude Area Defense System—TMD—EMD”, \$38,000,000;

“PATRIOT PAC-3 Theater Missile Defense Acquisition—EMD”, \$75,000,000; and

“National Missile Defense Dem/Val”, \$117,000,000:

*Provided further*, That none of the amount of \$230,000,000 described in the preceding proviso may be made available for obligation unless the entire amount is released to the Department of Defense and made available for obligation for the programs, and in the amounts, specified in the preceding proviso.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith, \$265,957,000, to remain available for obligation until September 30, 2001.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$31,434,000, to remain available for obligation until September 30, 2001.

## TITLE V

## REVOLVING AND MANAGEMENT FUNDS

## DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$90,344,000: *Provided*, That during fiscal year 2000, funds in the Defense Working Capital Funds may be used for the purchase of not to exceed 295 passenger motor vehicles for replacement only for the Defense Security Service.

## NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), \$717,200,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

## TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law, \$11,154,617,000, of which \$10,522,647,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2001; of which \$356,970,000, to remain available for obligation until September 30, 2002, shall be for Procurement; and of which \$275,000,000, to remain available for obligation until September 30, 2001, shall be for Research, development, test and evaluation.

## CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412

of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,029,000,000, of which \$543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, \$191,500,000 shall be for Procurement to remain available until September 30, 2002, and \$294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$847,800,000: *Provided*, That of the funds appropriated under this heading, \$10,800,000 is hereby transferred to appropriations available for “Military Construction, Air Force” for fiscal year 2000, and the transferred funds shall be available for study, planning, design, architect and engineer services at forward operating locations in the area of responsibility of the United States Southern Command: *Provided further*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$137,544,000, of which \$136,244,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which \$1,300,000 to remain available until September 30, 2002, shall be for Procurement.

## TITLE VII

## RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY  
SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$209,100,000.

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$158,015,000, of which \$34,923,000 for the Advanced Research and Development Committee shall remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, \$27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2002, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2001.

PAYMENT TO KAHOLAWE ISLAND CONVEYANCE, REMEDIATION, AND  
ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law, \$35,000,000, to remain available until expended.

## NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

## TITLE VIII

## GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584  
note.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees,

whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,600,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

Notification.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in

amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

10 USC 2306b  
note.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Longbow Apache Helicopter; Javelin missile; Abrams M1A2 Upgrade; F/A-18E/F aircraft; C-17 aircraft; and F-16 aircraft.

10 USC 401 note.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to the Congress on September 30 of each year:

Reports.

Territories.

*Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana

Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2000, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2001. Budget.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(d) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than 3 years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than 19 noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have

reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement



of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

Regulations.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2001 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

10 USC 2687  
note.

Reports.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National

Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, United States Code, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, United States Code, if such employee is otherwise entitled to such annual leave:

*Provided*, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, United States Code, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8026. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8027. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8028. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8030. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46–48).

SEC. 8031. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility’s direct budget amount.

SEC. 8032. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8033. Of the funds made available in this Act, not less than \$26,588,000 shall be available for the Civil Air Patrol Corporation, of which \$22,888,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$1,418,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for “Civil Air Patrol” under

this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8034. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2000 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2000, not more than 6,206 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,105 staff years may be funded for the defense studies and analysis FFRDCs.

Reports.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2001 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8035. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8036. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8037. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8038. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

41 USC 10b-2.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2000. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

Reports.

(c) For purposes of this section, the term “Buy American Act” means title III of the Act entitled “An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8039. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are

appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8041. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient Government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient Government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

President.  
Budget.  
10 USC 221 note.

SEC. 8042. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8043. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

Reports.

SEC. 8044. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until 30 days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2000 and 2001, and the specific expenditures to be made using funds transferred from this account during fiscal year 2000.

SEC. 8045. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8046. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$100,000.

SEC. 8047. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for

sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2001 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Budget.

SEC. 8048. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2001: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

50 USC 403u  
note.

SEC. 8049. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8050. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8051. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8052. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8053. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations

for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8054. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

*Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8055. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee’s place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8056. Funds appropriated by this Act and in Public Law 105-277, or made available by the transfer of funds in this Act and in Public Law 105-277 for intelligence activities are deemed



to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2000 until the enactment of the Intelligence Authorization Act for Fiscal Year 2000.

SEC. 8057. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures: *Provided further*, That notwithstanding any other provision of law, not more than \$4,650,000 of the funds provided under the heading "Operation and Maintenance, Army" in title II of this Act shall be available to the Secretary of the Army, acting through the Chief of Engineers, only for demolition and removal of facilities, buildings, and structures formerly used as a District Headquarters Office by the Corps of Engineers (Northwest Division, CENWW, Washington State), as described in the study conducted regarding the headquarters pursuant to the Energy and Water Development Appropriations Act, 1992 (Public Law 102-104; 105 Stat. 511).

(RESCISSIONS)

SEC. 8058. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, from the following accounts and programs in the specified amounts:

- "Other Procurement, Navy, 1998/2000", \$2,167,000;
- "Aircraft Procurement, Air Force, 1998/2000", \$15,800,000;
- "Other Procurement, Army, 1999/2001", \$13,700,000;
- "Aircraft Procurement, Navy, 1999/2001", \$41,500,000;
- Under the heading, "Shipbuilding and Conversion, Navy, 1999/2003":
  - New Attack Submarine, \$32,400,000;
  - CVN-69, \$11,400,000;
- "Other Procurement, Navy, 1999/2001", \$13,784,000;
- "Aircraft Procurement, Air Force, 1999/2001", \$29,729,000;
- "Missile Procurement, Air Force, 1999/2001", \$130,000,000;
- "Research, Development, Test and Evaluation, Army, 1999/2000", \$5,400,000;
- "Research, Development, Test and Evaluation, Navy, 1999/2000", \$14,900,000;
- "Research, Development, Test and Evaluation, Air Force, 1999/2000", \$15,900,000; and
- "Research, Development, Test and Evaluation, Defense-Wide, 1999/2000", \$23,500,000.

SEC. 8059. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8060. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance

to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8061. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8062. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8063. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1999 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8064. (a) None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

(b) The Secretary shall, in conjunction with the Pentagon Renovation, design and construct secure secretarial offices and support facilities and security-related changes to the subway entrance at the Pentagon Reservation.

10 USC 374 note.

SEC. 8065. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 403f note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

## (TRANSFER OF FUNDS)

SEC. 8066. Appropriations available in this Act under the heading “Operation and Maintenance, Defense-Wide” for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8067. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8068. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8069. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8070. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8071. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8072. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of

the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

Reports.

SEC. 8073. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8074. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

Applicability.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

Loans.

SEC. 8075. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the

authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

Reports.

SEC. 8076. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8077. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8078. None of the funds provided in title II of this Act for “Former Soviet Union Threat Reduction” may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8079. During the current fiscal year, no more than \$10,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8080. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations

in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8081. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8082. Upon the enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1988/2001”:

SSN-688 attack submarine program, \$6,585,000;

CG-47 cruiser program, \$12,100,000;

Aircraft carrier service life extension program, \$202,000;

LHD-1 amphibious assault ship program, \$2,311,000;

LSD-41 cargo variant ship program, \$566,000;

T-AO fleet oiler program, \$3,494,000;

AO conversion program, \$133,000;

Craft, outfitting, and post delivery, \$1,688,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 1995/2001”:

DDG-51 destroyer program, \$27,079,000;

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1989/2000”:

DDG-51 destroyer program, \$13,200,000;  
Aircraft carrier service life extension program, \$186,000;  
LHD-1 amphibious assault ship program, \$3,621,000;  
LCAC landing craft, air cushioned program, \$1,313,000;  
T-AO fleet oiler program, \$258,000;  
AOE combat support ship program, \$1,078,000;  
AO conversion program, \$881,000;  
T-AGOS drug interdiction conversion, \$407,000;  
Outfitting and post delivery, \$219,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 1996/2000”:

LPD-17 amphibious transport dock ship, \$21,163,000;

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1990/2002”:

SSN-688 attack submarine program, \$5,606,000;  
DDG-51 destroyer program, \$6,000,000;  
ENTERPRISE refueling/modernization program, \$2,306,000;  
LHD-1 amphibious assault ship program, \$183,000;  
LSD-41 dock landing ship cargo variant program, \$501,000;  
LCAC landing craft, air cushioned program, \$345,000;  
MCM mine countermeasures program, \$1,369,000;  
Moored training ship demonstration program, \$1,906,000;  
Oceanographic ship program, \$1,296,000;  
AOE combat support ship program, \$4,086,000;  
AO conversion program, \$143,000;  
Craft, outfitting, post delivery, and ship special support equipment, \$1,209,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 1990/2002”:

T-AGOS surveillance ship program, \$5,000,000;  
Coast Guard icebreaker program, \$8,153,000;

Under the heading, “Shipbuilding and Conversion, Navy, 1996/2002”:

LPD-17 amphibious transport dock ship, \$7,192,000;

Under the heading, “Shipbuilding and Conversion, Navy, 1998/2002”:

CVN refuelings, \$4,605,000;

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1991/2001”:

SSN-21(AP) attack submarine program, \$1,614,000;

LHD-1 amphibious assault ship program,  
\$5,647,000;

LSD-41 dock landing ship cargo variant program,  
\$1,389,000;

LCAC landing craft, air cushioned program,  
\$330,000;

AOE combat support ship program, \$1,435,000;

To:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1998/2001":

CVN refuelings, \$10,415,000;

From:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1992/2001":

SSN-21 attack submarine program, \$11,983,000;

Craft, outfitting, post delivery, and DBOF transfer,  
\$836,000;

Escalation, \$5,378,000;

To:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1998/2001":

CVN refuelings, \$18,197,000;

From:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1993/2002":

Carrier replacement program (AP), \$30,332,000;

LSD-41 cargo variant ship program, \$676,000;

AOE combat support ship program, \$2,066,000;

Craft, outfitting, post delivery, and first destina-  
tion transportation, and inflation adjustments,  
\$2,127,000;

To:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1998/2002":

CVN refuelings, \$29,844,000;

Under the heading, "Shipbuilding and Conversion,  
Navy, 1999/2002":

Craft, outfitting, post delivery, conversions, and  
first destination transportation, \$5,357,000;

From:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1994/2003":

LHD-1 amphibious assault ship program,  
\$23,900,000;

Oceanographic ship program, \$9,000;

To:

Under the heading, "Shipbuilding and Conversion,  
Navy, 1994/2003":

DDG-51 destroyer program, \$18,349,000;

Under the heading, "Shipbuilding and Conversion,  
Navy, 1995/1999":

DDG-51 destroyer program, \$5,383,000;

Under the heading, "Shipbuilding and Conversion,  
Navy, 1996/2000":

LPD-17 amphibious transport dock ship, \$168,000;

Under the heading, "Shipbuilding and Conversion,  
Navy, 1999/2003":



Craft, outfitting, post delivery, conversions, and first destination transportation, \$9,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN-21 attack submarine program, \$10,100,000;

LHD-1 amphibious assault ship program, \$7,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

DDG-51 destroyer program, \$3,723,000;

LPD-17 amphibious transport dock ship, \$13,477,000.

SEC. 8083. The Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees by February 1, 2000, a detailed report identifying, by amount and by separate budget activity, activity group, subactivity group, line item, program element, program, project, subproject, and activity, any activity for which the fiscal year 2001 budget request was reduced because the Congress appropriated funds above the President's budget request for that specific activity for fiscal year 2000.

Deadline.  
Reports.

SEC. 8084. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8085. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8086. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8087. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as

the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8088. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8089. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

(RESCISSIONS)

SEC. 8090. Of the funds provided in the Department of Defense Appropriations Act, 1999 (Public Law 105-262), \$452,100,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 1999, whichever is later, from the following accounts in the specified amounts:

- “Aircraft Procurement, Army”, \$8,000,000;
- “Missile Procurement, Army”, \$7,000,000;
- “Procurement of Weapons and Tracked Combat Vehicles, Army”, \$9,000,000;
- “Procurement of Ammunition, Army”, \$6,000,000;
- “Other Procurement, Army”, \$19,000,000;
- “Aircraft Procurement, Navy”, \$44,000,000;
- “Weapons Procurement, Navy”, \$8,000,000;
- “Procurement of Ammunition, Navy and Marine Corps”, \$3,000,000;
- “Shipbuilding and Conversion, Navy”, \$37,000,000;
- “Other Procurement, Navy”, \$23,000,000;
- “Procurement, Marine Corps”, \$5,000,000;
- “Aircraft Procurement, Air Force”, \$46,000,000;
- “Missile Procurement, Air Force”, \$14,000,000;
- “Procurement of Ammunition, Air Force”, \$2,000,000;
- “Other Procurement, Air Force”, \$44,400,000;
- “Procurement, Defense-Wide”, \$5,200,000;
- “Chemical Agents and Munitions Destruction, Army”, \$5,000,000;
- “Research, Development, Test and Evaluation, Army”, \$20,000,000;
- “Research, Development, Test and Evaluation, Navy”, \$40,900,000;
- “Research, Development, Test and Evaluation, Air Force”, \$76,900,000; and

“Research, Development, Test and Evaluation, Defense-Wide”, \$28,700,000:

*Provided*, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8091. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include budget activity groups (known as “subactivities”) in all appropriations accounts provided in this Act, as may be necessary, to separately identify all costs incurred by the Department of Defense to support the North Atlantic Treaty Organization and all Partnership For Peace programs and initiatives. The budget justification materials submitted to the Congress in support of the budget of the Department of Defense for fiscal year 2001, and subsequent fiscal years, shall provide complete, detailed estimates for all such costs.

Budget.  
10 USC 221 note.

SEC. 8092. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8093. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

(d) None of the funds appropriated or otherwise provided for the Department of Defense in this or any other Act for any fiscal year may be obligated or expended for procurement of a nuclear-capable shipyard crane from a foreign source. Subsection (a) does not apply to the limitation in the preceding sentence.

SEC. 8094. Funds made available to the Civil Air Patrol in this Act under the heading “Drug Interdiction and Counter-Drug Activities, Defense” may be used for the Civil Air Patrol Corporation’s counterdrug program, including its demand reduction program involving youth programs, as well as operational and training

drug reconnaissance missions for Federal, State, and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That of these funds, \$300,000 shall be made available to establish and operate a distance learning program: *Provided further*, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

10 USC 1073  
note.

SEC. 8095. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for 2 years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 1999, may include a base contract period for transition and up to seven 1-year option periods.

SEC. 8096. None of the funds in this Act may be used to compensate an employee of the Department of Defense who initiates a new start program without notification to the Office of the Secretary of Defense, the Office of Management and Budget, and the congressional defense committees, as required by Department of Defense financial management regulations.

SEC. 8097. In addition to the amounts provided elsewhere in this Act, notwithstanding any other provision of law, \$5,000,000 is hereby appropriated to the Office of the Secretary of Defense, and is available only for a grant to the Women in Military Service for America Memorial Foundation, Inc., only for costs associated with completion of the “Women in Military Service For America” memorial at Arlington National Cemetery.

SEC. 8098. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

Deadline.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the

extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8099. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8100. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$123,200,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

- “Operation and Maintenance, Army”, \$30,900,000;
- “Operation and Maintenance, Navy”, \$66,600,000;
- “Operation and Maintenance, Air Force”, \$9,200,000; and
- “Operation and Maintenance, Defense-Wide”, \$16,500,000.

SEC. 8101. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$171,000,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

- “Military Personnel, Army”, \$19,100,000;
- “Military Personnel, Navy”, \$2,200,000;
- “Military Personnel, Air Force”, \$9,900,000;
- “Operation and Maintenance, Army”, \$80,700,000;
- “Operation and Maintenance, Navy”, \$13,700,000;
- “Operation and Maintenance, Air Force”, \$26,900,000;
- “Operation and Maintenance, Defense-Wide”, \$8,700,000;

and

- “Defense Health Program”, \$9,800,000.

SEC. 8102. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of the family housing at Fort Buchanan, Puerto Rico, as the Secretary deems necessary to meet military family housing needs arising out of the relocation of elements of the United States Army South to Fort Buchanan.

SEC. 8103. From within amounts made available in title II of this Act, under the heading “Operation and Maintenance, Army”, and notwithstanding any other provision of law, \$12,500,000 shall be available only for repairs and safety improvements to the segment of Fort Irwin Road which extends from Interstate 15 northeast toward the boundary of Fort Irwin, California and the originating intersection of Irwin Road: *Provided*, That these funds shall remain available until expended: *Provided further*, That the authorized scope of work includes, but is not limited to, environmental documentation and mitigation, engineering and design, improving safety, resurfacing, widening lanes, enhancing shoulders, and replacing signs and pavement markings: *Provided further*, That these funds may be used for advances to the Federal Highway Administration, Department of Transportation, for the authorized scope of work.

SEC. 8104. Funds appropriated to the Department of the Navy in title II of this Act may be available to replace lost and canceled Treasury checks issued to Trans World Airlines in the total amount of \$255,333.24 for which timely claims were filed and for which detailed supporting records no longer exist.

SEC. 8105. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the ADC(X) class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8106. From within amounts made available in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, and notwithstanding any other provision of law, \$2,500,000 shall be available only for a grant for “America’s Promise—The Alliance for Youth, Inc.”, only to support, on a dollar-for-dollar matching basis with non-departmental funds, efforts to mobilize individuals, groups and organizations to build and strengthen the character and competence of the Nation’s youth.

SEC. 8107. Of the funds made available in this Act, not less than \$47,100,000 shall be available to maintain an attrition reserve force of 23 B-52 aircraft, of which \$3,100,000 shall be available from “Military Personnel, Air Force”, \$34,500,000 shall be available from “Operation and Maintenance, Air Force”, and \$9,600,000 shall be available from “Aircraft Procurement, Air Force”: *Provided*, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 23 attrition reserve aircraft, during fiscal year 2000: *Provided further*, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2001 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8108. Notwithstanding any other provision in this Act, the total amount appropriated in title II is hereby reduced by \$100,000,000 to reflect savings resulting from reviews of Department of Defense missions and functions conducted pursuant to Office of Management and Budget Circular A-76, to be distributed as follows:

“Operation and Maintenance, Army”, \$34,300,000;

“Operation and Maintenance, Navy”, \$22,800,000;

“Operation and Maintenance, Marine Corps”, \$1,400,000;

and

“Operation and Maintenance, Air Force”, \$41,500,000:

*Provided*, That none of the funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of contracting out functions directly related to the award of Department of Defense contracts, oversight of contractors with the Department of Defense, or the payment of such contractors including, but not limited to: contracting technical officers, contract administration officers, accounting and finance officers, and budget officers.

SEC. 8109. (a) REPORT ON OMB CIRCULAR A-76 REVIEWS OF WORK PERFORMED BY DOD EMPLOYEES.—The Secretary of Defense shall submit a report not later than 90 days after the enactment of this Act which lists all instances since 1995 in which missions or functions of the Department of Defense have been reviewed by the Department of Defense pursuant to OMB Circular A-76. The report shall list the disposition of each such review and indicate whether the review resulted in the performance of such missions

or functions by Department of Defense civilian and military personnel, or whether such reviews resulted in performance by contractors. The report shall include a description of the types of missions or functions, the locations where the missions or functions are performed, the name of the contractor performing the work (if applicable), the cost to perform the missions or functions at the time the review was conducted, and the current cost to perform the missions or functions.

(b) REPORT ON OMB CIRCULAR A-76 REVIEWS OF WORK PERFORMED BY DOD CONTRACTORS.—The report shall also identify those instances in which work performed by a contractor has been converted to performance by civilian or military employees of the Department of Defense. For each instance of contracting in, the report shall include a description of the types of work, the locations where the work was performed, the name of the contractor that was performing the work, the cost of contractor performance at the time the work was contracted in, and the current cost of performance by civilian or military employees of the Department of Defense. In addition, the report shall include recommendations for maximizing the possibility of effective public-private competition for work that has been contracted out.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after the date on which the Secretary submits the annual report, the Comptroller General shall submit to the House and Senate Committees on Appropriations the Comptroller General's views on whether the department has complied with the requirements for the report. Deadline.

SEC. 8110. The budget of the President for fiscal year 2001 submitted to the Congress pursuant to section 1105 of title 31, United States Code, and each annual budget request thereafter, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Procurement accounts, and the Overseas Contingency Operations Transfer Fund: *Provided*, That these budget justification documents shall include a description of the funding requested for each anticipated contingency operation, for each military service, to include active duty and Guard and Reserve components, and for each appropriation account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for ongoing contingency operations, and programmatic data including, but not limited to troop strength for each active duty and Guard and Reserve component, and estimates of the major weapons systems deployed in support of each contingency. Budget.  
10 USC 221 note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8111. In addition to amounts appropriated or otherwise made available in this Act, \$35,000,000 is hereby appropriated, only to initiate and expand activities of the Department of Defense to prevent, prepare for, and respond to a terrorist attack in the United States involving weapons of mass destruction: *Provided*, That funds made available under this section shall be transferred to the following accounts:

- “Reserve Personnel, Army”, \$2,000,000;
- “National Guard Personnel, Army”, \$2,000,000;
- “National Guard Personnel, Air Force”, \$500,000;

“Operation and Maintenance, Army”, \$24,500,000; and  
 “Research, Development, Test and Evaluation, Army”,  
 \$6,000,000:

*Provided further*, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That of the funds transferred to “Operation and Maintenance, Army”, not less than \$3,000,000 shall be made available only to establish a cost effective counter-terrorism training program for first responders and concurrent testing of response apparatus and equipment at the Memorial Tunnel Facility: *Provided further*, That of the funds transferred to “Operation and Maintenance, Army”, not less than \$2,000,000 shall be made available only to support development of a structured undergraduate research program for chemical and biological warfare defense designed to produce graduates with specialized laboratory training and scientific skills required by military and industrial laboratories engaged in combating the threat of biological and chemical terrorism: *Provided further*, That of the funds transferred to “Operation and Maintenance, Army”, not less than \$3,500,000 shall be made available for a National Guard Bureau and Department of Justice collaborative training program only to enhance distance learning technologies and develop related courseware to provide training for counter-terrorism and related concerns: *Provided further*, That of the funds transferred to “Research, Development, Test and Evaluation, Army”, not less than \$3,000,000 shall be made available only to continue development and presentation of advanced distributed learning consequence management response courses and conventional courses.

Budget.  
 Reports.

SEC. 8112. (a) The Secretary of Defense shall, along with submission of the fiscal year 2001 budget request for the Department of Defense, submit to the congressional defense committees a report, in both unclassified and classified versions, which contains an assessment of the advantages or disadvantages of deploying a ground-based National Missile Defense system at more than one site.

(b) This report shall include, but not be limited to, an assessment of the following issues:

(1) The ability of a single site, versus multiple sites, to counter the expected ballistic missile threat.

(2) The optimum basing locations for a single and multiple site National Missile Defense system.

(3) The survivability and redundancy of potential National Missile Defense systems under a single or multiple site architecture.

(4) The estimated costs (including development, construction and infrastructure, and procurement of equipment) associated with different site deployment options.

(5) Other issues bearing on deploying a National Missile Defense system at one or more sites.

Reports.

SEC. 8113. The Secretary of the Navy and the Secretary of the Air Force each shall submit a report to the congressional defense committees within 90 days of the enactment of this Act in both classified and unclassified form which shall provide a detailed description of the dedicated aggressor squadrons used to conduct



combat flight training for the Navy, Marine Corps and Air Force covering the period from fiscal year 1990 through the present. For each year of the specified time period, each report shall provide a detailed description of the following: the assets which comprise dedicated aggressor squadrons including both aircrews, and the types and models of aircraft assigned to these squadrons; the number of training sorties for all forms of combat flight training which require aggressor aircraft, and the number of sorties that the dedicated aggressor squadrons can generate to meet these requirements; the ratio of the total inventory of attack and fighter aircraft to the number of aircraft available for dedicated aggressor squadrons; a comparison of the performance characteristics of the aircraft assigned to dedicated aggressor squadrons compared to the performance characteristics of the aircraft they are intended to represent in training scenarios; an assessment of pilot proficiency by year from 1986 to the present; service recommendations to enhance aggressor squadron proficiency to include number of dedicated aircraft, equipment, facilities, and personnel; and a plan that proposes improvements in dissimilar aircraft air combat training.

SEC. 8114. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business: *Provided*, That the Department of Defense Office of the Inspector General shall provide a report to the House and Senate Committees on Appropriations not later than 90 days after the enactment of this Act which assesses the compliance of each of the military services with applicable appropriations law, Office of Management and Budget circulars, and Undersecretary of Defense (Comptroller) directives which govern funding for maintenance and repairs to flag officer quarters: *Provided further*, That this report shall include an assessment as to whether there have been violations of the Anti-Deficiency Act resulting from instances of improper funding of such maintenance and repair projects.

Reports.  
Deadline.

SEC. 8115. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so: *Provided further*, That none of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" in the Department of Defense Appropriations Act, 1999 (Public Law 105-262) which remain available for obligation are available for the Line of Sight Anti-Tank Program: *Provided further*, That of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" in Public Law 105-262, \$10,027,000 shall be available only for the Air Directed Surface to Air Missile.

SEC. 8116. None of the funds appropriated under the heading “Research, Development, Test and Evaluation, Defense-Wide” in the Department of Defense Appropriations Act, 1999 (Public Law 105-262) which remain available for obligation are available for the Medium Extended Air Defense System or successor systems.

SEC. 8117. Of the funds appropriated in title II of this Act under the heading “Operation and Maintenance, Army”, \$250,000 shall be available only for a grant to the Nebraska Game and Parks Commission for the purpose of locating, identifying the boundaries of, acquiring, preserving, and memorializing the cemetery site that is located in close proximity to Fort Atkinson, Nebraska. The Secretary of the Army shall require as a condition of such grant that the Nebraska Game and Parks Commission, in carrying out the purposes of which the grant is made, work in conjunction with the Nebraska State Historical Society. The grant under this section shall be made without regard to section 1301 of title 31, United States Code, or any other provision of law.

SEC. 8118. Notwithstanding any other provision of law, for the purpose of establishing all Department of Defense policies governing the provision of care provided by and financed under the military health care system’s case management program under 10 U.S.C. 1079(a)(17), the term “custodial care” shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: *Provided*, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: *Provided further*, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

SEC. 8119. During the current fiscal year—

(1) refunds attributable to the use of the Government travel card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance accounts of the Department of Defense which are current when the refunds are received; and

(2) refunds attributable to the use of the Government Purchase Card by military personnel and civilian employees of the Department of Defense may be credited to accounts of the Department of Defense that are current when the refunds are received and that are available for the same purposes as the accounts originally charged.

10 USC 983 note.

SEC. 8120. During the current fiscal year and hereafter, any Federal grant of funds to an institution of higher education to be available solely for student financial assistance or related administrative costs may be used for the purpose for which the grant is made without regard to any provision to the contrary in section 514 of the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 1997 (10 U.S.C. 503 note), or section 983 of title 10, United States Code.

SEC. 8121. (a) REGISTERING INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—After March 31, 2000, none of the funds appropriated in this Act may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. An information technology system shall be considered a mission critical or mission essential information technology system as defined by the Secretary of Defense.

(b) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—(1) During fiscal year 2000, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (C4ISR) Architecture Framework.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(3) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

SEC. 8122. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing

the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8123. (a) RECOVERY OF CERTAIN DOD ADMINISTRATIVE EXPENSES IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAM.—Charges for administrative services calculated under section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) in connection with the sale of defense articles or defense services shall (notwithstanding paragraph (3) of section 43(b) of such Act (22 U.S.C. 2792(b))) include recovery of administrative expenses incurred by the Department of Defense during fiscal year 2000 that are attributable to: (1) salaries of members of the Armed Forces; and (2) unfunded estimated costs of civilian retirement and other benefits.

(b) REIMBURSEMENT OF APPLICABLE MILITARY PERSONNEL ACCOUNTS.—During the current fiscal year, amounts in the Foreign Military Sales Trust Fund shall be available in an amount not to exceed \$63,000,000 to reimburse the applicable military personnel accounts in title I of this Act for the value of administrative expenses referred to in subsection (a)(1).

(c) REDUCTIONS TO REFLECT AMOUNTS EXPECTED TO BE RECOVERED.—(1) The amounts in title I of this Act are hereby reduced by an aggregate of \$63,000,000 (such amount being the amount expected to be recovered by reason of subsection (a)(1)).

(2) The amounts in title II of this Act are hereby reduced by an aggregate of \$31,000,000 (such amount being that amount expected to be recovered by reason of subsection (a)(2)).

47 USC 337 note.

Bidding.  
Deadline.

Federal Register,  
publication.

Deadline.  
Reports.

SEC. 8124. (a) The Communications Act of 1934 is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon the enactment of this provision, the Federal Communications Commission shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

- (i) preparing and conducting the competitive bidding process required by subsection (a); and
- (ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

- (i) the time required for each stage of preparation for the auction;
- (ii) the date of the commencement and of the completion of the auction;
- (iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and
- (iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

Deadline.  
Reports.

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

(c) Nothing in this section shall be construed to supercede the requirements placed on the Federal Communications Commission by 47 U.S.C. 337(d)(4).

Deadline.

SEC. 8125. (a) REPORT REQUIRED.—Not later than January 31, 2000, the Secretary of Defense shall submit to the congressional defense committees in both classified and unclassified form a report on the conduct of Operation Desert Fox and Operation Allied Force (also referred to as Operation Noble Anvil). The Secretary of Defense shall submit to such committees a preliminary report on the conduct of these operations not later than December 15, 1999. The report (including the preliminary report) should be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander in Chief of the United States Central Command, and the Commander in Chief of the United States European Command.

(b) REVIEW OF SUCCESSES AND DEFICIENCIES.—The report should contain a thorough review of the successes and deficiencies of these operations, with respect to the following matters:

(1) United States military objectives in these operations.

(2) With respect to Operation Allied Force, the military strategy of the North Atlantic Treaty Organization (NATO) to obtain said military objectives.

(3) The command structure for the execution of Operation Allied Force.

(4) The process for identifying, nominating, selecting, and verifying targets to be attacked during Operation Desert Fox and Operation Allied Force.

(5) A comprehensive battle damage assessment of targets prosecuted during the conduct of the air campaigns in these operations, to include—

(A) fixed targets, both military and civilian, to include bridges, roads, rail lines, airfields, power generating plants, broadcast facilities, oil refining infrastructure, fuel and munitions storage installations, industrial plants producing military equipment, command and control nodes, civilian leadership bunkers and military barracks;

(B) mobile military targets such as tanks, armored personnel carriers, artillery pieces, trucks, and air defense assets;

(C) with respect to Operation Desert Fox, research and production facilities associated with Iraq's weapons of mass destruction and ballistic missile programs, and any military units or organizations associated with such activities within Iraq; and

(D) a discussion of decoy, deception and counter-intelligence techniques employed by the Iraqi and Serbian military.

(6) The use and performance of United States military equipment, weapon systems, munitions, and national and tactical reconnaissance and surveillance assets (including items classified under special access procedures) and an analysis of—

(A) any equipment or capabilities that were in research and development and if available could have been used in these operations' respective theater of operations;

(B) any equipment or capabilities that were available and could have been used but were not introduced into these operations' respective theater of operations; and

(C) any equipment or capabilities that were introduced to these operations' respective theater of operations that could have been used but were not.

(7) Command, control, communications and operational security of NATO forces as a whole and United States forces separately during Operation Allied Force, including the ability of United States aircraft to operate with aircraft of other nations without degradation of capabilities or protection of United States forces.

(8) The deployment of United States forces and supplies to the theater of operations, including an assessment of airlift and sealift (to include a specific assessment of the deployment of Task Force Hawk during Operation Allied Force, to include detailed explanations for the delay in initial deployment, the suitability of equipment deployed compared to other equipment in the United States inventory that was not deployed, and a critique of the training provided to operational personnel prior to and during the deployment).

(9) The use of electronic warfare assets, in particular an assessment of the adequacy of EA-6B aircraft in terms of inventory, capabilities, deficiencies, and ability to provide logistics support.

(10) The effectiveness of reserve component forces including their use and performance in the theater of operations.

(11) The contributions of United States (and with respect to Operation Allied Force, NATO) intelligence and counterintelligence systems and personnel, including an assessment of the targeting selection and bomb damage assessment process.

(c) The report should also contain:

(1) An analysis of the transfer of operational assets from other United States Unified Commands to these operations' theater of operations and the impact on the readiness, warfighting capability and deterrence value of those commands.

(2) An analysis of the implications of these operations as regards the ability of United States Armed Forces and intelligence capabilities to carry out the current national security strategy, including—

(A) whether the Department of Defense and its components, and the intelligence community and its components, have sufficient force structure and manning as well as equipment (to include items such as munitions stocks) to deploy, prosecute and sustain operations in a second major theater of war as called for under the current national security strategy;

(B) which, if any aspects, of currently programmed manpower, operations, training and other readiness programs, and weapons and other systems are found to be inadequate in terms of supporting the national military strategy; and

(C) what adjustments need to be made to current defense planning and budgets, and specific programs to redress any deficiencies identified by this analysis.

SEC. 8126. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate

to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8127. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8128. In the current fiscal year and hereafter, funds appropriated for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management and related supporting activities in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of a global disaster information network: *Provided*, That the Secretary may enable the Pacific Disaster Center and its derivatives to enter into flexible public-private cooperative arrangements for the delegation or implementation of some or all of its missions and accept and provide grants, or other remuneration to or from any agency of the Federal Government, State or local government, private source or foreign government to carry out any of its activities: *Provided further*, That the Pacific Disaster Center may not accept any remuneration or provide any service or grant which could compromise national security.

SEC. 8129. Notwithstanding any other provision in this Act, the total amount appropriated in title I of this Act is hereby reduced by \$1,838,426,000 to reflect amounts appropriated in Public Law 106-31. This amount is to be distributed as follows:

- "Military Personnel, Army", \$559,533,000;
- "Military Personnel, Navy", \$436,773,000;
- "Military Personnel, Marine Corps", \$177,980,000;
- "Military Personnel, Air Force", \$471,892,000;
- "Reserve Personnel, Army", \$40,574,000;
- "Reserve Personnel, Navy", \$29,833,000;
- "Reserve Personnel, Marine Corps", \$7,820,000;
- "Reserve Personnel, Air Force", \$13,143,000;
- "National Guard Personnel, Army", \$70,416,000; and
- "National Guard Personnel, Air Force", \$30,462,000.

SEC. 8130. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8131. Of the funds made available under the heading "Operation and Maintenance, Air Force", \$5,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base.

SEC. 8132. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity



of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8133. MULTI-YEAR AIRCRAFT LEASE PILOT PROGRAM. (a) The Secretary of the Air Force may establish a multi-year pilot program for leasing aircraft for operational support purposes, including transportation for the combatant Commanders in Chief, on such terms and conditions as the Secretary may deem appropriate, consistent with this section.

10 USC 2401a  
note.

(b) Sections 2401 and 2401a of title 10, United States Code, shall not apply to any aircraft lease authorized by this section.

(c) Under the aircraft lease Pilot Program authorized by this section:

(1) The Secretary may include terms and conditions in lease agreements that are customary in aircraft leases by a non-Government lessor to a non-Government lessee.

(2) The term of any individual lease agreement into which the Secretary enters under this section shall not exceed 10 years.

(3) The Secretary may provide for special payments to a lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or aircraft are damaged or destroyed prior to the expiration of the term of the lease. Such special payments shall not exceed an amount equal to the value of one year's lease payment under the lease. The amount of special payments shall be subject to negotiation between the Air Force and lessors.

(4) Notwithstanding any other provision of law, any payments required under a lease under this section, and any payments made pursuant to subsection (3) above may be made from:

(A) appropriations available for the performance of the lease at the time the lease takes effect;

(B) appropriations for the operation and maintenance available at the time which the payment is due; and

(C) funds appropriated for those payments.

(5) The Secretary may lease aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

(6) The Secretary may exchange or sell existing aircraft and apply the exchange allowance or sale proceeds in whole or in part toward the cost of leasing replacement aircraft under this section.

(7) Lease arrangements authorized by this section may not commence until:

Reports.

(A) The Secretary submits a report to the congressional defense committees outlining the plans for implementing the Pilot Program. The report shall describe the terms and conditions of proposed contracts and the savings in operations and support costs expected to be derived from retiring older aircraft as compared to the expected cost of leasing newer replacement aircraft.

(B) A period of not less than 30 calendar days has elapsed after submitting the report.

Deadline.

(8) Not later than 1 year after the date on which the first aircraft is delivered under this Pilot Program, and yearly thereafter on the anniversary of the first delivery, the Secretary shall submit a report to the congressional defense committees describing the status of the Pilot Program. The Report will be based on at least 6 months of experience in operating the Pilot Program.

(9) No lease of operational support aircraft may be entered into under this section after September 30, 2004.

(d) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

(e) The authority provided under this section may be used to lease not more than a total of six aircraft for the purposes of providing operational support.

SEC. 8134. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for “Operation and Maintenance, Air Force” is hereby reduced by \$100,000,000 to reflect supplemental appropriations provided under Public Law 106-31 for Readiness/Munitions.

SEC. 8135. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking “not later than June 30, 1997,”; and

(2) by striking “\$1,000,000” and inserting “\$500,000”.

SEC. 8136. None of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the congressional defense committees on the role and participation of all unified and specified commands in the Joint Warfighting Experimentation Program.

SEC. 8137. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$5,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$5,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8138. The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this Act in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (Public Law 105-262): *Provided*, That notwithstanding any other provision of

law, the department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Undersecretary of Defense (Acquisition and Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the congressional defense committees, no later than March 31, 2000.

Reports.  
Deadline.

SEC. 8139. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

Regulations.

Deadline.  
Reports.

SEC. 8140. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to \$10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of the Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

SEC. 8141. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

Contracts.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8142. None of the funds appropriated or otherwise made available by this Act or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8143. In addition to the amounts provided elsewhere in this Act, the amount of \$5,000,000 is hereby appropriated for "OPERATION AND MAINTENANCE, DEFENSE-WIDE", to be available, notwithstanding any other provision of law, only for a grant to the United Service Organizations Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code. The grant provided for by this section is in addition to any grant provided for under any other provision of law.

SEC. 8144. None of the funds in this Act shall be available to initiate a multi-year procurement contract for the Abrams M1A2 Tank Upgrade Program until 30 days after the Department of the Army has submitted a report to the Congress detailing its efforts to reduce the costs of the tank upgrade program, to include the effects and potential savings that would result from any alternate fixed price or fixed quantity option contracts.

SEC. 8145. The multi-year authority for the C-17 granted in this Act shall become effective once the Secretary of the Air Force certifies to the congressional defense committees that the average unit flyaway price of C-17 aircraft P121 through P180 purchased under a multi-year contract will be at least 25 percent below the average unit flyaway price of the C-17 under the current 80 aircraft multi-year procurement program, with both prices calculated in fiscal year 1999 dollars.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8146. (a) In addition to amounts appropriated elsewhere in this Act, \$1,000,000,000 is hereby appropriated for the F-22 program: *Provided*, That these funds shall only be available for transfer to the appropriate F-22 program R-1 and P-1 line items of titles IV and III of this Act for the purposes of F-22 program research, development, test and evaluation, and advance procurement: *Provided further*, That of this amount, not more than \$277,100,000 may be transferred to the "Aircraft Procurement, Air Force" account only for advance procurement of F-22 aircraft: *Provided further*, That any funds transferred for F-22 advance procurement shall not be available for obligation until the Secretary of Defense certifies to the congressional defense committees that all 1999 Defense Acquisition Board exit criteria have been met: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act.

(b) Notwithstanding any other provision of law, the Secretary of Defense may use funds provided under this section and transferred to titles IV and III of this Act to continue acquisition of F-22 test aircraft for which procurement funding has been previously provided.

(c) The Secretary of the Air Force shall adjust the amounts of the limitations set forth in subsections (a) and (b) of section 217, Public Law 105-85 accordingly, and may modify any F-22 contracts to implement the requirements of this section.

(d) Funds appropriated in this Act or any other prior Act for “Research, Development, Test and Evaluation, Air Force” and “Aircraft Procurement, Air Force” may not be used for acquisition of more than a total of 17 flight-capable test vehicles for the F-22 aircraft program.

(e) The Secretary of the Air Force may not award a full funding contract for low-rate initial production for the F-22 aircraft program until—

(1) the first flight of an F-22 aircraft incorporating Block 3.0 software has been conducted;

(2) the Secretary of Defense certifies to the congressional defense committees that all Defense Acquisition Board exit criteria for the award of low-rate initial production of the aircraft have been met; and

(3) upon completion of the requirements under (e)(1) and (e)(2) the Director of Operational Test and Evaluation submits to the congressional defense committees a report assessing the adequacy of testing to date to measure and predict performance of F-22 avionics systems, stealth characteristics, and weapons delivery systems.

(f) The funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8147. (a) In addition to the amounts appropriated elsewhere in this Act, \$300,000,000 is hereby appropriated for F-22 program termination liability or for other F-22 program contractual requirements in lieu of termination liability obligations: *Provided*, That these funds shall only be available for transfer to the appropriate F-22 program R-1 and P-1 line items of titles IV and III of this Act for the purposes specified in this section: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act: *Provided further*, That these funds shall not be available for expenditure until October 1, 2000.

(b) The funds transferred under the authority provided within this section shall be merged with and shall be available for the same purposes, and for the same time period, as the appropriation to which transferred.

SEC. 8148. In addition to the amounts provided elsewhere in this Act, the amount of \$5,500,000 is hereby appropriated for “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, to be available, notwithstanding any other provision of law, only for a grant to the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards and performance based academic model at schools administered by the Department of Defense Education Activity.

SEC. 8149. None of the funds appropriated in this Act may be used for the payment of a fine or penalty that is imposed against the Department of Defense or a military department arising from an environmental violation at a military installation or facility unless the payment of the fine or penalty has been specifically authorized by law. For purposes of this section, expenditure of funds to carry out a supplemental environmental project that is

required to be carried out as part of such a penalty shall be considered to be a payment of the penalty.

SEC. 8150. Section 8145 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262; 112 Stat. 2340), is amended by inserting before the period at the end the following: “, and for such additional environmental restoration activities at such former base as may be accomplished within such total amount”.

SEC. 8151. Of the funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide”, up to \$5,000,000 shall be available to provide assistance, by grant or otherwise, to public school systems that have unusually high concentrations of special needs military dependents enrolled: *Provided*, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments.

SEC. 8152. Funds appropriated by the paragraph under the heading “MILITARY CONSTRUCTION TRANSFER FUND” in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31; 113 Stat. 85) may be transferred to military construction accounts, as authorized by that paragraph, and shall be merged with and shall be available for the same purposes and for the same time period as the account to which transferred.

SEC. 8153. Section 127 of the Military Construction Appropriations Act, 1995 (Public Law 103-307; 108 Stat. 1666) is amended—

(1) in subsection (B)(1), by striking “an amount” and all that follows and inserting “\$3,400,000.”; and

(2) by adding at the end the following:

Deadline. “(i) COMPLETION OF CONVEYANCE BY END OF FISCAL YEAR 2000.—The Secretary shall endeavor to complete any conveyance under this section not later than September 30, 2000.”.

SEC. 8154. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Operation and Maintenance, Army” shall be available for expenses associated with characterization and remediation activities at the Massachusetts Military Reservation, Cape Cod, Massachusetts, resulting from environmental problems pertaining to use of Camp Edwards as a training range and impact area and any administrative orders issued by the United States Environmental Protection Agency to address those problems.

SEC. 8155. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield program shall resolve any conflicts among request of Indian tribes for housing units under subsection (a) before

submitting requests to the Secretary of the Air Force under paragraph (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term “Indian tribe” means any recognized Indian tribe included on the current list published by the Secretary of Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8156. Of the amounts appropriated in the Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, \$45,000,000 shall be available for the purpose of adjusting the cost-share of the parties under the Agreement between the Department of Defense and the Ministry of Defence of Israel for the Arrow Deployability Program.

SEC. 8157. The Secretary of Defense shall fully identify and determine the validity of healthcare contract additional liabilities, requests for equitable adjustment, and claims for unanticipated healthcare contract costs: *Provided*, That the Secretary of Defense shall establish an equitable and timely process for the adjudication of claims, and recognize actual liabilities during the Department’s planning, programming and budgeting process, including fiscal year 2000 supplemental appropriation requests if appropriate: *Provided further*, That not later than December 1, 1999, the Secretary of Defense shall submit a report to the congressional defense committees on the scope and extent of healthcare contract claims, and on the action taken to implement the provisions of this section: *Provided further*, That nothing in this section should be construed as congressional direction to liquidate or pay any claims that otherwise would not have been adjudicated in favor of the claimant.

Deadline.  
Reports.

SEC. 8158. Of the funds appropriated in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, \$8,000,000 shall be available only for a community retraining, reinvestment, and manufacturing initiative to be conducted by an academic consortia with existing programs in manufacturing and retraining: *Provided*, That the \$8,000,000 made available in this section shall be obligated by grant not later than 15 days after the enactment of this Act.

Deadline.

SEC. 8159. (a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the chemical weapons demilitarization program.

Deadline.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description and assessment of the current management structure of the chemical weapons demilitarization program, including the management of the assembled chemical weapons assessment (ACWA) program.

(2) An assessment of the feasibility and advisability for the management of the chemical weapons demilitarization program of the assignment of a panel for oversight of the management of program, which panel would—

(A) consist of officials of the Department of Defense and of other departments and agencies of the Federal Government having an interest in the safe and timely demilitarization of chemical weapons; and

(B) prepare annual reports on the schedule, cost, and effectiveness of the program.

(3) Any other matters relating to the management of the chemical weapons demilitarization program, including the improvement of the management of the program, that the Secretary considers appropriate.

SEC. 8160. Notwithstanding any other provision of law, all military construction projects for which funds were appropriated in Public Law 106-52 are hereby authorized.

SEC. 8161. The Secretary of Defense may treat the opening of the National D-Day Museum in New Orleans, Louisiana, as an official event of the Department of Defense for the purposes of the provision of support for ceremonies and activities related to that opening.

16 USC 431 note.

SEC. 8162. DWIGHT D. EISENHOWER MEMORIAL. (a) FINDINGS.—Congress finds that—

(1) the people of the United States feel a deep debt of gratitude to Dwight D. Eisenhower, who served as Supreme Commander of the Allied Forces in Europe in World War II and subsequently as 34th President of the United States; and

(2) an appropriate permanent memorial to Dwight D. Eisenhower should be created to perpetuate his memory and his contributions to the United States.

Establishment.

(b) COMMISSION.—There is established a commission to be known as the “Dwight D. Eisenhower Memorial Commission” (referred to in this section as the “Commission”).

(c) MEMBERSHIP.—The Commission shall be composed of—

(1) four persons appointed by the President, not more than two of whom may be members of the same political party;

(2) four Members of the Senate appointed by the President Pro Tempore of the Senate in consultation with the Majority Leader and Minority Leader of the Senate, of which not more than two appointees may be members of the same political party; and

(3) four Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Majority Leader and Minority Leader of the House of Representatives, of which not more than two appointees may be members of the same political party.

(d) CHAIR AND VICE CHAIR.—The members of the Commission shall select a Chair and Vice Chair of the Commission. The Chair and Vice Chair shall not be members of the same political party.

(e) VACANCIES.—Any vacancy in the Commission shall not affect its powers if a quorum is present, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—

Deadline.

(1) INITIAL MEETING.—Not later than 45 days after the date on which a majority of the members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chair.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number of members may hold hearings.

(h) NO COMPENSATION.—A member of the Commission shall serve without compensation, but may be reimbursed for expenses incurred in carrying out the duties of the Commission.



(i) DUTIES.—The Commission shall consider and formulate plans for such a permanent memorial to Dwight D. Eisenhower, including its nature, design, construction, and location.

(j) POWERS.—The Commission may—

(1) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

(2) accept gifts to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial; and

(3) hold hearings, enter into contracts for personal services and otherwise, and do such other things as are necessary to carry out this section.

(k) REPORTS.—The Commission shall—

(1) report the plans under subsection (i), together with recommendations, to the President and the Congress at the earliest practicable date; and

(2) in the interim, make annual reports on its progress to the President and the Congress.

(l) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(m) APPROPRIATION OF FUNDS.—In addition to amounts provided elsewhere in this Act, there is appropriated to the Commission \$300,000, to remain available until expended.

SEC. 8163. (a) The Secretary of the Air Force may accept contributions from the State of New York for the project at Rome Research Site, Rome, New York authorized in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2000, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York. Any contributions received from the State of New York shall be in addition to the funds authorized for the project in section 2304(a)(1) of the National Defense Authorization Act for Fiscal Year 2000.

(b) The item for “New York, Rome Research Site”, in the table in section 2301(a) of the National Defense Authorization Act for Fiscal Year 2000 is amended by striking “12,800,000” and inserting “25,800,000”.

*Ante*, p. 832.

SEC. 8164. Chapter 1 of title I of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-553) is amended in the paragraph under the heading “Operation and Maintenance, Defense-Wide” by inserting before the period at the end the following: “: *Provided further*, That an amount not to exceed \$75,000,000 of the funds provided under this heading shall remain available without fiscal year limitation after transfer from this account: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer the funds referred to in the immediately preceding proviso to other activities of the Federal Government pursuant to section 1535 of title 31, United States Code (referred to as the ‘Economy Act’).”

SEC. 8165. REVIEW OF LOW DENSITY, HIGH DEMAND ASSETS. (a) REPORT TO CONGRESSIONAL DEFENSE COMMITTEES.—The Secretary of Defense shall submit to the congressional defense committees a report assessing the requirements, plans, and resources needed to maintain, update, modernize, restore, and expand the

Deadline.

Department of Defense fleet of specialized aircraft and related equipment commonly described as “Low Density, High Demand Assets”. The report shall be submitted no later than May 15, 2000 and shall be submitted in both classified and unclassified versions.

(b) ASSETS TO BE COVERED.—The report shall cover the following aircraft and equipment:

(1) Electronic warfare aircraft and specialized jamming equipment.

(2) Intelligence, surveillance, and reconnaissance (ISR) platforms and major systems, including—

- (A) U-2 aircraft;
- (B) AWACS aircraft;
- (C) JSTARS aircraft;
- (D) RIVET JOINT aircraft;
- (E) tactical unmanned aerial vehicles (UAVs);
- (F) interoperable/secure communications;
- (G) command and control systems;
- (H) new data links; and
- (I) data fusion capability.

(3) Strategic and tactical airlift aircraft.

(4) Aerial refueling aircraft.

(5) Strategic bomber aircraft.

(c) REPORT ELEMENTS.—The report shall include for each asset specified in subsection (b) the following:

(1) A description of—

(A) inventory, age, capabilities, current deficiencies, usage rates, current and remaining service life, and expected rates of fatigue;

(B) ability to provide logistical support;

(C) planned replacement dates; and

(D) number of sorties, percentage of inventory used, and overall effectiveness in Operation Desert Fox and in Operation Allied Force.

(2) A comparison of the Department’s plans and resource requirements to update, replace, modernize, or restore the asset as contained in the Future Years Defense Plan for fiscal year 2000 with those plans and resource requirements for that asset as contained in the Future Years Defense Plan for fiscal year 2001, and an explanation for any significant difference in those plans and requirements.

(3) A detailed listing, by fiscal year, of—

(A) the total amount required to fulfill mission needs statements and documented inventory objectives for the asset in order to improve critical warfighting capabilities over the next 10 years; and

(B) of that total amount for each such year, the portion (stated as an amount and as a percentage) that is not included in the fiscal year 2001 Future Years Defense Plan.

SEC. 8166. Of the funds appropriated in title II of this Act under the heading “Operation and Maintenance, Army”, \$5,000,000 shall be available only for a grant to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory (Bronzeville).

SEC. 8167. Notwithstanding any other provision of law, \$10,000,000, is hereby appropriated and authorized for “Military

Construction, Army National Guard”, to remain available until September 30, 2004, for construction, and, contributions therefor, of an Army Aviation Support Facility at West Bend, Wisconsin.

SEC. 8168. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the “Base Efficiency Project” to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary may carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on “best value” if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base and not required at other Air Force installations to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property at fair market value if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services performed by Department civilian or contract employees, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of the Air Force determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the “Base Efficiency Project Fund” into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the

use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

Deadline.  
Reports.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of the Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662.

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(k) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(l) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(m) DEFINITIONS.—In this section:

(1) The term “Project” means the Base Efficiency Project authorized by this section.

(2) The term “Base” means Brooks Air Force Base, Texas.

(3) The term “Community” means the City of San Antonio, Texas.

(4) The term “Department” means the Department of the Air Force.

(5) The term “facility” means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term “joint activity” means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term “Project Fund” means the Base Efficiency Project Fund established by subsection (h).

(8) The term “public services” means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term “Secretary” means the Secretary of the Air Force or the Secretary’s designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term “State” means the State of Texas.

(n) The authorities provided in this section shall not take effect until June 15, 2000.

SEC. 8169. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$400,000,000, to be distributed as follows:

“Operation and Maintenance, Army”, \$115,000,000;  
“Operation and Maintenance, Navy”, \$150,000,000;  
“Operation and Maintenance, Marine Corps”, \$20,000,000;

and

“Operation and Maintenance, Air Force”, \$115,000,000:

*Provided*, That of the unobligated amounts made available in section 2008 of title II, chapter 3 of Public Law 106–31, \$400,000,000 shall be made available only for depot level maintenance and repair, as follows:

“Operation and Maintenance, Army”, \$115,000,000;  
“Operation and Maintenance, Navy”, \$150,000,000;  
“Operation and Maintenance, Marine Corps”, \$20,000,000;

and

“Operation and Maintenance, Air Force”, \$115,000,000.

SEC. 8170. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$550,000,000, to be distributed as follows:

“Operation and Maintenance, Army”, \$170,000,000;  
“Operation and Maintenance, Navy”, \$170,000,000;  
“Operation and Maintenance, Marine Corps”, \$40,000,000;

and

“Operation and Maintenance, Air Force”, \$170,000,000:

*Provided*, That of the unobligated amounts made available in section 2007 of title II, chapter 3 of Public Law 106–31, \$550,000,000 shall be made available only for spare and repair parts and associated logistical support necessary for the maintenance of weapons systems and equipment, as follows:

“Operation and Maintenance, Army”, \$170,000,000;  
“Operation and Maintenance, Navy”, \$170,000,000;  
“Operation and Maintenance, Marine Corps”, \$40,000,000;

and

“Operation and Maintenance, Air Force”, \$170,000,000.

SEC. 8171. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$100,000,000, to be distributed as follows:

“Operation and Maintenance, Army”, \$60,000,000;  
“Operation and Maintenance, Navy”, \$20,000,000; and  
“Operation and Maintenance, Air Force”, \$20,000,000:

*Provided*, That of the unobligated amounts made available in section 2011 of title II, chapter 3 of Public Law 106–31, \$100,000,000 shall be made available only for base operations support costs at Department of Defense facilities, as follows:

“Operation and Maintenance, Army”, \$60,000,000;  
“Operation and Maintenance, Navy”, \$20,000,000; and  
“Operation and Maintenance, Air Force”, \$20,000,000.

SEC. 8172. Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$356,400,000, to be distributed as follows:

“Weapons Procurement, Navy”, \$50,900,000;  
“Procurement of Ammunition, Navy and Marine Corps”, \$113,500,000;  
“Aircraft Procurement, Air Force”, \$20,800,000; and

“Procurement of Ammunition, Air Force”, \$171,200,000:

*Provided*, That the Secretary of Defense shall allocate these reductions to reflect savings available as a result of the increased procurement of munitions resulting from funds made available in title II, chapter 3 of Public Law 106-31.

SEC. 8173. (a) Notwithstanding any other provision of this Act, amounts otherwise provided by this Act in title II for the following accounts and activities are reduced by the following amounts:

“Operation and Maintenance, Army”, \$1,572,947,000;  
“Operation and Maintenance, Navy”, \$1,874,598,000;  
“Operation and Maintenance, Marine Corps”, \$228,709,000;  
“Operation and Maintenance, Air Force”, \$1,707,150,000;  
“Operation and Maintenance, Defense-Wide”, \$939,341,000;  
“Operation and Maintenance, Army Reserve”,  
\$120,072,000;  
“Operation and Maintenance, Navy Reserve”, \$77,598,000;  
“Operation and Maintenance, Marine Corps Reserve”,  
\$11,346,000;  
“Operation and Maintenance, Air Force Reserve”,  
\$145,393,000;  
“Operation and Maintenance, Army National Guard”,  
\$258,115,000;  
“Operation and Maintenance, Air National Guard”,  
\$264,731,000;  
in all: \$7,200,000,000.

(b) In addition to amounts appropriated elsewhere in this Act there are hereby appropriated the following amounts for the following accounts:

“Operation and Maintenance, Army”, \$1,572,947,000;  
“Operation and Maintenance, Navy”, \$1,874,598,000;  
“Operation and Maintenance, Marine Corps”, \$228,709,000;  
“Operation and Maintenance, Air Force”, \$1,707,150,000;  
“Operation and Maintenance, Defense-Wide”, \$939,341,000;  
“Operation and Maintenance, Army Reserve”,  
\$120,072,000;  
“Operation and Maintenance, Navy Reserve”, \$77,598,000;  
“Operation and Maintenance, Marine Corps Reserve”,  
\$11,346,000;  
“Operation and Maintenance, Air Force Reserve”,  
\$145,393,000;  
“Operation and Maintenance, Army National Guard”,  
\$258,115,000;  
“Operation and Maintenance, Air National Guard”,  
\$264,731,000;  
in all: \$7,200,000,000:

*Provided*, That the entire amount shall be available only to the extent an official budget request for \$7,200,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 8174. None of the funds appropriated or otherwise made available in this Act may be used for the American Heritage Rivers Initiative.



SEC. 8175. Notwithstanding any other provision of law, the Department of Defense shall make progress payments based on progress no less than 12 days after receiving a valid billing and the Department of Defense shall make progress payments based on cost no less than 19 days after receiving a valid billing.

SEC. 8176. Notwithstanding any other provision of law, the Department of Defense shall make adjustments in payment procedures and policies to ensure that payments are made no less than 29 days after receipt of a proper invoice.

## TITLE IX

### WAIVER OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 9001. (a) WAIVER AUTHORITY.—Except as provided in subsections (b) and (c) of this section, the President may waive, with respect to India and Pakistan, the application of any sanction contained in section 101 or 102 of the Arms Export Control Act (22 U.S.C. 2799aa or 22 U.S.C. 2799aa–1), section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)), or section 620E(e) of the Foreign Assistance Act of 1961, as amended, (22 U.S.C. 2375(e)).

22 USC  
2799aa–1  
note.

(b) EXCEPTION.—The authority to waive the application of a sanction or prohibition (or portion thereof) under subsection (a) shall not apply with respect to a sanction or prohibition contained in subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act, unless the President determines, and so certifies to the Congress, that the application of the restriction would not be in the national security interests of the United States.

(c) TERMINATION OF WAIVER.—The President may not exercise the authority of subsection (a), and any waiver previously issued under subsection (a) shall cease to apply, with respect to India or Pakistan, if that country detonates a nuclear explosive device after the date of the enactment of this Act or otherwise takes such action which would cause the President to report pursuant to section 102(b)(1) of the Arms Export Control Act.

(d) TARGETED SANCTIONS.—

(1) SENSE OF THE CONGRESS.—

(A) it is the sense of the Congress that the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

(B) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute to such programs.

(2) REPORTING REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit both a classified and unclassified report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute to missile programs or weapons of mass destruction programs.

Deadline.

(e) CONGRESSIONAL NOTIFICATION.—The issuance of a license for export of a defense article, defense service, or technology under

the authority of this section shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures.

(f) REPEAL.—The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105–277) is repealed effective October 21, 1999.

22 USC  
2799aa–1  
note.

This Act may be cited as the “Department of Defense Appropriations Act, 2000”.

Approved October 25, 1999.

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LEGISLATIVE HISTORY—H.R. 2561 (S. 1122):

HOUSE REPORTS: Nos. 106–244 (Comm. on Appropriations) and 106–371 (Comm. of Conference).

SENATE REPORTS: No. 106–53 accompanying S. 1122 (Comm. on Appropriations).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

July 22, considered and passed House.

July 28, considered and passed Senate, amended, in lieu of S. 1122.

Oct. 13, House agreed to conference report.

Oct. 14, Senate agreed to conference report.



Public Law 106–80  
106th Congress

An Act

To amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

Oct. 25, 1999  
[S. 322]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITION OF MARTIN LUTHER KING JR. HOLIDAY TO LIST OF DAYS.**

Section 6(d) of title 4, United States Code, is amended by inserting “Martin Luther King Jr.’s birthday, third Monday in January;” after “January 20;”.

Approved October 25, 1999.

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**LEGISLATIVE HISTORY—S. 322 (H.R. 576):**

HOUSE REPORTS: No. 106–176 accompanying H.R. 576 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 14, considered and passed Senate.

Oct. 12, considered and passed House.



Public Law 106–81  
106th Congress

An Act

Oct. 26, 1999  
[S. 800]

To promote and enhance public safety through use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

Wireless  
Communications  
and Public Safety  
Act of 1999.  
47 USC 609 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Wireless Communications and Public Safety Act of 1999”.

47 USC 615 note.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds that—

(1) the establishment and maintenance of an end-to-end communications infrastructure among members of the public, emergency safety, fire service and law enforcement officials, emergency dispatch providers, transportation officials, and hospital emergency and trauma care facilities will reduce response times for the delivery of emergency care, assist in delivering appropriate care, and thereby prevent fatalities, substantially reduce the severity and extent of injuries, reduce time lost from work, and save thousands of lives and billions of dollars in health care costs;

(2) the rapid, efficient deployment of emergency telecommunications service requires statewide coordination of the efforts of local public safety, fire service and law enforcement officials, emergency dispatch providers, and transportation officials; the establishment of sources of adequate funding for carrier and public safety, fire service and law enforcement agency technology development and deployment; the coordination and integration of emergency communications with traffic control and management systems and the designation of 9–1–1 as the number to call in emergencies throughout the Nation;

(3) emerging technologies can be a critical component of the end-to-end communications infrastructure connecting the public with emergency medical service providers and emergency dispatch providers, public safety, fire service and law enforcement officials, and hospital emergency and trauma care facilities, to reduce emergency response times and provide appropriate care;

(4) improved public safety remains an important public health objective of Federal, State, and local governments and substantially facilitates interstate and foreign commerce;

(5) emergency care systems, particularly in rural areas of the Nation, will improve with the enabling of prompt notification of emergency services when motor vehicle crashes occur; and

(6) the construction and operation of seamless, ubiquitous, and reliable wireless telecommunications systems promote public safety and provide immediate and critical communications links among members of the public; emergency medical service providers and emergency dispatch providers; public safety, fire service and law enforcement officials; transportation officials, and hospital emergency and trauma care facilities.

(b) PURPOSE.—The purpose of this Act is to encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications, including wireless communications, to meet the Nation's public safety and other communications needs.

### SEC. 3. UNIVERSAL EMERGENCY TELEPHONE NUMBER.

(a) ESTABLISHMENT OF UNIVERSAL EMERGENCY TELEPHONE NUMBER.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following new paragraph:

“(3) UNIVERSAL EMERGENCY TELEPHONE NUMBER.—The Commission and any agency or entity to which the Commission has delegated authority under this subsection shall designate 9–1–1 as the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance. The designation shall apply to both wireline and wireless telephone service. In making the designation, the Commission (and any such agency or entity) shall provide appropriate transition periods for areas in which 9–1–1 is not in use as an emergency telephone number on the date of enactment of the Wireless Communications and Public Safety Act of 1999.”.

(b) SUPPORT.—The Federal Communications Commission shall encourage and support efforts by States to deploy comprehensive end-to-end emergency communications infrastructure and programs, based on coordinated statewide plans, including seamless, ubiquitous, reliable wireless telecommunications networks and enhanced wireless 9–1–1 service. In encouraging and supporting that deployment, the Commission shall consult and cooperate with State and local officials responsible for emergency services and public safety, the telecommunications industry (specifically including the cellular and other wireless telecommunications service providers), the motor vehicle manufacturing industry, emergency medical service providers and emergency dispatch providers, transportation officials, special 9–1–1 districts, public safety, fire service and law enforcement officials, consumer groups, and hospital emergency and trauma care personnel (including emergency physicians, trauma surgeons, and nurses). The Commission shall encourage each State to develop and implement coordinated statewide deployment plans, through an entity designated by the governor, and to include representatives of the foregoing organizations and entities in development and implementation of such plans. Nothing in this subsection

47 USC 615.

shall be construed to authorize or require the Commission to impose obligations or costs on any person.

47 USC 615a.

**SEC. 4. PARITY OF PROTECTION FOR PROVISION OR USE OF WIRELESS SERVICE.**

(a) PROVIDER PARITY.—A wireless carrier, and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability in a State of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any local exchange company, and its officers, directors, employees, vendors, or agents, have under Federal and State law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise) applicable in such State, including in connection with an act or omission involving the release to a PSAP, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.

(b) USER PARITY.—A person using wireless 9–1–1 service shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 9–1–1 service that is not wireless.

(c) PSAP PARITY.—In matters related to wireless 9–1–1 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respectively, in matters related to 9–1–1 communications that are not wireless.

(d) BASIS FOR ENACTMENT.—This section is enacted as an exercise of the enforcement power of the Congress under section 5 of the Fourteenth Amendment to the Constitution and the power of the Congress to regulate commerce with foreign nations, among the several States, and with Indian tribes.

**SEC. 5. AUTHORITY TO PROVIDE CUSTOMER INFORMATION.**

Section 222 of the Communications Act of 1934 (47 U.S.C. 222) is amended—

(1) in subsection (d)—

(A) by striking “or” at the end of paragraph (2);

(B) by striking the period at the end of paragraph

(3) and inserting a semicolon and “and”; and

(C) by adding at the end the following:

“(4) to provide call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d))—

“(A) to a public safety answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility, in order to respond to the user’s call for emergency services;

“(B) to inform the user’s legal guardian or members of the user’s immediate family of the user’s location in an emergency situation that involves the risk of death or serious physical harm; or

“(C) to providers of information or database management services solely for purposes of assisting in the delivery of emergency services in response to an emergency.”.

(2) by redesignating subsection (f) as subsection (h) and by inserting the following after subsection (e):

“(f) **AUTHORITY TO USE WIRELESS LOCATION INFORMATION.**—

For purposes of subsection (c)(1), without the express prior authorization of the customer, a customer shall not be considered to have approved the use or disclosure of or access to—

“(1) call location information concerning the user of a commercial mobile service (as such term is defined in section 332(d)), other than in accordance with subsection (d)(4); or

“(2) automatic crash notification information to any person other than for use in the operation of an automatic crash notification system.

“(g) **SUBSCRIBER LISTED AND UNLISTED INFORMATION FOR EMERGENCY SERVICES.**—Notwithstanding subsections (b), (c), and (d), a telecommunications carrier that provides telephone exchange service shall provide information described in subsection (i)(3)(A) (including information pertaining to subscribers whose information is unlisted or unpublished) that is in its possession or control (including information pertaining to subscribers of other carriers) on a timely and unbundled basis, under nondiscriminatory and reasonable rates, terms, and conditions to providers of emergency services, and providers of emergency support services, solely for purposes of delivering or assisting in the delivery of emergency services.”;

(3) by inserting “location,” after “destination,” in subsection (h)(1)(A) (as redesignated by paragraph (2)); and

(4) by adding at the end of subsection (h) (as redesignated), the following:

“(4) **PUBLIC SAFETY ANSWERING POINT.**—The term ‘public safety answering point’ means a facility that has been designated to receive emergency calls and route them to emergency service personnel.

“(5) **EMERGENCY SERVICES.**—The term ‘emergency services’ means 9–1–1 emergency services and emergency notification services.

“(6) **EMERGENCY NOTIFICATION SERVICES.**—The term ‘emergency notification services’ means services that notify the public of an emergency.

“(7) **EMERGENCY SUPPORT SERVICES.**—The term ‘emergency support services’ means information or data base management services used in support of emergency services.”.

## **SEC. 6. DEFINITIONS.**

47 USC 615b.

As used in this Act:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(2) **STATE.**—The term “State” means any of the several States, the District of Columbia, or any territory or possession of the United States.

(3) **PUBLIC SAFETY ANSWERING POINT; PSAP.**—The term “public safety answering point” or “PSAP” means a facility that has been designated to receive 9–1–1 calls and route them to emergency service personnel.

(4) WIRELESS CARRIER.—The term “wireless carrier” means a provider of commercial mobile services or any other radio communications service that the Federal Communications Commission requires to provide wireless 9–1–1 service.

(5) ENHANCED WIRELESS 9–1–1 SERVICE.—The term “enhanced wireless 9–1–1 service” means any enhanced 9–1–1 service so designated by the Federal Communications Commission in the proceeding entitled “Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 9–1–1 Emergency Calling Systems” (CC Docket No. 94–102; RM–8143), or any successor proceeding.

(6) WIRELESS 9–1–1 SERVICE.—The term “wireless 9–1–1 service” means any 9–1–1 service provided by a wireless carrier, including enhanced wireless 9–1–1 service.

(7) EMERGENCY DISPATCH PROVIDERS.—The term “emergency dispatch providers” shall include governmental and non-governmental providers of emergency dispatch services.

Approved October 26, 1999.

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LEGISLATIVE HISTORY—S. 800 (H.R. 438):

HOUSE REPORTS: No. 106–25 accompanying H.R. 438 (Comm. on Commerce).

SENATE REPORTS: No. 106–138 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed Senate.

Oct. 12, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Oct. 26, Presidential statement.





Public Law 106–82  
106th Congress

An Act

To provide for the conveyance of certain property from the United States to Stanislaus County, California.

Oct. 27, 1999  
[H.R. 356]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF PROPERTY.**

As soon as practicable after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration (in this Act referred to as “NASA”) shall convey to Stanislaus County, California, all right, title, and interest of the United States in and to the property described in section 2.

**SEC. 2. PROPERTY DESCRIBED.**

The property to be conveyed pursuant to section 1 is—

(1) the approximately 1528 acres of land in Stanislaus County, California, known as the NASA Ames Research Center, Crows Landing Facility (formerly known as the Naval Auxiliary Landing Field, Crows Landing);

(2) all improvements on the land described in paragraph (1); and

(3) any other Federal property that is—

(A) under the jurisdiction of NASA;

(B) located on the land described in paragraph (1);

and

(C) designated by NASA to be transferred to Stanislaus County, California.

**SEC. 3. TERMS.**

(a) **CONSIDERATION.**—The conveyance required by section 1 shall be without consideration other than that required by this section.

(b) **ENVIRONMENTAL REMEDIATION.**—(1) The conveyance required by section 1 shall not relieve any Federal agency of any responsibility under law, policy, or Federal interagency agreement for any environmental remediation of soil, groundwater, or surface water.

(2) Any remediation of contamination, other than that described in paragraph (1), within or related to structures or fixtures on the property described in section 2 shall be subject to negotiation to the extent permitted by law.

(c) **RETAINED RIGHT OF USE.**—NASA shall retain the right to use for aviation activities, without consideration and on other terms and conditions mutually acceptable to NASA and Stanislaus County, California, the property described in section 2.

(d) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—NASA shall relinquish, to the State of California, legislative jurisdiction over the property conveyed pursuant to section 1—

(1) by filing a notice of relinquishment with the Governor of California, which shall take effect upon acceptance thereof; or

(2) in any other manner prescribed by the laws of California.

(e) ADDITIONAL TERMS.—The Administrator of NASA may negotiate additional terms to protect the interests of the United States.

Approved October 27, 1999.

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LEGISLATIVE HISTORY—H.R. 356:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 4, considered and passed House.

Oct. 13, considered and passed Senate.



Public Law 106–83  
106th Congress

An Act

To recognize National Medal of Honor sites in California, Indiana, and South Carolina.

Oct. 28, 1999

[H.R. 1663]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Medal of Honor Memorial Act”.

National Medal  
of Honor  
Memorial Act.  
16 USC 431 note.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The Medal of Honor is the highest military decoration which the Nation bestows.

(2) The Medal of Honor is the only military decoration given in the name of Congress, and therefore on behalf of the people of the United States.

(3) The Congressional Medal of Honor Society was established by an Act of Congress in 1958, and continues to protect, uphold, and preserve the dignity, honor, and name of the Medal of Honor and of the individual recipients of the Medal of Honor.

(4) The Congressional Medal of Honor Society is composed solely of recipients of the Medal of Honor.

**SEC. 3. NATIONAL MEDAL OF HONOR SITES.**

(a) **RECOGNITION.**—The following sites to honor recipients of the Medal of Honor are hereby recognized as National Medal of Honor sites:

(1) **RIVERSIDE, CALIFORNIA.**—The memorial under construction at the Riverside National Cemetery in Riverside, California, to be dedicated on November 5, 1999.

(2) **INDIANAPOLIS, INDIANA.**—The memorial at the White River State Park in Indianapolis, Indiana, dedicated on May 28, 1999.

(3) **MOUNT PLEASANT, SOUTH CAROLINA.**—The Congressional Medal of Honor Museum at Patriots Point in Mount Pleasant, South Carolina, currently situated on the ex-U.S.S. Yorktown (CV-6).

(b) INTERPRETATION.—This section shall not be construed to require or permit Federal funds (other than any provided for as of the date of the enactment of this Act) to be expended for any purpose related to the sites recognized in subsection (a).

Approved October 28, 1999.

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LEGISLATIVE HISTORY—H.R. 1663:

HOUSE REPORTS: No. 106–351 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 5, considered and passed House.

Oct. 20, considered and passed Senate.



Public Law 106–84  
106th Congress

An Act

To amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

Oct. 28, 1999  
[H.R. 2841]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GREATER FISCAL AUTONOMY.**

(a) **ISSUANCE.**—Section 8(b)(ii)(A) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(A)) is amended—

(1) in the first sentence, by inserting after “other evidence of indebtedness” the following: “, including but not limited to notes in anticipation of the collection of taxes or revenues,”;

(2) by striking “to construct, improve, extend” and all that follows through “*Provided*, That no public” and inserting “for any public purpose authorized by the legislature: *Provided*, That no such”; and

(3) by striking “and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest”.

(b) **TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.**—

(1) **REPEAL.**—Section 8(b)(ii)(B) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(B)) is repealed.

(2) **REDESIGNATION.**—Section 8(b)(ii)(C) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1574(b)(ii)(C)) is redesignated as section 8(b)(ii)(B).

(3) **REDUNDANT PROVISION.**—Section 1 of Public Law 94–392 (90 Stat. 1193) is amended by striking subsection (d).

48 USC 1574a.

**SEC. 2. AGREEMENT.**

(a) **IN GENERAL.**—The Secretary of the Interior is authorized to enter into an agreement with the Governor of the Virgin Islands establishing mutually agreed financial accountability and performance standards for the fiscal operations of the Government of the Virgin Islands.

(b) **TRANSMISSION TO CONGRESS.**—Upon ratification of the agreement authorized in subsection (a) by both parties, the Secretary shall forward a copy of the agreement to the Committee on Resources in the House of Representatives and the Committee on Energy and Natural Resources in the Senate.

48 USC 1631  
note.

**SEC. 3. EFFECTIVE DATES.**

(a) **IN GENERAL.**—Except as provided by subsection (b), the amendments made by section 1 shall apply to those instruments

Applicability.  
48 USC 1574  
note.

of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act.

(b) EFFECT OF FAILURE TO REACH AGREEMENT.—If the agreement authorized in section 2(a) is not ratified by both parties on or before December 31, 1999, the amendments made by section 1—

(A) shall not apply to instruments of indebtedness issued by the Government of the Virgin Islands on or after December 31, 1999; and

(B) shall continue to apply to those instruments of indebtedness issued by the Government of the Virgin Islands after the date of the enactment of this Act and before December 31, 1999.

48 USC 1574  
note.

**SEC. 4. CONSTRUCTION.**

These amendments to the Revised Organic Act of the Virgin Islands are not intended to modify the internal revenue laws. Thus, the bonds authorized by this bill must comply with subsection (c) of section 149 of the Internal Revenue Code of 1986 (which requires the new bonds comply with the appropriate requirements of the Internal Revenue Code).

Approved October 28, 1999.

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**LEGISLATIVE HISTORY—H.R. 2841:**

HOUSE REPORTS: No. 106–337 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 27, considered and passed House.

Oct. 19, considered and passed Senate.



Public Law 106–85  
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

Oct. 29, 1999  
[H.J. Res. 73]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 106–62 is further amended by striking “October 29, 1999” in section 106(c) and inserting “November 5, 1999”, and by striking “\$189,524,382” in section 119 and inserting “\$288,903,248”. Public Law 106–46 is amended by striking “November 1, 1999” and inserting “November 5, 1999”.

*Ante*, p. 505,  
1125.

*Ante*, p. 227, 509.

Approved October 29, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 73:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 28, considered and passed House and Senate.



Public Law 106–86  
106th Congress

An Act

Oct. 31, 1999  
[H.R. 659]

Pennsylvania  
Battlefields  
Protection Act of  
1999.  
16 USC 410aa  
note.

To authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Pennsylvania Battlefields Protection Act of 1999”.

**TITLE I—PAOLI AND BRANDYWINE  
BATTLEFIELDS**

**SEC. 101. PAOLI BATTLEFIELD PROTECTION.**

(a) **PAOLI BATTLEFIELD.**—The Secretary of the Interior (hereinafter referred to as the “Secretary”) is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the “Paoli Battlefield”, located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled “Paoli Battlefield” numbered 80,000 and dated April 1999 (referred to in this title as the “Paoli Battlefield”). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) **COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.**—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield’s resources.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefield’s resources.

**SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.**

(a) **BRANDYWINE BATTLEFIELD.**—

(1) **IN GENERAL.**—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor,



located in Chester County, Pennsylvania, as depicted on a map entitled “Brandywine Battlefield—Meetinghouse Road Corridor”, numbered 80,000 and dated April 1999 (referred to in this title as the “Brandywine Battlefield”). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield’s resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Brandywine Battlefield’s resources.

## **TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK**

### **SEC. 201. PURPOSE.**

The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the “Society”), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

16 USC 410aa  
note.

### **SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.**

16 USC 410aa  
note.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of the Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National

Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the Society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

16 USC 410aa  
note.

#### **SEC. 203. PRESERVATION AND PROTECTION.**

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 202 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Approved October 31, 1999.

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#### **LEGISLATIVE HISTORY—H.R. 659:**

HOUSE REPORTS: No. 106–139 (Comm. on Resources).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

June 22, considered and passed House.

Oct. 14, considered and passed Senate, amended.

Oct. 18, House concurred in Senate amendment.



Public Law 106–87  
106th Congress

An Act

To reauthorize a comprehensive program of support for victims of torture.

Nov. 3, 1999

[H.R. 2367]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Torture Victims Relief Reauthorization Act of 1999”.

Torture Victims  
Relief  
Reauthorization  
Act of 1999.  
22 USC 2151  
note.

**SEC. 2. FOREIGN TREATMENT CENTERS FOR VICTIMS OF TORTURE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003 to carry out section 130 of the Foreign Assistance Act of 1961.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to this section shall remain available until expended.

**SEC. 3. DOMESTIC TREATMENT CENTERS FOR VICTIMS OF TORTURE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 2001, 2002, and 2003, there are authorized to be appropriated to carry out subsection (a) of section 5 of the Torture Victims Relief Act of 1998 (22 U.S.C. 2152) \$10,000,000 for fiscal year 2001, \$10,000,000 for fiscal year 2002, and \$10,000,000 for fiscal year 2003.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to this section shall remain available until expended.

**SEC. 4. MULTILATERAL ASSISTANCE.**

(a) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal years 2001, 2002, and 2003 for “Voluntary Contributions to International Organizations” pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated for a United States contribution to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the “Fund”) the following amounts for the following fiscal years:

(1) **FISCAL YEAR 2001.**—For fiscal year 2001, \$5,000,000.

(2) **FISCAL YEAR 2002.**—For fiscal year 2002, \$5,000,000.

(3) **FISCAL YEAR 2003.**—For fiscal year 2003, \$5,000,000.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

#### SEC. 5. REPORTING REQUIREMENT.

Deadline.

Not later than 90 days after the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the specialized training for foreign service officers required by section 7 of the Torture Victims Relief Act of 1998 (Public Law 105-320). The report shall include detailed information regarding—

(1) efforts by the Department of State to implement the specialized training requirement;

(2) the curriculum that is being used in the specialized training;

(3) the number of foreign service officers who have received the specialized training as of the date of the report; and

(4) the nongovernmental organizations that have been involved in the development of the specialized training curriculum or in providing the specialized training, and the nature and extent of that involvement.

#### SEC. 6. TECHNICAL AMENDMENTS RELATING TO THE SECOND SECTION 129 OF THE FOREIGN ASSISTANCE ACT OF 1961.

(a) AMENDMENT TO FOREIGN ASSISTANCE ACT OF 1961.—The second section 129 of the Foreign Assistance Act of 1961, as added by section 4(a) of the Torture Victims Relief Act of 1998 (Public Law 105-320), is redesignated as section 130.

22 USC 2152.

22 USC 2152  
note.

(b) AMENDMENT TO TORTURE VICTIMS RELIEF ACT OF 1998.—Section 4(b)(1) of the Torture Victims Relief Act of 1998 is amended by striking “section 129 of the Foreign Assistance Act of 1961, as added by subsection (a)” and inserting “section 130 of the Foreign

Assistance Act of 1961 (as redesignated by section 6(a) of the  
Torture Victims Relief Reauthorization Act of 1999)”.  
  
Approved November 3, 1999.

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LEGISLATIVE HISTORY—H.R. 2367:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Oct. 21, considered and passed Senate.



Public Law 106–88  
106th Congress

Joint Resolution

Nov. 5, 1999  
[H.J. Res. 75]

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

*Ante*, pp. 505,  
1125, 1297.  
*Ante*, pp. 227,  
509, 1297.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 106–62 is further amended by striking “November 5, 1999” in section 106(c) and inserting “November 10, 1999”. Public Law 106–46 is amended by striking “November 5, 1999” and inserting “November 10, 1999”.

Approved November 5, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 75:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 4, considered and passed House and Senate.



Public Law 106–89  
106th Congress

An Act

To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action.

Nov. 8, 1999  
[H.R. 1175]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL FINDINGS.**

The Congress finds that—

(1) Zachary Baumel, a United States citizen serving in the Israeli military forces, has been missing in action since June 1982 when he was captured by forces affiliated with the Palestinian Liberation Organization (PLO) following a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

(2) Yehuda Katz and Zvi Feldman, Israeli citizens serving in the Israeli military forces, have been missing in action since June 1982 when they were also captured by these same forces in a tank battle with Syrian forces at Sultan Ya'akub in Lebanon;

Yehuda Katz.  
Zvi Feldman.

(3) these three soldiers were last known to be in the hands of a Palestinian faction splintered from the PLO and operating in Syrian-controlled territory, thus making this a matter within the responsibility of the Government of Syria;

(4) diplomatic efforts to secure the release of these individuals have been unsuccessful, although PLO Chairman Yasser Arafat delivered one-half of Zachary Baumel's dog tag to Israeli Government authorities; and

(5) in the Gaza-Jericho agreement between the Palestinian Authority and the Government of Israel of May 4, 1994, Palestinian officials agreed to cooperate with Israel in locating and working for the return of Israeli soldiers missing in action.

**SEC. 2. ACTIONS WITH RESPECT TO MISSING SOLDIERS.**

(a) CONTINUING COMMUNICATION WITH CERTAIN GOVERNMENTS.—The Secretary of State shall continue to raise the matter of Zachary Baumel, Yehuda Katz, and Zvi Feldman on an urgent basis with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and with other governments in the region and elsewhere that, in the determination of the Secretary, may be helpful in locating and securing the return of these soldiers.

(b) PROVISION OF ASSISTANCE TO CERTAIN GOVERNMENTS.—In deciding whether or not to provide United States assistance to any government or authority which the Secretary of State believes has information concerning the whereabouts of the soldiers described in subsection (a), and in formulating United States policy towards such government or authority, the President should take

into consideration the willingness of the government or authority to assist in locating and securing the return of such soldiers.

Deadlines.

**SEC. 3. REPORTS BY SECRETARY OF STATE.**

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a written report that describes the efforts of the Secretary pursuant to section 2(a) and United States policies affected pursuant to section 2(b).

(b) SUBSEQUENT REPORTS.—Not later than 15 days after receiving from any source any additional credible information relating to the individuals described in section 2(a), the Secretary of State shall prepare and submit to the committees described in subsection (a) a written report that contains such additional information.

Public  
information.

(c) FORM OF REPORTS.—A report submitted under subsection (a) or (b) shall be made available to the public and may include a classified annex.

Approved November 8, 1999.

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**LEGISLATIVE HISTORY—H.R. 1175:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 22, considered and passed House.

Aug. 5, considered and passed Senate, amended.

Oct. 26, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 9, Presidential statement.





Public Law 106–90  
106th Congress

Joint Resolution

To grant the consent of Congress to the boundary change between Georgia and South Carolina.

Nov. 8, 1999

[H.J. Res. 62]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONSENT OF THE CONGRESS.**

(a) IN GENERAL.—The consent of the Congress is given to the establishment of the boundary between the States of Georgia and South Carolina.

(b) NEW BOUNDARY.—The boundary referred to in subsection (a) is the boundary—

(1) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996;

(2) agreed to by the State of Georgia in Act Number 1044 (S.B. No. 572) approved by the Governor on April 5, 1994, and agreed to by the State of South Carolina in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution;

(3) agreed to by the State of South Carolina in Act Number 375 (S.B. No. 1315) approved by the Governor on May 29, 1996, and agreed to by the State of Georgia in an Act approved by its Governor not later than 5 years after the date of the enactment of this joint resolution; or

(4) agreed to by the States of Georgia and South Carolina in Acts approved by each of their Governors not later than 5 years after the date of the enactment of this joint resolution.

(c) COMPACT.—The Acts referred to in subsection (b) are recognized by the Congress as an interstate compact pursuant to section 10 of article I of the United States Constitution.

Approved November 8, 1999.

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**LEGISLATIVE HISTORY—H.J. Res. 62:**

HOUSE REPORTS: No. 106–304 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Oct. 26, considered and passed Senate.



Public Law 106–91  
106th Congress

An Act

Nov. 9, 1999  
[S. 437]

To designate the United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, as the “Lloyd D. George United States Courthouse”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF LLOYD D. GEORGE UNITED STATES COURTHOUSE.**

The United States courthouse under construction at 333 Las Vegas Boulevard South in Las Vegas, Nevada, shall be known and designated as the “Lloyd D. George United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Lloyd D. George United States Courthouse”.

Approved November 9, 1999.

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**LEGISLATIVE HISTORY—S. 437:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
Mar. 23, considered and passed Senate.  
Oct. 26, considered and passed House.



Public Law 106–92  
106th Congress

An Act

To designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the “Dwight D. Eisenhower Executive Office Building”.

Nov. 9, 1999  
[S. 1652]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF DWIGHT D. EISENHOWER EXECUTIVE OFFICE BUILDING.**

3 USC 101 note.

The Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, shall be known and designated as the “Dwight D. Eisenhower Executive Office Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Dwight D. Eisenhower Executive Office Building”.

3 USC 101 note,  
421; 18 USC  
3056 note.

Approved November 9, 1999.

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LEGISLATIVE HISTORY—S. 1652:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 19, considered and passed Senate.

Oct. 26, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 9, Presidential remarks.



Public Law 106–93  
106th Congress

Joint Resolution

Nov. 10, 1999  
[H.J. Res. 76]

Waiving certain enrollment requirements for the remainder of the first session of the One Hundred Sixth Congress with respect to any bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2000.

1 USC 106 note.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of sections 106 and 107 of title 1, United States Code, are waived for the remainder of the first session of the One Hundred Sixth Congress with respect to the printing (on parchment or otherwise) of the enrollment of any bill or joint resolution making general appropriations or continuing appropriations for the fiscal year ending September 30, 2000. The enrollment of any such bill or joint resolution shall be in such form as the Committee on House Administration of the House of Representatives certifies to be a true enrollment.

Approved November 10, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 76:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 9, considered and passed House and Senate.



Public Law 106–94  
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

Nov. 10, 1999  
[H.J. Res. 78]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 106–62 is further amended by striking “November 10, 1999” in section 106(c) and inserting “November 17, 1999”, and by striking “\$288,903,248” in section 119 and inserting “\$346,483,754”. Public Law 106–46 is amended by striking “November 10, 1999” and inserting “November 17, 1999”.

*Ante*, pp. 505,  
1125, 1297, 1304.  
*Ante*, pp. 509,  
1297.  
*Ante*, pp. 227,  
509, 1297, 1304.

Approved November 10, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 78:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 9, considered and passed House.

Nov. 10, considered and passed Senate.



Public Law 106–95  
106th Congress

An Act

Nov. 12, 1999  
[H.R. 441]

To amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

Nursing Relief  
for  
Disadvantaged  
Areas Act of  
1999.  
8 USC 1101 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Nursing Relief for Disadvantaged Areas Act of 1999”.

**SEC. 2. REQUIREMENTS FOR ADMISSION OF NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.**

(a) ESTABLISHMENT OF A NEW NONIMMIGRANT CLASSIFICATION FOR NONIMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking “; or” at the end and inserting the following: “; or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or”.

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

“(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

“(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

“(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

“(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional

nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

“(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

“(i) The facility meets all the requirements of paragraph (6).

“(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

“(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

“(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

“(v) There is not a strike or lockout in the course of a labor dispute, the facility did not lay off and will not lay off a registered nurse employed by the facility within the period beginning 90 days before and ending 90 days after the date of filing of any visa petition, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

“(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to the registered nurses employed at the facility through posting in conspicuous locations.

“(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

“(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

“(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

“(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

“(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

Deadline.

“(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

“(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

“(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

“(iv) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the facility can demonstrate that taking a second step is not reasonable.

“(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

Expiration date. “(i) shall expire on the date that is the later of—

“(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

“(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

Applicability. “(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

“(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

Records.  
Public  
information. “(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for non-immigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility’s attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

Procedures. “(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility’s failure to meet conditions attested to or a facility’s misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

Deadlines. “(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to



the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

“(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$1,000 per nurse per violation, with the total penalty not to exceed \$10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

“(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph (A)(iii) (relating to payment of registered nurses at the prevailing wage rate), the Secretary shall order the facility to provide for payment of such amounts of back pay as may be required to comply with such condition.

“(F)(i) The Secretary of Labor shall impose on a facility filing an attestation under subparagraph (A) a filing fee, in an amount prescribed by the Secretary based on the costs of carrying out the Secretary’s duties under this subsection, but not exceeding \$250.

“(ii) Fees collected under this subparagraph shall be deposited in a fund established for this purpose in the Treasury of the United States.

“(iii) The collected fees in the fund shall be available to the Secretary of Labor, to the extent and in such amounts as may be provided in appropriations Acts, to cover the costs described in clause (i), in addition to any other funds that are available to the Secretary to cover such costs.

“(3) The period of admission of an alien under section 101(a)(15)(H)(i)(c) shall be 3 years.

“(4) The total number of nonimmigrant visas issued pursuant to petitions granted under section 101(a)(15)(H)(i)(c) in each fiscal year shall not exceed 500. The number of such visas issued for employment in each State in each fiscal year shall not exceed the following:

“(A) For States with populations of less than 9,000,000, based upon the 1990 decennial census of population, 25 visas.

“(B) For States with populations of 9,000,000 or more, based upon the 1990 decennial census of population, 50 visas.

“(C) If the total number of visas available under this paragraph for a fiscal year quarter exceeds the number of qualified nonimmigrants who may be issued such visas during those quarters, the visas made available under this paragraph shall be issued without regard to the numerical limitation under subparagraph (A) or (B) of this paragraph during the last fiscal year quarter.

“(5) A facility that has filed a petition under section 101(a)(15)(H)(i)(c) to employ a nonimmigrant to perform nursing services for the facility—

“(A) shall provide the nonimmigrant a wage rate and working conditions commensurate with those of nurses similarly employed by the facility;

“(B) shall require the nonimmigrant to work hours commensurate with those of nurses similarly employed by the facility; and

“(C) shall not interfere with the right of the nonimmigrant to join or organize a union.

“(6) For purposes of this subsection and section 101(a)(15)(H)(i)(c), the term ‘facility’ means a subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) that meets the following requirements:

“(A) As of March 31, 1997, the hospital was located in a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

“(B) Based on its settled cost report filed under title XVIII of the Social Security Act for its cost reporting period beginning during fiscal year 1994—

“(i) the hospital has not less than 190 licensed acute care beds;

“(ii) the number of the hospital’s inpatient days for such period which were made up of patients who (for such days) were entitled to benefits under part A of such title is not less than 35 percent of the total number of such hospital’s acute care inpatient days for such period; and

“(iii) the number of the hospital’s inpatient days for such period which were made up of patients who (for such days) were eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, is not less than 28 percent of the total number of such hospital’s acute care inpatient days for such period.

“(7) For purposes of paragraph (2)(A)(v), the term ‘lay off’, with respect to a worker—

“(A) means to cause the worker’s loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or the expiration of a grant or contract; but

“(B) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

Nothing in this paragraph is intended to limit an employee’s or an employer’s rights under a collective bargaining agreement or other employment contract.”.

(c) REPEALER.—Clause (i) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking subclause (a).

(d) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor (in consultation, to the extent required, with the Secretary of Health and Human Services) and the Attorney General shall promulgate final or interim final regulations to carry out section 212(m) of the Immigration and Nationality Act (as amended by subsection (b)).

(e) **LIMITING APPLICATION OF NONIMMIGRANT CHANGES TO 4-YEAR PERIOD.**—The amendments made by this section shall apply to classification petitions filed for nonimmigrant status only during the 4-year period beginning on the date that interim or final regulations are first promulgated under subsection (d). Applicability.  
8 USC 1182 note.

**SEC. 3. RECOMMENDATIONS FOR ALTERNATIVE REMEDY FOR NURSING SHORTAGE.** 8 USC 1182 note.

Not later than the last day of the 4-year period described in section 2(e), the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit to the Congress recommendations (including legislative specifications) with respect to the following: Deadline.

(1) A program to eliminate the dependence of facilities described in section 212(m)(6) of the Immigration and Nationality Act (as amended by section 2(b)) on nonimmigrant registered nurses by providing for a permanent solution to the shortage of registered nurses who are United States citizens or aliens lawfully admitted for permanent residence.

(2) A method of enforcing the requirements imposed on facilities under sections 101(a)(15)(H)(i)(c) and 212(m) of the Immigration and Nationality Act (as amended by section 2) that would be more effective than the process described in section 212(m)(2)(E) of such Act (as so amended).

**SEC. 4. CERTIFICATION FOR CERTAIN ALIEN NURSES.**

(a) **IN GENERAL.**—

(1) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended by adding at the end the following new subsection:

“(r) Subsection (a)(5)(C) shall not apply to an alien who seeks to enter the United States for the purpose of performing labor as a nurse who presents to the consular officer (or in the case of an adjustment of status, the Attorney General) a certified statement from the Commission on Graduates of Foreign Nursing Schools (or an equivalent independent credentialing organization approved for the certification of nurses under subsection (a)(5)(C) by the Attorney General in consultation with the Secretary of Health and Human Services) that—

“(1) the alien has a valid and unrestricted license as a nurse in a State where the alien intends to be employed and such State verifies that the foreign licenses of alien nurses are authentic and unencumbered;

“(2) the alien has passed the National Council Licensure Examination (NCLEX);

“(3) the alien is a graduate of a nursing program—

“(A) in which the language of instruction was English;

“(B) located in a country—

“(i) designated by such commission not later than 30 days after the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999, based on such commission’s assessment that the quality of nursing education in that country, and the English language proficiency of those who complete such programs in that country, justify the country’s designation; or

“(ii) designated on the basis of such an assessment by unanimous agreement of such commission and any

Deadline.

equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection; and

“(C)(i) which was in operation on or before the date of the enactment of the Nursing Relief for Disadvantaged Areas Act of 1999; or

“(ii) has been approved by unanimous agreement of such commission and any equivalent credentialing organizations which have been approved under subsection (a)(5)(C) for the certification of nurses under this subsection.”.

(2) Section 212(a)(5)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(C)) is amended by striking “Any alien who seeks” and inserting “Subject to subsection (r), any alien who seeks”.

8 USC 1182 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Deadline.

8 USC 1182 note.

(c) **ISSUANCE OF CERTIFIED STATEMENTS.**—The Commission on Graduates of Foreign Nursing Schools, or any approved equivalent independent credentialing organization, shall issue certified statements pursuant to the amendment under subsection (a) not more than 35 days after the receipt of a complete application for such a statement.

**SEC. 5. NATIONAL INTEREST WAIVERS OF JOB OFFER REQUIREMENTS FOR ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.**

Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

“(B) **WAIVER OF JOB OFFER.**—

“(i) **NATIONAL INTEREST WAIVER.**—Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States.

“(ii) **PHYSICIANS WORKING IN SHORTAGE AREAS OR VETERANS FACILITIES.**—

“(I) **IN GENERAL.**—The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

“(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

“(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician’s work in

such an area or at such facility was in the public interest.

“(II) PROHIBITION.—No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of five years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

“(III) STATUTORY CONSTRUCTION.—Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

“(IV) EFFECTIVE DATE.—The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of three years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.”.

**SEC. 6. FURTHER CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING FIRMS.**

Section 206(a) of the Immigration Act of 1990 (8 U.S.C. 1101 note) is amended to read as follows:

“(a) CLARIFICATION OF TREATMENT OF CERTAIN INTERNATIONAL ACCOUNTING AND MANAGEMENT CONSULTING FIRMS.—In applying sections 101(a)(15)(L) and 203(b)(1)(C) of the Immigration and Nationality Act, and for no other purpose, in the case of a partnership that is organized in the United States to provide accounting or management consulting services and that markets its accounting or management consulting services under an internationally recognized name under an agreement with a worldwide coordinating organization that is collectively owned and controlled by the member accounting and management consulting firms or by the elected

members (partners, shareholders, members, employees) thereof, an entity that is organized outside the United States to provide accounting or management consulting services shall be considered to be an affiliate of the United States accounting or management consulting partnership if it markets its accounting or management consulting services under the same internationally recognized name directly or indirectly under an agreement with the same worldwide coordinating organization of which the United States partnership is also a member. Those partnerships organized within the United States and entities organized outside the United States which are considered affiliates under this subsection shall continue to be considered affiliates to the extent such firms enter into a plan of association with a successor worldwide coordinating organization, which need not be collectively owned and controlled.”.

Approved November 12, 1999.

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LEGISLATIVE HISTORY—H.R. 441:

HOUSE REPORTS: No. 106–135 (Comm. on the Judiciary).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

May 24, considered and passed House.  
Oct. 22, considered and passed Senate, amended.  
Nov. 2, House concurred in Senate amendment.



Public Law 106–96  
106th Congress

An Act

To amend the Export Apple and Pear Act to limit the applicability of the Act to apples.

Nov. 12, 1999  
[H.R. 609]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SCOPE OF EXPORT APPLE AND PEAR ACT.**

(a) **SHORT TITLE.**—The Act of June 10, 1933 (7 U.S.C. 581 et seq.; commonly known as the Export Apple and Pear Act), is amended by adding at the end the following new section:

“SEC. 11. This Act may be cited as the ‘Export Apple Act’.”. 7 USC 581 note.

(b) **DEFINITION OF APPLES.**—Section 9 of such Act (7 U.S.C. 589) is amended by striking paragraph (4) and inserting the following new paragraph:

“(4) The term ‘apples’ means fresh whole apples, whether or not the apples have been in storage.”.

(c) **ELIMINATION OF REFERENCES TO PEARS.**—Such Act is further amended—

(1) by striking “and/or pears” each place it appears in the first section and sections 5 and 6; and

(2) by striking “or pears” each place it appears in the first section and sections 2, 3, and 4.

7 USC 581, 585,  
586.

7 USC 581–584.

Approved November 12, 1999.

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**LEGISLATIVE HISTORY—H.R. 609:**

HOUSE REPORTS: No. 106–36 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 2, considered and passed House.

Nov. 3, considered and passed Senate.



Public Law 106–97  
106th Congress

An Act

Nov. 12, 1999  
[H.R. 915]

To authorize a cost of living adjustment in the pay of administrative law judges.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PAY OF ADMINISTRATIVE LAW JUDGES.**

Section 5372(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “(A)” after “(1)” and by striking all after the first sentence and inserting the following:

“(B) Within level AL–3, there shall be 6 rates of basic pay, designated as AL–3, rates A through F, respectively. Level AL–2 and level AL–1 shall each have 1 rate of basic pay.

“(C) The rate of basic pay for AL–3, rate A, may not be less than 65 percent of the rate of basic pay for level IV of the Executive Schedule, and the rate of basic pay for AL–1 may not exceed the rate for level IV of the Executive Schedule.”;

(2) in paragraph (3)(A), by striking “upon” each time it appears and inserting “at the beginning of the next pay period following”; and

(3) by adding at the end the following:

“(4) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of basic pay under the General Schedule, each rate of basic pay for administrative law judges shall be adjusted by an amount determined by the President to be appropriate.”.

Effective date.  
President.

Approved November 12, 1999.

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**LEGISLATIVE HISTORY—H.R. 915:**

HOUSE REPORTS: No. 106–387 (Comm. on Government Reform).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 25, considered and passed House.

Nov. 8, considered and passed Senate.





Public Law 106–98  
106th Congress

An Act

To establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.

Nov. 12, 1999

[H.R. 974]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “District of Columbia College Access Act of 1999”.

District of  
Columbia College  
Access Act of  
1999.

**SEC. 2. PURPOSE.**

It is the purpose of this Act to establish a program that enables college-bound residents of the District of Columbia to have greater choices among institutions of higher education.

**SEC. 3. PUBLIC SCHOOL PROGRAM.**

(a) GRANTS.—

(1) IN GENERAL.—From amounts appropriated under subsection (i) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

(2) MAXIMUM STUDENT AMOUNTS.—An eligible student shall have paid on the student’s behalf under this section—

(A) not more than \$10,000 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than \$50,000.

(3) PRORATION.—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) ADJUSTMENTS.—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term “eligible institution” means an institution that—

(A) is a public institution of higher education located—  
(i) in the State of Maryland or the Commonwealth of Virginia; or

(ii) outside the State of Maryland or the Commonwealth of Virginia, but only if the Mayor—

(I) determines that a significant number of eligible students are experiencing difficulty in gaining admission to any public institution of higher education located in the State of Maryland or the Commonwealth of Virginia because of any preference afforded in-State residents by the institution;

(II) consults with the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Secretary regarding expanding the program under this section to include such institutions located outside of the State of Maryland or the Commonwealth of Virginia; and

(III) takes into consideration the projected cost of the expansion and the potential effect of the expansion on the amount of individual tuition and fee payments made under this section in succeeding years;

(B) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(C) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia.

(2) ELIGIBLE STUDENT.—The term “eligible student” means an individual who—

(A) was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

(B) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

(C) begins the individual's undergraduate course of study within the three calendar years (excluding any period of service on active duty in the Armed Forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma;

(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

(E) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)); and

(F) has not completed the individual's first undergraduate baccalaureate course of study.

(3) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) MAYOR.—The term “Mayor” means the Mayor of the District of Columbia.

(5) SECONDARY SCHOOL.—The term “secondary school” has the meaning given that term under section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(6) SECRETARY.—The term “Secretary” means the Secretary of Education.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(f) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090)).

(g) MAYOR'S REPORT.—The Mayor shall report to Congress annually regarding—

(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and

(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

Effective date.

(h) GAO REPORT.—Beginning on the date of the enactment of this Act, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Mayor. In addition the Comptroller General shall—

(1) analyze the extent to which there are an insufficient number of eligible institutions to which District of Columbia students can gain admission, including admission aided by assistance provided under this Act, due to—

(A) caps on the number of out-of-State students the institution will enroll;

(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and

(C) absence of admission programs benefiting minority students;

(2) assess the impact of the program assisted under this Act on enrollment at the University of the District of Columbia; and

(3) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Mayor.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia to carry out this section \$12,000,000 for fiscal year 2000 and such sums as may be necessary for each of the five succeeding fiscal years. Such funds shall remain available until expended.

(j) EFFECTIVE DATE.—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

**SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT OF COLUMBIA.**

(a) **IN GENERAL.**—Subject to subsection (c), the Secretary may provide financial assistance to the University of the District of Columbia for the fiscal year to enable the university to carry out activities authorized under part B of title III of the Higher Education Act of 1965 (20 U.S.C. 1060 et seq.).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the District of Columbia to carry out this section \$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the five succeeding fiscal years.

(c) **SPECIAL RULE.**—For any fiscal year, the University of the District of Columbia may receive financial assistance pursuant to this section, or pursuant to part B of title III of the Higher Education Act of 1965, but not pursuant to both this section and such part B.

**SEC. 5. PRIVATE SCHOOL PROGRAM.**

(a) **GRANTS.**—

(1) **IN GENERAL.**—From amounts appropriated under subsection (f) the Mayor shall award grants to eligible institutions that enroll eligible students to pay the cost of tuition and fees at the eligible institutions on behalf of each eligible student enrolled in an eligible institution. The Mayor may prescribe such regulations as may be necessary to carry out this section.

(2) **MAXIMUM STUDENT AMOUNTS.**—An eligible student shall have paid on the student's behalf under this section—

(A) not more than \$2,500 for any 1 award year (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)); and

(B) a total of not more than \$12,500.

(3) **PRORATION.**—The Mayor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

(b) **REDUCTION FOR INSUFFICIENT APPROPRIATIONS.**—

(1) **IN GENERAL.**—If the funds appropriated pursuant to subsection (f) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Mayor shall—

(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

(2) **ADJUSTMENTS.**—The Mayor may adjust the amount of tuition and fee payments made under paragraph (1) based on—

(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

(B) undue administrative burdens on the Mayor.

(3) **FURTHER ADJUSTMENTS.**—Notwithstanding paragraphs (1) and (2), the Mayor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and need of eligible students.

## (c) DEFINITIONS.—In this section:

(1) ELIGIBLE INSTITUTION.—The term “eligible institution” means an institution that—

(A)(i) is a private, nonprofit, associate or baccalaureate degree-granting, institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), the main campus of which is located—

(I) in the District of Columbia;

(II) in the city of Alexandria, Falls Church, or Fairfax, or the county of Arlington or Fairfax, in the Commonwealth of Virginia, or a political subdivision of the Commonwealth of Virginia located within any such county; or

(III) in the county of Montgomery or Prince George’s in the State of Maryland, or a political subdivision of the State of Maryland located within any such county;

(ii) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

(iii) enters into an agreement with the Mayor containing such conditions as the Mayor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the District of Columbia; or

(B) is a private historically Black college or university (for purposes of this subparagraph such term shall have the meaning given the term “part B institution” in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)) the main campus of which is located in the State of Maryland or the Commonwealth of Virginia.

(2) ELIGIBLE STUDENT.—The term “eligible student” means an individual who meets the requirements of subparagraphs (A) through (F) of section 3(c)(2).

(3) MAYOR.—The term “Mayor” means the Mayor of the District of Columbia.

(4) SECRETARY.—The term “Secretary” means the Secretary of Education.

(d) APPLICATION.—Each eligible student desiring a tuition and fee payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

(e) ADMINISTRATION OF PROGRAM.—

(1) IN GENERAL.—The Mayor shall carry out the program under this section in consultation with the Secretary. The Mayor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Mayor determines that doing so is a more efficient way of carrying out the program.

(2) POLICIES AND PROCEDURES.—The Mayor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

(3) MEMORANDUM OF AGREEMENT.—The Mayor and the Secretary shall enter into a Memorandum of Agreement that describes—

(A) the manner in which the Mayor shall consult with the Secretary with respect to administering the program under this section; and

(B) any technical or other assistance to be provided to the Mayor by the Secretary for purposes of administering the program under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the District of Columbia to carry out this section \$5,000,000 for fiscal year 2000 and such sums as may be necessary for each of the five succeeding fiscal years. Such funds shall remain available until expended.

(g) **EFFECTIVE DATE.**—This section shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2000.

#### **SEC. 6. GENERAL REQUIREMENTS.**

(a) **PERSONNEL.**—The Secretary of Education shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to the Mayor of the District of Columbia with respect to the programs assisted under this Act.

(b) **ADMINISTRATIVE EXPENSES.**—The Mayor of the District of Columbia may use not more than 7 percent of the funds made available for a program under section 3 or 5 for a fiscal year to pay the administrative expenses of a program under section 3 or 5 for the fiscal year.

(c) **INSPECTOR GENERAL REVIEW.**—Each of the programs assisted under this Act shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) **GIFTS.**—The Mayor of the District of Columbia may accept, use, and dispose of donations of services or property for purposes of carrying out this Act.

(e) **FUNDING RULE.**—Notwithstanding sections 3 and 5, the Mayor may use funds made available—

(1) under section 3 to award grants under section 5 if the amount of funds made available under section 3 exceeds the amount of funds awarded under section 3 during a time period determined by the Mayor; and

(2) under section 5 to award grants under section 3 if the amount of funds made available under section 5 exceeds the amount of funds awarded under section 5 during a time period determined by the Mayor.

(f) **MAXIMUM STUDENT AMOUNT ADJUSTMENTS.**—The Mayor shall establish rules to adjust the maximum student amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for eligible students described in section 3(c)(2) or 5(c)(2) who transfer between the eligible institutions described in section 3(c)(1) or 5(c)(1). Rules.

Approved November 12, 1999.

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#### **LEGISLATIVE HISTORY—H.R. 974:**

HOUSE REPORTS: No. 106–158, Pt. 1 (Comm. on Government Reform).

SENATE REPORTS: No. 106–154 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 24, considered and passed House.

Oct. 19, considered and passed Senate, amended.

Nov. 1, House concurred in Senate amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 12, Presidential statement.

Public Law 106–99  
106th Congress

An Act

Nov. 12, 1999  
[H.R. 2303]

To direct the Librarian of Congress to prepare the history of the House of Representatives, and for other purposes.

History of the  
House Awareness  
and Preservation  
Act.  
2 USC 183 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “History of the House Awareness and Preservation Act”.

2 USC 183.

**SEC. 2. WRITTEN HISTORY OF THE HOUSE OF REPRESENTATIVES.**

(a) **IN GENERAL.**—Subject to available funding and in accordance with the requirements of this Act, the Librarian of Congress shall prepare, print, distribute, and arrange for the funding of, a new and complete written history of the House of Representatives, in consultation with the Committee on House Administration. In preparing this written history, the Librarian of Congress shall consult, commission, or engage the services or participation of, eminent historians, Members, and former Members of the House of Representatives.

(b) **GUIDELINES.**—In carrying out subsection (a), the Librarian of Congress shall take into account the following:

(1) The history should be an illustrated, narrative history of the House of Representatives, organized chronologically.

(2) The history’s intended audience is the general reader, as well as Members of Congress and their staffs.

(3) The history should include a discussion of the First and Second Continental Congresses and the Constitutional Convention, especially with regard to their roles in creating the House of Representatives.

(c) **PRINTING.**—

(1) **IN GENERAL.**—The Librarian of Congress shall arrange for the printing of the history.

(2) **PRINTING ARRANGEMENTS.**—The printing may be performed—

(A) by the Public Printer pursuant to the provisions of chapter 5 of title 44, United States Code;

(B) under a cooperative arrangement among the Librarian of Congress, a private funding source obtained pursuant to subsection (e), and a publisher in the private sector; or

(C) under subparagraphs (A) and (B).



(3) **INTERNET DISSEMINATION.**—Any arrangement under paragraph (2) shall include terms for dissemination of the history over the Internet via facilities maintained by the United States Government.

(4) **MEMBER COPIES.**—To the extent that the history is printed by the Public Printer, copies of the history provided to the Congress under subsection (d) shall be charged to the Government Printing Office’s congressional allotment for printing and binding.

(d) **DISTRIBUTION.**—The Librarian of Congress shall make the history available for sale to the public, and shall make available, free of charge, 5 copies to each Member of the House of Representatives and 250 copies to the Senate.

(e) **PRIVATE FUNDING.**—The Librarian of Congress shall solicit and accept funding for the preparation, publication, marketing, and public distribution of the history from private individuals, organizations, or entities.

### **SEC. 3. ORAL HISTORY OF THE HOUSE OF REPRESENTATIVES.**

2 USC 183a.

(a) **IN GENERAL.**—The Librarian of Congress shall accept for deposit, preserve, maintain, and make accessible an oral history of the House of Representatives, as told by its Members and former Members, compiled and updated (on a voluntary or contract basis) by the United States Association of Former Members of Congress or other private organization. In carrying out this section, the Librarian of Congress may enlist the voluntary aid or assistance of such organization, or may contract with it for such services as may be necessary.

(b) **DEFINITION OF ORAL HISTORY.**—In this section, the term “oral history” means a story or history consisting of personal recollection as recorded by any one or more of the following means:

(1) Interviews.

(2) Transcripts.

(3) Audio recordings.

(4) Video recordings.

(5) Such other form or means as may be suitable for the recording and preservation of such information.

### **SEC. 4. SENSE OF THE CONGRESS.**

It is the sense of the Congress that—

(1) orientation programs for freshman Members of the House of Representatives should contain a seminar on the history of the House of Representatives; and

(2) the Speaker of the House of Representatives should conduct a series of forums on the topic of the history of the House of Representatives.

Approved November 12, 1999.

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**LEGISLATIVE HISTORY—H.R. 2303:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 25, considered and passed House.

Oct. 29, considered and passed Senate.



Public Law 106–100  
106th Congress

An Act

Nov. 12, 1999  
[H.R. 3122]

To permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENROLLMENT OF CHILDREN OF OTHER FEDERAL EMPLOYEES IN HOUSE OF REPRESENTATIVES CHILD CARE CENTER.**

(a) IN GENERAL.—Section 312(a)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(a)) is amended—

(1) by striking “and” at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(C) if places are available after admission of all children who are eligible under subparagraph (A) or (B), for children of employees of other offices, departments, and agencies of the Federal Government.”.

40 USC 184g  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to children admitted to the House of Representatives Child Care Center on or after the date of the enactment of this Act.

Approved November 12, 1999.

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LEGISLATIVE HISTORY—H.R. 3122:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 25, considered and passed House.

Nov. 4, considered and passed Senate.



Public Law 106–101  
106th Congress

Joint Resolution

Granting the consent of Congress to the Missouri-Nebraska Boundary Compact.

Nov. 12, 1999

[H.J. Res. 54]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONGRESSIONAL CONSENT.**

The Congress consents to the Missouri-Nebraska Boundary Compact entered into between the States of Missouri and Nebraska. The compact reads substantially as follows:

“MISSOURI-NEBRASKA BOUNDARY COMPACT

“ARTICLE I

“FINDINGS AND PURPOSES

“(a) The states of Missouri and Nebraska find that there are actual and potential disputes, controversies, criminal proceedings and litigation arising or which may arise out of the location of the boundary line between the states of Missouri and Nebraska; that the Missouri River constituting the boundary between the states has changed its course from time to time, and that the United States Army Corps of Engineers has established a main channel of such river for navigation and other purposes, which main channel is identified on maps jointly certified by the state surveyors of Missouri and Nebraska and identified as the ‘Missouri-Nebraska Boundary Maps’, which maps are incorporated in this act and made part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska.

“(b) It is the principal purpose of the states of Missouri and Nebraska in executing the compact to establish an identifiable compromise boundary between the state of Missouri and the state of Nebraska for the entire distance thereof as of the effective date of the compact without interfering with or otherwise affecting private rights or titles to property, and the states of Nebraska and Missouri declare that further compelling purposes of the compact are—

“(1) to create a friendly and harmonious interstate relationship;

“(2) to avoid multiple exercise of sovereignty and jurisdiction including matters of taxation, judicial and police powers and exercise of administrative authority;

“(3) to encourage settlement and disposition of pending litigation and criminal proceedings and avoid or minimize future disputes and litigation;

“(4) to promote economic and political stability;

“(5) to encourage the optimum mutual beneficial use of the Missouri River, its waters and its facilities;

“(6) to establish a forum for settlement of future disputes;

“(7) to place the boundary in a location which can be identified or located; and

“(8) to express the intent and policy of the states that the common boundary be established within the confines of the Missouri River and both states shall continue to have access to and use of the waters of the river.

#### “ARTICLE II

##### “ESTABLISHMENT OF BOUNDARY

“The permanent compromise boundary line between the states of Missouri and Nebraska shall be fixed at the center line of the main channel of the Missouri River as of the effective date of the compact, except for that land known as McKissick’s Island as determined by the Supreme Court of the United States to be within the state of Nebraska in the case of *Missouri v. Nebraska*, 196 U.S. 23, and 197 U.S. 577, all of which is identified on maps jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the ‘Missouri-Nebraska Boundary Compact Maps’, incorporated in this act and made a part of this act by reference, and which maps shall be filed with the secretaries of state of Missouri and Nebraska. This center line of the main channel of the Missouri River between the states is also described in this act by metes and bounds on the ‘Missouri-Nebraska Boundary Compact Maps’ incorporated in this act by reference and made a part of this act. This center line of the main channel of the Missouri River as described on such maps shall be referred to as the ‘compromise boundary’.

#### “ARTICLE III

##### “RELINQUISHMENT OF SOVEREIGNTY

“The state of Missouri hereby relinquishes to the state of Nebraska all sovereignty over all lands lying on the Nebraska side of such compromise boundary and the state of Nebraska hereby relinquishes to the state of Missouri all sovereignty over all lands lying on the Missouri side of such compromise boundary except for that land known as McKissick’s Island which is identified on the ‘Missouri-Nebraska Boundary Compact Maps’ incorporated in this act by reference and made a part of this act.

#### “ARTICLE IV

##### “PENDING LITIGATION

“Nothing in the act shall be deemed or construed to affect any litigation pending in the courts of either of the states of Missouri or Nebraska as of the effective date of the compact concerning the title to any of the lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska or by the state of Nebraska to the state of Missouri and any matter concerning the title to lands, sovereignty over which is relinquished by either state to the other, may be continued in the courts of the state where pending until the final determination thereof.

## “ARTICLE V

## “PUBLIC RECORDS

“(a) The public record of real estate titles, mortgages and other liens in the state of Missouri to any lands, the sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Missouri, by the courts of the state of Nebraska.

“(b) The public record of real estate titles, mortgages and other liens in the state of Nebraska to any lands, the sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall be accepted as evidence of record title to such lands, to and including the effective date of such relinquishment by the state of Nebraska, by the courts of the state of Missouri.

“(c) As to lands, the sovereignty over which is relinquished, the recording officials of the counties of each state shall accept for filing documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of such documents for filing shall have no bearing upon the legal effect or sufficiency thereof.

## “ARTICLE VI

## “TAXES

“(a) Taxes lawfully imposed by either Missouri or Nebraska may be levied and collected by such state or its authorized governmental subdivisions and agencies on land, jurisdiction over which is relinquished by the taxing state to the other, and any liens or other rights accrued or accruing, including the right of collection, shall be fully recognized and the county treasurers of the counties or other taxing authorities affected shall act as agents in carrying out the provisions of this article; provided, that all liens or other rights arising out of the imposition of taxes, accrued or accruing, shall be claimed or asserted within five years after the compact becomes effective and if not so claimed or asserted shall be forever barred.

“(b) The lands, sovereignty over which is relinquished by the state of Missouri to the state of Nebraska, shall not thereafter be subject to the imposition of taxes in the state of Missouri from and after the effective date of the compact. The lands, sovereignty over which is relinquished by the state of Nebraska to the state of Missouri, shall not thereafter be subject to the imposition of taxes in the state of Nebraska from and after the effective date of the compact.

## “ARTICLE VII

## “PRIVATE RIGHTS

“(a) The compact shall not deprive any riparian owner of such riparian owner’s rights based upon riparian law and the establishment of the compromise boundary between the states shall not in any way be deemed to change or affect the boundary line of riparian owners along the Missouri River as between such owners. The establishment of the compromise boundary shall not operate

to limit such riparian owner's rights to accretions across such compromise boundary.

"(b) No private individual or entity claims of title to lands along the Missouri River, over which sovereignty is relinquished by the compact, shall be prejudiced by the relinquishment of such sovereignty and any claims or possessory rights necessary to establish adverse possession shall not be terminated or limited by the fact that the jurisdiction over such lands may have been transferred by the compact. Neither state will assert any claim of title to abandoned beds of the Missouri River, lands along the Missouri River, or the bed of the Missouri River based upon any doctrine of state ownership of the beds or abandoned beds of navigable waters, as against any land owners or claimants claiming interest in real estate arising out of titles, muniments of title, or exercises of jurisdiction of or from the other state, which titles or muniments of title commenced prior to the effective date of this compact.

#### "ARTICLE VIII

##### "READJUSTMENT OF BOUNDARY BY NEGOTIATION

"If at any time after the effective date of the compact the Missouri River shall move or be moved by natural means or otherwise so that the flow thereof at any point along the course forming the boundary between the states occurs entirely within one of the states, each state at the request of the other, agrees to enter into and conduct negotiations in good faith for the purpose of readjusting the boundary at the place or places where such movement occurred consistent with the intent, policy and purpose hereof that the boundary will be placed within the Missouri River.

#### "ARTICLE IX

##### "EFFECTIVE DATE

"(a) The compact shall become effective on the first day of January of the year after it is ratified by the general assembly of the state of Missouri and the legislature of the state of Nebraska and approved by the Congress of the United States.

"(b) As of the effective date of the compact, the state of Missouri and the state of Nebraska shall relinquish sovereignty over the lands described in the compact and shall assume and accept sovereignty over such lands ceded to them as provided in the compact.

"(c) In the event the compact is not approved by the general assembly of the state of Missouri and the legislature of the state of Nebraska on or before October 1, 1999, and approved by the Congress of the United States within three years from the date of such approval, the compact shall be inoperative and for all purposes shall be void.

#### "ARTICLE X

##### "ENFORCEMENT

"Nothing in the compact shall be construed to limit or prevent either state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under the compact or the enforcement of any of its provisions.

## “ARTICLE XI

## “AMENDMENTS

“The compact shall remain in full force and effect unless amended in the same manner as that by which it was created.”.

**SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this joint resolution is hereby expressly reserved. The consent granted by this joint resolution shall not be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of the compact.

**SEC. 3. CONSTRUCTION AND SEVERABILITY.**

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

**SEC. 4. INCONSISTENCY OF LANGUAGE.**

The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two States.

Approved November 12, 1999.

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**LEGISLATIVE HISTORY—H.J. Res. 54:**

HOUSE REPORTS: No. 106–303 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Nov. 5, considered and passed Senate.



Public Law 106–102  
106th Congress

An Act

Nov. 12, 1999  
[S. 900]

Gramm-Leach-  
Bliley Act.  
Inter-  
governmental  
relations.  
12 USC 1811  
note.

To enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Gramm-Leach-Bliley Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—FACILITATING AFFILIATION AMONG BANKS, SECURITIES FIRMS,  
AND INSURANCE COMPANIES**

**Subtitle A—Affiliations**

- Sec. 101. Glass-Steagall Act repeals.
- Sec. 102. Activity restrictions applicable to bank holding companies that are not financial holding companies.
- Sec. 103. Financial activities.
- Sec. 104. Operation of State law.
- Sec. 105. Mutual bank holding companies authorized.
- Sec. 106. Prohibition on deposit production offices.
- Sec. 107. Cross marketing restriction; limited purpose bank relief; divestiture.
- Sec. 108. Use of subordinated debt to protect financial system and deposit funds from “too big to fail” institutions.
- Sec. 109. Study of financial modernization’s effect on the accessibility of small business and farm loans.

**Subtitle B—Streamlining Supervision of Bank Holding Companies**

- Sec. 111. Streamlining bank holding company supervision.
- Sec. 112. Authority of State insurance regulator and Securities and Exchange Commission.
- Sec. 113. Role of the Board of Governors of the Federal Reserve System.
- Sec. 114. Prudential safeguards.
- Sec. 115. Examination of investment companies.
- Sec. 116. Elimination of application requirement for financial holding companies.
- Sec. 117. Preserving the integrity of FDIC resources.
- Sec. 118. Repeal of savings bank provisions in the Bank Holding Company Act of 1956.
- Sec. 119. Technical amendment.

**Subtitle C—Subsidiaries of National Banks**

- Sec. 121. Subsidiaries of national banks.
- Sec. 122. Consideration of merchant banking activities by financial subsidiaries.

**Subtitle D—Preservation of FTC Authority**

- Sec. 131. Amendment to the Bank Holding Company Act of 1956 to modify notification and post-approval waiting period for section 3 transactions.
- Sec. 132. Interagency data sharing.



Sec. 133. Clarification of status of subsidiaries and affiliates.

Subtitle E—National Treatment

Sec. 141. Foreign banks that are financial holding companies.

Sec. 142. Representative offices.

Subtitle F—Direct Activities of Banks

Sec. 151. Authority of national banks to underwrite certain municipal bonds.

Subtitle G—Effective Date

Sec. 161. Effective date.

TITLE II—FUNCTIONAL REGULATION

Subtitle A—Brokers and Dealers

Sec. 201. Definition of broker.

Sec. 202. Definition of dealer.

Sec. 203. Registration for sales of private securities offerings.

Sec. 204. Information sharing.

Sec. 205. Treatment of new hybrid products.

Sec. 206. Definition of identified banking product.

Sec. 207. Additional definitions.

Sec. 208. Government securities defined.

Sec. 209. Effective date.

Sec. 210. Rule of construction.

Subtitle B—Bank Investment Company Activities

Sec. 211. Custody of investment company assets by affiliated bank.

Sec. 212. Lending to an affiliated investment company.

Sec. 213. Independent directors.

Sec. 214. Additional SEC disclosure authority.

Sec. 215. Definition of broker under the Investment Company Act of 1940.

Sec. 216. Definition of dealer under the Investment Company Act of 1940.

Sec. 217. Removal of the exclusion from the definition of investment adviser for banks that advise investment companies.

Sec. 218. Definition of broker under the Investment Advisers Act of 1940.

Sec. 219. Definition of dealer under the Investment Advisers Act of 1940.

Sec. 220. Interagency consultation.

Sec. 221. Treatment of bank common trust funds.

Sec. 222. Statutory disqualification for bank wrongdoing.

Sec. 223. Conforming change in definition.

Sec. 224. Conforming amendment.

Sec. 225. Effective date.

Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies

Sec. 231. Supervision of investment bank holding companies by the Securities and Exchange Commission.

Subtitle D—Banks and Bank Holding Companies

Sec. 241. Consultation.

TITLE III—INSURANCE

Subtitle A—State Regulation of Insurance

Sec. 301. Functional regulation of insurance.

Sec. 302. Insurance underwriting in national banks.

Sec. 303. Title insurance activities of national banks and their affiliates.

Sec. 304. Expedited and equalized dispute resolution for Federal regulators.

Sec. 305. Insurance customer protections.

Sec. 306. Certain State affiliation laws preempted for insurance companies and affiliates.

Sec. 307. Interagency consultation.

Sec. 308. Definition of State.

Subtitle B—Redomestication of Mutual Insurers

Sec. 311. General application.

Sec. 312. Redomestication of mutual insurers.

Sec. 313. Effect on State laws restricting redomestication.

Sec. 314. Other provisions.

- Sec. 315. Definitions.
- Sec. 316. Effective date.

Subtitle C—National Association of Registered Agents and Brokers

- Sec. 321. State flexibility in multistate licensing reforms.
- Sec. 322. National Association of Registered Agents and Brokers.
- Sec. 323. Purpose.
- Sec. 324. Relationship to the Federal Government.
- Sec. 325. Membership.
- Sec. 326. Board of directors.
- Sec. 327. Officers.
- Sec. 328. Bylaws, rules, and disciplinary action.
- Sec. 329. Assessments.
- Sec. 330. Functions of the NAIC.
- Sec. 331. Liability of the association and the directors, officers, and employees of the association.
- Sec. 332. Elimination of NAIC oversight.
- Sec. 333. Relationship to State law.
- Sec. 334. Coordination with other regulators.
- Sec. 335. Judicial review.
- Sec. 336. Definitions.

Subtitle D—Rental Car Agency Insurance Activities

- Sec. 341. Standard of regulation for motor vehicle rentals.

TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES

- Sec. 401. Prevention of creation of new S&L holding companies with commercial affiliates.

TITLE V—PRIVACY

Subtitle A—Disclosure of Nonpublic Personal Information

- Sec. 501. Protection of nonpublic personal information.
- Sec. 502. Obligations with respect to disclosures of personal information.
- Sec. 503. Disclosure of institution privacy policy.
- Sec. 504. Rulemaking.
- Sec. 505. Enforcement.
- Sec. 506. Protection of Fair Credit Reporting Act.
- Sec. 507. Relation to State laws.
- Sec. 508. Study of information sharing among financial affiliates.
- Sec. 509. Definitions.
- Sec. 510. Effective date.

Subtitle B—Fraudulent Access to Financial Information

- Sec. 521. Privacy protection for customer information of financial institutions.
- Sec. 522. Administrative enforcement.
- Sec. 523. Criminal penalty.
- Sec. 524. Relation to State laws.
- Sec. 525. Agency guidance.
- Sec. 526. Reports.
- Sec. 527. Definitions.

TITLE VI—FEDERAL HOME LOAN BANK SYSTEM MODERNIZATION

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Savings association membership.
- Sec. 604. Advances to members; collateral.
- Sec. 605. Eligibility criteria.
- Sec. 606. Management of banks.
- Sec. 607. Resolution Funding Corporation.
- Sec. 608. Capital structure of Federal home loan banks.

TITLE VII—OTHER PROVISIONS

Subtitle A—ATM Fee Reform

- Sec. 701. Short title.
- Sec. 702. Electronic fund transfer fee disclosures at any host ATM.
- Sec. 703. Disclosure of possible fees to consumers when ATM card is issued.
- Sec. 704. Feasibility study.
- Sec. 705. No liability if posted notices are damaged.

## Subtitle B—Community Reinvestment

- Sec. 711. CRA sunshine requirements.
- Sec. 712. Small bank regulatory relief.
- Sec. 713. Federal Reserve Board study of CRA lending.
- Sec. 714. Preserving the Community Reinvestment Act of 1977.
- Sec. 715. Responsiveness to community needs for financial services.

## Subtitle C—Other Regulatory Improvements

- Sec. 721. Expanded small bank access to S corporation treatment.
- Sec. 722. “Plain language” requirement for Federal banking agency rules.
- Sec. 723. Retention of “Federal” in name of converted Federal savings association.
- Sec. 724. Control of bankers’ banks.
- Sec. 725. Provision of technical assistance to microenterprises.
- Sec. 726. Federal Reserve audits.
- Sec. 727. Authorization to release reports.
- Sec. 728. General Accounting Office study of conflicts of interest.
- Sec. 729. Study and report on adapting existing legislative requirements to online banking and lending.
- Sec. 730. Clarification of source of strength doctrine.
- Sec. 731. Interest rates and other charges at interstate branches.
- Sec. 732. Interstate branches and agencies of foreign banks.
- Sec. 733. Fair treatment of women by financial advisers.
- Sec. 734. Membership of loan guarantee boards.
- Sec. 735. Repeal of stock loan limit in Federal Reserve Act.
- Sec. 736. Elimination of SAIF and DIF special reserves.
- Sec. 737. Bank officers and directors as officers and directors of public utilities.
- Sec. 738. Approval for purchases of securities.
- Sec. 739. Optional conversion of Federal savings associations.
- Sec. 740. Grand jury proceedings.

## **TITLE I—FACILITATING AFFILIATION AMONG BANKS, SECURITIES FIRMS, AND INSURANCE COMPANIES**

### **Subtitle A—Affiliations**

#### **SEC. 101. GLASS-STEAGALL ACT REPEALS.**

(a) SECTION 20 REPEALED.—Section 20 of the Banking Act of 1933 (12 U.S.C. 377) (commonly referred to as the “Glass-Steagall Act”) is repealed.

(b) SECTION 32 REPEALED.—Section 32 of the Banking Act of 1933 (12 U.S.C. 78) is repealed.

#### **SEC. 102. ACTIVITY RESTRICTIONS APPLICABLE TO BANK HOLDING COMPANIES THAT ARE NOT FINANCIAL HOLDING COMPANIES.**

(a) IN GENERAL.—Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended to read as follows:

“(8) shares of any company the activities of which had been determined by the Board by regulation or order under this paragraph as of the day before the date of the enactment of the Gramm-Leach-Bliley Act, to be so closely related to banking as to be a proper incident thereto (subject to such terms and conditions contained in such regulation or order, unless modified by the Board);”.

(b) CONFORMING CHANGES TO OTHER STATUTES.—

(1) AMENDMENT TO THE BANK HOLDING COMPANY ACT AMENDMENTS OF 1970.—Section 105 of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1850) is amended by striking “, to engage directly or indirectly in a nonbanking activity pursuant to section 4 of such Act,”.

(2) AMENDMENT TO THE BANK SERVICE COMPANY ACT.—Section 4(f) of the Bank Service Company Act (12 U.S.C. 1864(f)) is amended by inserting before the period at the end the following: “as of the day before the date of the enactment of the Gramm-Leach-Bliley Act”.

**SEC. 103. FINANCIAL ACTIVITIES.**

(a) IN GENERAL.—Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended by adding at the end the following new subsections:

“(k) ENGAGING IN ACTIVITIES THAT ARE FINANCIAL IN NATURE.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a financial holding company may engage in any activity, and may acquire and retain the shares of any company engaged in any activity, that the Board, in accordance with paragraph (2), determines (by regulation or order)—

“(A) to be financial in nature or incidental to such financial activity; or

“(B) is complementary to a financial activity and does not pose a substantial risk to the safety or soundness of depository institutions or the financial system generally.

“(2) COORDINATION BETWEEN THE BOARD AND THE SECRETARY OF THE TREASURY.—

“(A) PROPOSALS RAISED BEFORE THE BOARD.—

Notification.

“(i) CONSULTATION.—The Board shall notify the Secretary of the Treasury of, and consult with the Secretary of the Treasury concerning, any request, proposal, or application under this subsection for a determination of whether an activity is financial in nature or incidental to a financial activity.

Deadline.

“(ii) TREASURY VIEW.—The Board shall not determine that any activity is financial in nature or incidental to a financial activity under this subsection if the Secretary of the Treasury notifies the Board in writing, not later than 30 days after the date of receipt of the notice described in clause (i) (or such longer period as the Board determines to be appropriate under the circumstances) that the Secretary of the Treasury believes that the activity is not financial in nature or incidental to a financial activity or is not otherwise permissible under this section.

“(B) PROPOSALS RAISED BY THE TREASURY.—

“(i) TREASURY RECOMMENDATION.—The Secretary of the Treasury may, at any time, recommend in writing that the Board find an activity to be financial in nature or incidental to a financial activity.

Deadline.  
Notification.

“(ii) TIME PERIOD FOR BOARD ACTION.—Not later than 30 days after the date of receipt of a written recommendation from the Secretary of the Treasury under clause (i) (or such longer period as the Secretary of the Treasury and the Board determine to be appropriate under the circumstances), the Board shall determine whether to initiate a public rulemaking proposing that the recommended activity be found to be financial in nature or incidental to a financial activity under this subsection, and shall notify the Secretary of the

Treasury in writing of the determination of the Board and, if the Board determines not to seek public comment on the proposal, the reasons for that determination.

“(3) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to a financial activity, the Board shall take into account—

“(A) the purposes of this Act and the Gramm-Leach-Bliley Act;

“(B) changes or reasonably expected changes in the marketplace in which financial holding companies compete;

“(C) changes or reasonably expected changes in the technology for delivering financial services; and

“(D) whether such activity is necessary or appropriate to allow a financial holding company and the affiliates of a financial holding company to—

“(i) compete effectively with any company seeking to provide financial services in the United States;

“(ii) efficiently deliver information and services that are financial in nature through the use of technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions; and

“(iii) offer customers any available or emerging technological means for using financial services or for the document imaging of data.

“(4) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—For purposes of this subsection, the following activities shall be considered to be financial in nature:

“(A) Lending, exchanging, transferring, investing for others, or safeguarding money or securities.

“(B) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, or providing and issuing annuities, and acting as principal, agent, or broker for purposes of the foregoing, in any State.

“(C) Providing financial, investment, or economic advisory services, including advising an investment company (as defined in section 3 of the Investment Company Act of 1940).

“(D) Issuing or selling instruments representing interests in pools of assets permissible for a bank to hold directly.

“(E) Underwriting, dealing in, or making a market in securities.

“(F) Engaging in any activity that the Board has determined, by order or regulation that is in effect on the date of the enactment of the Gramm-Leach-Bliley Act, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (subject to the same terms and conditions contained in such order or regulation, unless modified by the Board).

“(G) Engaging, in the United States, in any activity that—

“(i) a bank holding company may engage in outside of the United States; and

“(ii) the Board has determined, under regulations prescribed or interpretations issued pursuant to subsection (c)(13) (as in effect on the day before the date of the enactment of the Gramm-Leach-Bliley Act) to be usual in connection with the transaction of banking or other financial operations abroad.

“(H) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls), or otherwise, shares, assets, or ownership interests (including debt or equity securities, partnership interests, trust certificates, or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

“(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or subsidiary of a depository institution;

“(ii) such shares, assets, or ownership interests are acquired and held by—

“(I) a securities affiliate or an affiliate thereof;

or

“(II) an affiliate of an insurance company described in subparagraph (I)(ii) that provides investment advice to an insurance company and is registered pursuant to the Investment Advisers Act of 1940, or an affiliate of such investment adviser;

as part of a bona fide underwriting or merchant or investment banking activity, including investment activities engaged in for the purpose of appreciation and ultimate resale or disposition of the investment;

“(iii) such shares, assets, or ownership interests are held for a period of time to enable the sale or disposition thereof on a reasonable basis consistent with the financial viability of the activities described in clause (ii); and

“(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not routinely manage or operate such company or entity except as may be necessary or required to obtain a reasonable return on investment upon resale or disposition.

“(I) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

“(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or a subsidiary of a depository institution;

“(ii) such shares, assets, or ownership interests are acquired and held by an insurance company that is predominantly engaged in underwriting life, accident and health, or property and casualty insurance (other than credit-related insurance) or providing and issuing annuities;

“(iii) such shares, assets, or ownership interests represent an investment made in the ordinary course of business of such insurance company in accordance with relevant State law governing such investments; and

“(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not routinely manage or operate such company except as may be necessary or required to obtain a reasonable return on investment.

“(5) ACTIONS REQUIRED.—

“(A) IN GENERAL.—The Board shall, by regulation or order, define, consistent with the purposes of this Act, the activities described in subparagraph (B) as financial in nature, and the extent to which such activities are financial in nature or incidental to a financial activity.

Regulations.

“(B) ACTIVITIES.—The activities described in this subparagraph are as follows:

“(i) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

“(ii) Providing any device or other instrumentality for transferring money or other financial assets.

“(iii) Arranging, effecting, or facilitating financial transactions for the account of third parties.

“(6) REQUIRED NOTIFICATION.—

“(A) IN GENERAL.—A financial holding company that acquires any company or commences any activity pursuant to this subsection shall provide written notice to the Board describing the activity commenced or conducted by the company acquired not later than 30 calendar days after commencing the activity or consummating the acquisition, as the case may be.

Deadline.

“(B) APPROVAL NOT REQUIRED FOR CERTAIN FINANCIAL ACTIVITIES.—Except as provided in subsection (j) with regard to the acquisition of a savings association, a financial holding company may commence any activity, or acquire any company, pursuant to paragraph (4) or any regulation prescribed or order issued under paragraph (5), without prior approval of the Board.

“(7) MERCHANT BANKING ACTIVITIES.—

“(A) JOINT REGULATIONS.—The Board and the Secretary of the Treasury may issue such regulations implementing paragraph (4)(H), including limitations on transactions between depository institutions and companies controlled pursuant to such paragraph, as the Board and the Secretary jointly deem appropriate to assure compliance with the purposes and prevent evasions of this Act and

the Gramm-Leach-Bliley Act and to protect depository institutions.

“(B) SUNSET OF RESTRICTIONS ON MERCHANT BANKING ACTIVITIES OF FINANCIAL SUBSIDIARIES.—The restrictions contained in paragraph (4)(H) on the ownership and control of shares, assets, or ownership interests by or on behalf of a subsidiary of a depository institution shall not apply to a financial subsidiary (as defined in section 5136A of the Revised Statutes of the United States) of a bank, if the Board and the Secretary of the Treasury jointly authorize financial subsidiaries of banks to engage in merchant banking activities pursuant to section 122 of the Gramm-Leach-Bliley Act.

“(I) CONDITIONS FOR ENGAGING IN EXPANDED FINANCIAL ACTIVITIES.—

“(1) IN GENERAL.—Notwithstanding subsection (k), (n), or (o), a bank holding company may not engage in any activity, or directly or indirectly acquire or retain shares of any company engaged in any activity, under subsection (k), (n), or (o), other than activities permissible for any bank holding company under subsection (c)(8), unless—

“(A) all of the depository institution subsidiaries of the bank holding company are well capitalized;

“(B) all of the depository institution subsidiaries of the bank holding company are well managed; and

“(C) the bank holding company has filed with the Board—

“(i) a declaration that the company elects to be a financial holding company to engage in activities or acquire and retain shares of a company that were not permissible for a bank holding company to engage in or acquire before the enactment of the Gramm-Leach-Bliley Act; and

“(ii) a certification that the company meets the requirements of subparagraphs (A) and (B).

“(2) CRA REQUIREMENT.—Notwithstanding subsection (k) or (n) of this section, section 5136A(a) of the Revised Statutes of the United States, or section 46(a) of the Federal Deposit Insurance Act, the appropriate Federal banking agency shall prohibit a financial holding company or any insured depository institution from—

“(A) commencing any new activity under subsection (k) or (n) of this section, section 5136A(a) of the Revised Statutes of the United States, or section 46(a) of the Federal Deposit Insurance Act; or

“(B) directly or indirectly acquiring control of a company engaged in any activity under subsection (k) or (n) of this section, section 5136A(a) of the Revised Statutes of the United States, or section 46(a) of the Federal Deposit Insurance Act (other than an investment made pursuant to subparagraph (H) or (I) of subsection (k)(4), or section 122 of the Gramm-Leach-Bliley Act, or under section 46(a) of the Federal Deposit Insurance Act by reason of such section 122, by an affiliate already engaged in activities under any such provision);

if any insured depository institution subsidiary of such financial holding company, or the insured depository institution or any



of its insured depository institution affiliates, has received in its most recent examination under the Community Reinvestment Act of 1977, a rating of less than ‘satisfactory record of meeting community credit needs’.

“(3) FOREIGN BANKS.—For purposes of paragraph (1), the Board shall apply comparable capital and management standards to a foreign bank that operates a branch or agency or owns or controls a commercial lending company in the United States, giving due regard to the principle of national treatment and equality of competitive opportunity.

“(m) PROVISIONS APPLICABLE TO FINANCIAL HOLDING COMPANIES THAT FAIL TO MEET CERTAIN REQUIREMENTS.—

“(1) IN GENERAL.—If the Board finds that—

“(A) a financial holding company is engaged, directly or indirectly, in any activity under subsection (k), (n), or (o), other than activities that are permissible for a bank holding company under subsection (c)(8); and

“(B) such financial holding company is not in compliance with the requirements of subsection (l)(1);

the Board shall give notice to the financial holding company to that effect, describing the conditions giving rise to the notice.

“(2) AGREEMENT TO CORRECT CONDITIONS REQUIRED.—Not later than 45 days after the date of receipt by a financial holding company of a notice given under paragraph (1) (or such additional period as the Board may permit), the financial holding company shall execute an agreement with the Board to comply with the requirements applicable to a financial holding company under subsection (l)(1).

Deadline.

“(3) BOARD MAY IMPOSE LIMITATIONS.—Until the conditions described in a notice to a financial holding company under paragraph (1) are corrected, the Board may impose such limitations on the conduct or activities of that financial holding company or any affiliate of that company as the Board determines to be appropriate under the circumstances and consistent with the purposes of this Act.

“(4) FAILURE TO CORRECT.—If the conditions described in a notice to a financial holding company under paragraph (1) are not corrected within 180 days after the date of receipt by the financial holding company of a notice under paragraph (1), the Board may require such financial holding company, under such terms and conditions as may be imposed by the Board and subject to such extension of time as may be granted in the discretion of the Board, either—

“(A) to divest control of any subsidiary depository institution; or

“(B) at the election of the financial holding company instead to cease to engage in any activity conducted by such financial holding company or its subsidiaries (other than a depository institution or a subsidiary of a depository institution) that is not an activity that is permissible for a bank holding company under subsection (c)(8).

“(5) CONSULTATION.—In taking any action under this subsection, the Board shall consult with all relevant Federal and State regulatory agencies and authorities.

“(n) AUTHORITY TO RETAIN LIMITED NONFINANCIAL ACTIVITIES AND AFFILIATIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a company that is not a bank holding company or a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) and becomes a financial holding company after the date of the enactment of the Gramm-Leach-Bliley Act may continue to engage in any activity and retain direct or indirect ownership or control of shares of a company engaged in any activity if—

“(A) the holding company lawfully was engaged in the activity or held the shares of such company on September 30, 1999;

“(B) the holding company is predominantly engaged in financial activities as defined in paragraph (2); and

“(C) the company engaged in such activity continues to engage only in the same activities that such company conducted on September 30, 1999, and other activities permissible under this Act.

“(2) PREDOMINANTLY FINANCIAL.—For purposes of this subsection, a company is predominantly engaged in financial activities if the annual gross revenues derived by the holding company and all subsidiaries of the holding company (excluding revenues derived from subsidiary depository institutions), on a consolidated basis, from engaging in activities that are financial in nature or are incidental to a financial activity under subsection (k) represent at least 85 percent of the consolidated annual gross revenues of the company.

“(3) NO EXPANSION OF GRANDFATHERED COMMERCIAL ACTIVITIES THROUGH MERGER OR CONSOLIDATION.—A financial holding company that engages in activities or holds shares pursuant to this subsection, or a subsidiary of such financial holding company, may not acquire, in any merger, consolidation, or other type of business combination, assets of any other company that is engaged in any activity that the Board has not determined to be financial in nature or incidental to a financial activity under subsection (k), except this paragraph shall not apply with respect to a company that owns a broadcasting station licensed under title III of the Communications Act of 1934 and the shares of which are under common control with an insurance company since January 1, 1998, unless such company is acquired by, or otherwise becomes an affiliate of, a bank holding company that, at the time such acquisition or affiliation is consummated, is 1 of the 5 largest domestic bank holding companies (as determined on the basis of the consolidated total assets of such companies).

“(4) CONTINUING REVENUE LIMITATION ON GRANDFATHERED COMMERCIAL ACTIVITIES.—Notwithstanding any other provision of this subsection, a financial holding company may continue to engage in activities or hold shares in companies pursuant to this subsection only to the extent that the aggregate annual gross revenues derived from all such activities and all such companies does not exceed 15 percent of the consolidated annual gross revenues of the financial holding company (excluding revenues derived from subsidiary depository institutions).

“(5) CROSS MARKETING RESTRICTIONS APPLICABLE TO COMMERCIAL ACTIVITIES.—

“(A) IN GENERAL.—A depository institution controlled by a financial holding company shall not—

“(i) offer or market, directly or through any arrangement, any product or service of a company whose activities are conducted or whose shares are owned or controlled by the financial holding company pursuant to this subsection or subparagraph (H) or (I) of subsection (k)(4); or

“(ii) permit any of its products or services to be offered or marketed, directly or through any arrangement, by or through any company described in clause (i).

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as prohibiting an arrangement between a depository institution and a company owned or controlled pursuant to subsection (k)(4)(I) for the marketing of products or services through statement inserts or Internet websites if—

“(i) such arrangement does not violate section 106 of the Bank Holding Company Act Amendments of 1970; and

“(ii) the Board determines that the arrangement is in the public interest, does not undermine the separation of banking and commerce, and is consistent with the safety and soundness of depository institutions.

“(6) TRANSACTIONS WITH NONFINANCIAL AFFILIATES.—A depository institution controlled by a financial holding company may not engage in a covered transaction (as defined in section 23A(b)(7) of the Federal Reserve Act) with any affiliate controlled by the company pursuant to this subsection.

“(7) SUNSET OF GRANDFATHER.—A financial holding company engaged in any activity, or retaining direct or indirect ownership or control of shares of a company, pursuant to this subsection, shall terminate such activity and divest ownership or control of the shares of such company before the end of the 10-year period beginning on the date of the enactment of the Gramm-Leach-Bliley Act. The Board may, upon application by a financial holding company, extend such 10-year period by a period not to exceed an additional 5 years if such extension would not be detrimental to the public interest.

“(o) REGULATION OF CERTAIN FINANCIAL HOLDING COMPANIES.—Notwithstanding subsection (a), a company that is not a bank holding company or a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978) and becomes a financial holding company after the date of enactment of the Gramm-Leach-Bliley Act, may continue to engage in, or directly or indirectly own or control shares of a company engaged in, activities related to the trading, sale, or investment in commodities and underlying physical properties that were not permissible for bank holding companies to conduct in the United States as of September 30, 1997, if—

“(1) the holding company, or any subsidiary of the holding company, lawfully was engaged, directly or indirectly, in any of such activities as of September 30, 1997, in the United States;

“(2) the attributed aggregate consolidated assets of the company held by the holding company pursuant to this subsection, and not otherwise permitted to be held by a financial holding company, are equal to not more than 5 percent of the total consolidated assets of the bank holding company, except that the Board may increase that percentage by such amounts and under such circumstances as the Board considers appropriate, consistent with the purposes of this Act; and

“(3) the holding company does not permit—

“(A) any company, the shares of which it owns or controls pursuant to this subsection, to offer or market any product or service of an affiliated depository institution; or

“(B) any affiliated depository institution to offer or market any product or service of any company, the shares of which are owned or controlled by such holding company pursuant to this subsection.”.

(b) COMMUNITY REINVESTMENT REQUIREMENT.—Section 804 of the Community Reinvestment Act of 1977 (12 U.S.C. 2903) is amended by adding at the end the following new subsection:

“(c) FINANCIAL HOLDING COMPANY REQUIREMENT.—

“(1) IN GENERAL.—An election by a bank holding company to become a financial holding company under section 4 of the Bank Holding Company Act of 1956 shall not be effective if—

“(A) the Board finds that, as of the date the declaration of such election and the certification is filed by such holding company under section 4(l)(1)(C) of the Bank Holding Company Act of 1956, not all of the subsidiary insured depository institutions of the bank holding company had achieved a rating of ‘satisfactory record of meeting community credit needs’, or better, at the most recent examination of each such institution; and

“(B) the Board notifies the company of such finding before the end of the 30-day period beginning on such date.

“(2) LIMITED EXCLUSIONS FOR NEWLY ACQUIRED INSURED DEPOSITORY INSTITUTIONS.—Any insured depository institution acquired by a bank holding company during the 12-month period preceding the date of the submission to the Board of the declaration and certification under section 4(l)(1)(C) of the Bank Holding Company Act of 1956 may be excluded for purposes of paragraph (1) during the 12-month period beginning on the date of such acquisition if—

“(A) the bank holding company has submitted an affirmative plan to the appropriate Federal financial supervisory agency to take such action as may be necessary in order for such institution to achieve a rating of ‘satisfactory record of meeting community credit needs’, or better, at the next examination of the institution; and

“(B) the plan has been accepted by such agency.

“(3) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) BANK HOLDING COMPANY; FINANCIAL HOLDING COMPANY.—The terms ‘bank holding company’ and ‘financial holding company’ have the meanings given those terms in section 2 of the Bank Holding Company Act of 1956.

“(B) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.

“(C) INSURED DEPOSITORY INSTITUTION.—The term ‘insured depository institution’ has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(A) in subsection (n), by inserting “‘depository institution’,” after “the terms”; and

(B) by adding at the end the following new subsections:

“(p) FINANCIAL HOLDING COMPANY.—For purposes of this Act, the term ‘financial holding company’ means a bank holding company that meets the requirements of section 4(l)(1).

“(q) INSURANCE COMPANY.—For purposes of sections 4 and 5, the term ‘insurance company’ includes any person engaged in the business of insurance to the extent of such activities.”.

(2) NOTICE PROCEDURES.—Section 4(j) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(j)) is amended—

(A) in each of subparagraphs (A) and (E) of paragraph (1), by inserting “or in any complementary activity under subsection (k)(1)(B)” after “subsection (c)(8) or (a)(2)”; and

(B) in paragraph (3)—

(i) by inserting “, other than any complementary activity under subsection (k)(1)(B),” after “to engage in any activity”; and

(ii) by inserting “or a company engaged in any complementary activity under subsection (k)(1)(B)” after “insured depository institution”.

(d) REPORT.—

(1) IN GENERAL.—By the end of the 4-year period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall submit a joint report to the Congress containing a summary of new activities, including grandfathered commercial activities, in which any financial holding company is engaged pursuant to subsection (k)(1) or (n) of section 4 of the Bank Holding Company Act of 1956 (as added by subsection (a)).

12 USC 1843  
note.

(2) OTHER CONTENTS.—The report submitted to the Congress pursuant to paragraph (1) shall also contain the following:

(A) A discussion of actions by the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, whether by regulation, order, interpretation, or guideline or by approval or disapproval of an application, with regard to activities of financial holding companies that are incidental to activities that are financial in nature or complementary to such financial activities.

(B) An analysis and discussion of the risks posed by commercial activities of financial holding companies to the safety and soundness of affiliate depository institutions.

(C) An analysis and discussion of the effect of mergers and acquisitions under section 4(k) of the Bank Holding Company Act of 1956 on market concentration in the financial services industry.

15 USC 6701.

**SEC. 104. OPERATION OF STATE LAW.**

(a) **STATE REGULATION OF THE BUSINESS OF INSURANCE.**—The Act entitled “An Act to express the intent of Congress with reference to the regulation of the business of insurance” and approved March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly referred to as the “McCarran-Ferguson Act”) remains the law of the United States.

(b) **MANDATORY INSURANCE LICENSING REQUIREMENTS.**—No person shall engage in the business of insurance in a State as principal or agent unless such person is licensed as required by the appropriate insurance regulator of such State in accordance with the relevant State insurance law, subject to subsections (c), (d), and (e).

(c) **AFFILIATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict a depository institution, or an affiliate thereof, from being affiliated directly or indirectly or associated with any person, as authorized or permitted by this Act or any other provision of Federal law.

(2) **INSURANCE.**—With respect to affiliations between depository institutions, or any affiliate thereof, and any insurer, paragraph (1) does not prohibit—

(A) any State from—

(i) collecting, reviewing, and taking actions (including approval and disapproval) on applications and other documents or reports concerning any proposed acquisition of, or a change or continuation of control of, an insurer domiciled in that State; and

(ii) exercising authority granted under applicable State law to collect information concerning any proposed acquisition of, or a change or continuation of control of, an insurer engaged in the business of insurance in, and regulated as an insurer by, such State; during the 60-day period preceding the effective date of the acquisition or change or continuation of control, so long as the collecting, reviewing, taking actions, or exercising authority by the State does not have the effect of discriminating, intentionally or unintentionally, against a depository institution or an affiliate thereof, or against any other person based upon an association of such person with a depository institution;

(B) any State from requiring any person that is acquiring control of an insurer domiciled in that State to maintain or restore the capital requirements of that insurer to the level required under the capital regulations of general applicability in that State to avoid the requirement of preparing and filing with the insurance regulatory authority of that State a plan to increase the capital of the insurer, except that any determination by the State insurance regulatory authority with respect to such requirement shall be made not later than 60 days after the date of notification under subparagraph (A); or

(C) any State from restricting a change in the ownership of stock in an insurer, or a company formed for the purpose of controlling such insurer, after the conversion of the insurer from mutual to stock form so long as such

restriction does not have the effect of discriminating, intentionally or unintentionally, against a depository institution or an affiliate thereof, or against any other person based upon an association of such person with a depository institution.

(d) ACTIVITIES.—

(1) IN GENERAL.—Except as provided in paragraph (3), and except with respect to insurance sales, solicitation, and cross marketing activities, which shall be governed by paragraph (2), no State may, by statute, regulation, order, interpretation, or other action, prevent or restrict a depository institution or an affiliate thereof from engaging directly or indirectly, either by itself or in conjunction with an affiliate, or any other person, in any activity authorized or permitted under this Act and the amendments made by this Act.

(2) INSURANCE SALES.—

(A) IN GENERAL.—In accordance with the legal standards for preemption set forth in the decision of the Supreme Court of the United States in *Barnett Bank of Marion County N.A. v. Nelson*, 517 U.S. 25 (1996), no State may, by statute, regulation, order, interpretation, or other action, prevent or significantly interfere with the ability of a depository institution, or an affiliate thereof, to engage, directly or indirectly, either by itself or in conjunction with an affiliate or any other person, in any insurance sales, solicitation, or crossmarketing activity.

(B) CERTAIN STATE LAWS PRESERVED.—Notwithstanding subparagraph (A), a State may impose any of the following restrictions, or restrictions that are substantially the same as but no more burdensome or restrictive than those in each of the following clauses:

(i) Restrictions prohibiting the rejection of an insurance policy by a depository institution or an affiliate of a depository institution, solely because the policy has been issued or underwritten by any person who is not associated with such depository institution or affiliate when the insurance is required in connection with a loan or extension of credit.

(ii) Restrictions prohibiting a requirement for any debtor, insurer, or insurance agent or broker to pay a separate charge in connection with the handling of insurance that is required in connection with a loan or other extension of credit or the provision of another traditional banking product by a depository institution, or any affiliate of a depository institution, unless such charge would be required when the depository institution or affiliate is the licensed insurance agent or broker providing the insurance.

(iii) Restrictions prohibiting the use of any advertisement or other insurance promotional material by a depository institution or any affiliate of a depository institution that would cause a reasonable person to believe mistakenly that—

(I) the Federal Government or a State is responsible for the insurance sales activities of, or stands behind the credit of, the institution or affiliate; or

(II) a State, or the Federal Government guarantees any returns on insurance products, or is a source of payment on any insurance obligation of or sold by the institution or affiliate;

(iv) Restrictions prohibiting the payment or receipt of any commission or brokerage fee or other valuable consideration for services as an insurance agent or broker to or by any person, unless such person holds a valid State license regarding the applicable class of insurance at the time at which the services are performed, except that, in this clause, the term “services as an insurance agent or broker” does not include a referral by an unlicensed person of a customer or potential customer to a licensed insurance agent or broker that does not include a discussion of specific insurance policy terms and conditions.

(v) Restrictions prohibiting any compensation paid to or received by any individual who is not licensed to sell insurance, for the referral of a customer that seeks to purchase, or seeks an opinion or advice on, any insurance product to a person that sells or provides opinions or advice on such product, based on the purchase of insurance by the customer.

(vi) Restrictions prohibiting the release of the insurance information of a customer (defined as information concerning the premiums, terms, and conditions of insurance coverage, including expiration dates and rates, and insurance claims of a customer contained in the records of the depository institution or an affiliate thereof) to any person other than an officer, director, employee, agent, or affiliate of a depository institution, for the purpose of soliciting or selling insurance, without the express consent of the customer, other than a provision that prohibits—

(I) a transfer of insurance information to an unaffiliated insurer in connection with transferring insurance in force on existing insureds of the depository institution or an affiliate thereof, or in connection with a merger with or acquisition of an unaffiliated insurer; or

(II) the release of information as otherwise authorized by State or Federal law.

(vii) Restrictions prohibiting the use of health information obtained from the insurance records of a customer for any purpose, other than for its activities as a licensed agent or broker, without the express consent of the customer.

(viii) Restrictions prohibiting the extension of credit or any product or service that is equivalent to an extension of credit, lease or sale of property of any kind, or furnishing of any services or fixing or varying the consideration for any of the foregoing, on the condition or requirement that the customer obtain insurance from a depository institution or an affiliate of a depository institution, or a particular insurer, agent, or broker, other than a prohibition that



would prevent any such depository institution or affiliate—

(I) from engaging in any activity described in this clause that would not violate section 106 of the Bank Holding Company Act Amendments of 1970, as interpreted by the Board of Governors of the Federal Reserve System; or

(II) from informing a customer or prospective customer that insurance is required in order to obtain a loan or credit, that loan or credit approval is contingent upon the procurement by the customer of acceptable insurance, or that insurance is available from the depository institution or an affiliate of the depository institution.

(ix) Restrictions requiring, when an application by a consumer for a loan or other extension of credit from a depository institution is pending, and insurance is offered or sold to the consumer or is required in connection with the loan or extension of credit by the depository institution or any affiliate thereof, that a written disclosure be provided to the consumer or prospective customer indicating that the customer's choice of an insurance provider will not affect the credit decision or credit terms in any way, except that the depository institution may impose reasonable requirements concerning the creditworthiness of the insurer and scope of coverage chosen.

(x) Restrictions requiring clear and conspicuous disclosure, in writing, where practicable, to the customer prior to the sale of any insurance policy that such policy—

(I) is not a deposit;

(II) is not insured by the Federal Deposit Insurance Corporation;

(III) is not guaranteed by any depository institution or, if appropriate, an affiliate of any such institution or any person soliciting the purchase of or selling insurance on the premises thereof; and

(IV) where appropriate, involves investment risk, including potential loss of principal.

(xi) Restrictions requiring that, when a customer obtains insurance (other than credit insurance or flood insurance) and credit from a depository institution, or any affiliate of such institution, or any person soliciting the purchase of or selling insurance on the premises thereof, the credit and insurance transactions be completed through separate documents.

(xii) Restrictions prohibiting, when a customer obtains insurance (other than credit insurance or flood insurance) and credit from a depository institution or an affiliate of such institution, or any person soliciting the purchase of or selling insurance on the premises thereof, inclusion of the expense of insurance premiums in the primary credit transaction without the express written consent of the customer.

(xiii) Restrictions requiring maintenance of separate and distinct books and records relating to insurance transactions, including all files relating to and reflecting consumer complaints, and requiring that such insurance books and records be made available to the appropriate State insurance regulator for inspection upon reasonable notice.

(C) LIMITATIONS.—

(i) OCC DEFERENCE.—Section 304(e) does not apply with respect to any State statute, regulation, order, interpretation, or other action regarding insurance sales, solicitation, or cross marketing activities described in subparagraph (A) that was issued, adopted, or enacted before September 3, 1998, and that is not described in subparagraph (B).

(ii) NONDISCRIMINATION.—Subsection (e) does not apply with respect to any State statute, regulation, order, interpretation, or other action regarding insurance sales, solicitation, or cross marketing activities described in subparagraph (A) that was issued, adopted, or enacted before September 3, 1998, and that is not described in subparagraph (B).

(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed—

(I) to limit the applicability of the decision of the Supreme Court in *Barnett Bank of Marion County N.A. v. Nelson*, 517 U.S. 25 (1996) with respect to any State statute, regulation, order, interpretation, or other action that is not referred to or described in subparagraph (B); or

(II) to create any inference with respect to any State statute, regulation, order, interpretation, or other action that is not described in this paragraph.

(3) INSURANCE ACTIVITIES OTHER THAN SALES.—State statutes, regulations, interpretations, orders, and other actions shall not be preempted under paragraph (1) to the extent that they—

(A) relate to, or are issued, adopted, or enacted for the purpose of regulating the business of insurance in accordance with the Act entitled “An Act to express the intent of Congress with reference to the regulation of the business of insurance” and approved March 9, 1945 (15 U.S.C. 1011 et seq.) (commonly referred to as the “McCarran-Ferguson Act”);

(B) apply only to persons that are not depository institutions, but that are directly engaged in the business of insurance (except that they may apply to depository institutions engaged in providing savings bank life insurance as principal to the extent of regulating such insurance);

(C) do not relate to or directly or indirectly regulate insurance sales, solicitations, or cross marketing activities; and

(D) are not prohibited under subsection (e).

(4) FINANCIAL ACTIVITIES OTHER THAN INSURANCE.—No State statute, regulation, order, interpretation, or other action shall be preempted under paragraph (1) to the extent that—

(A) it does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, insurance sales, solicitations, or cross marketing activities covered under paragraph (2);

(B) it does not relate to, and is not issued and adopted, or enacted for the purpose of regulating, directly or indirectly, the business of insurance activities other than sales, solicitations, or cross marketing activities, covered under paragraph (3);

(C) it does not relate to securities investigations or enforcement actions referred to in subsection (f); and

(D) it—

(i) does not distinguish by its terms between depository institutions, and affiliates thereof, engaged in the activity at issue and other persons engaged in the same activity in a manner that is in any way adverse with respect to the conduct of the activity by any such depository institution or affiliate engaged in the activity at issue;

(ii) as interpreted or applied, does not have, and will not have, an impact on depository institutions, or affiliates thereof, engaged in the activity at issue, or any person who has an association with any such depository institution or affiliate, that is substantially more adverse than its impact on other persons engaged in the same activity that are not depository institutions or affiliates thereof, or persons who do not have an association with any such depository institution or affiliate;

(iii) does not effectively prevent a depository institution or affiliate thereof from engaging in activities authorized or permitted by this Act or any other provision of Federal law; and

(iv) does not conflict with the intent of this Act generally to permit affiliations that are authorized or permitted by Federal law.

(e) NONDISCRIMINATION.—Except as provided in any restrictions described in subsection (d)(2)(B), no State may, by statute, regulation, order, interpretation, or other action, regulate the insurance activities authorized or permitted under this Act or any other provision of Federal law of a depository institution, or affiliate thereof, to the extent that such statute, regulation, order, interpretation, or other action—

(1) distinguishes by its terms between depository institutions, or affiliates thereof, and other persons engaged in such activities, in a manner that is in any way adverse to any such depository institution, or affiliate thereof;

(2) as interpreted or applied, has or will have an impact on depository institutions, or affiliates thereof, that is substantially more adverse than its impact on other persons providing the same products or services or engaged in the same activities that are not depository institutions, or affiliates thereof, or persons or entities affiliated therewith;

(3) effectively prevents a depository institution, or affiliate thereof, from engaging in insurance activities authorized or permitted by this Act or any other provision of Federal law; or

(4) conflicts with the intent of this Act generally to permit affiliations that are authorized or permitted by Federal law between depository institutions, or affiliates thereof, and persons engaged in the business of insurance.

(f) LIMITATION.—Subsections (c) and (d) shall not be construed to affect—

(1) the jurisdiction of the securities commission (or any agency or office performing like functions) of any State, under the laws of such State—

(A) to investigate and bring enforcement actions, consistent with section 18(c) of the Securities Act of 1933, with respect to fraud or deceit or unlawful conduct by any person, in connection with securities or securities transactions; or

(B) to require the registration of securities or the licensure or registration of brokers, dealers, or investment advisers (consistent with section 203A of the Investment Advisers Act of 1940), or the associated persons of a broker, dealer, or investment adviser (consistent with such section 203A); or

(2) State laws, regulations, orders, interpretations, or other actions of general applicability relating to the governance of corporations, partnerships, limited liability companies, or other business associations incorporated or formed under the laws of that State or domiciled in that State, or the applicability of the antitrust laws of any State or any State law that is similar to the antitrust laws if such laws, regulations, orders, interpretations, or other actions are not inconsistent with the purposes of this Act to authorize or permit certain affiliations and to remove barriers to such affiliations.

(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) AFFILIATE.—The term “affiliate” means any company that controls, is controlled by, or is under common control with another company.

(2) ANTITRUST LAWS.—The term “antitrust laws” has the meaning given the term in subsection (a) of the first section of the Clayton Act, and includes section 5 of the Federal Trade Commission Act (to the extent that such section 5 relates to unfair methods of competition).

(3) DEPOSITORY INSTITUTION.—The term “depository institution”—

(A) has the meaning given the term in section 3 of the Federal Deposit Insurance Act; and

(B) includes any foreign bank that maintains a branch, agency, or commercial lending company in the United States.

(4) INSURER.—The term “insurer” means any person engaged in the business of insurance.

(5) STATE.—The term “State” means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust

Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

**SEC. 105. MUTUAL BANK HOLDING COMPANIES AUTHORIZED.**

Section 3(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(g)(2)) is amended to read as follows:

“(2) REGULATIONS.—A bank holding company organized as a mutual holding company shall be regulated on terms, and shall be subject to limitations, comparable to those applicable to any other bank holding company.”.

**SEC. 106. PROHIBITION ON DEPOSIT PRODUCTION OFFICES.**

Section 109(e)(4) of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 (12 U.S.C. 1835a(e)(4)) is amended by inserting “and any branch of a bank controlled by an out-of-State bank holding company (as defined in section 2(o)(7) of the Bank Holding Company Act of 1956)” before the period.

**SEC. 107. CROSS MARKETING RESTRICTION; LIMITED PURPOSE BANK RELIEF; DIVESTITURE.**

(a) CROSS MARKETING RESTRICTION.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by striking paragraph (3).

(b) DAYLIGHT OVERDRAFTS.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by inserting after paragraph (2) the following new paragraph:

“(3) PERMISSIBLE OVERDRAFTS DESCRIBED.—For purposes of paragraph (2)(C), an overdraft is described in this paragraph if—

“(A) such overdraft results from an inadvertent computer or accounting error that is beyond the control of both the bank and the affiliate;

“(B) such overdraft—

“(i) is permitted or incurred on behalf of an affiliate that is monitored by, reports to, and is recognized as a primary dealer by the Federal Reserve Bank of New York; and

“(ii) is fully secured, as required by the Board, by bonds, notes, or other obligations that are direct obligations of the United States or on which the principal and interest are fully guaranteed by the United States or by securities and obligations eligible for settlement on the Federal Reserve book entry system; or

“(C) such overdraft—

“(i) is permitted or incurred by, or on behalf of, an affiliate in connection with an activity that is financial in nature or incidental to a financial activity; and

“(ii) does not cause the bank to violate any provision of section 23A or 23B of the Federal Reserve Act, either directly, in the case of a bank that is a member of the Federal Reserve System, or by virtue of section 18(j) of the Federal Deposit Insurance Act, in the case of a bank that is not a member of the Federal Reserve System.”.

(c) INDUSTRIAL LOAN COMPANIES; AFFILIATE OVERDRAFTS.—Section 2(c)(2)(H) of the Bank Holding Company Act of 1956 (12 U.S.C.

1841(c)(2)(H)) is amended by inserting “, or that is otherwise permissible for a bank controlled by a company described in section 4(f)(1)” before the period at the end.

(d) ACTIVITIES LIMITATIONS.—Section 4(f)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(2)) is amended—

(1) by striking “Paragraph (1) shall cease to apply to any company described in such paragraph if—” and inserting “Subject to paragraph (3), a company described in paragraph (1) shall no longer qualify for the exemption provided under that paragraph if—”;

(2) in subparagraph (A)—

(A) in clause (ii)(IX), by striking “and” at the end;

(B) in clause (ii)(X), by inserting “and” after the semicolon;

(C) in clause (ii), by inserting after subclause (X) the following new subclause:

“(XI) assets that are derived from, or incidental to, activities in which institutions described in subparagraph (F) or (H) of section 2(c)(2) are permitted to engage;”;

(D) by striking “or” at the end; and

(3) by striking subparagraph (B) and inserting the following:

“(B) any bank subsidiary of such company—

“(i) accepts demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties; and

“(ii) engages in the business of making commercial loans (except that, for purposes of this clause, loans made in the ordinary course of a credit card operation shall not be treated as commercial loans); or

“(C) after the date of the enactment of the Competitive Equality Amendments of 1987, any bank subsidiary of such company permits any overdraft (including any intraday overdraft), or incurs any such overdraft in the account of the bank at a Federal reserve bank, on behalf of an affiliate, other than an overdraft described in paragraph (3).”.

(e) DIVESTITURE REQUIREMENT.—Section 4(f)(4) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)(4)) is amended to read as follows:

“(4) DIVESTITURE IN CASE OF LOSS OF EXEMPTION.—If any company described in paragraph (1) fails to qualify for the exemption provided under paragraph (1) by operation of paragraph (2), such exemption shall cease to apply to such company and such company shall divest control of each bank it controls before the end of the 180-day period beginning on the date on which the company receives notice from the Board that the company has failed to continue to qualify for such exemption, unless, before the end of such 180-day period, the company has—

“(A) either—

“(i) corrected the condition or ceased the activity that caused the company to fail to continue to qualify for the exemption; or

“(ii) submitted a plan to the Board for approval to cease the activity or correct the condition in a timely manner (which shall not exceed 1 year); and

“(B) implemented procedures that are reasonably adapted to avoid the reoccurrence of such condition or activity.”.

(f) FOREIGN BANK SUBSIDIARIES OF LIMITED PURPOSE CREDIT CARD BANKS.—Section 4(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(f)) is amended by adding at the end the following new paragraph:

“(14) FOREIGN BANK SUBSIDIARIES OF LIMITED PURPOSE CREDIT CARD BANKS.—

“(A) IN GENERAL.—An institution described in section 2(c)(2)(F) may control a foreign bank if—

“(i) the investment of the institution in the foreign bank meets the requirements of section 25 or 25A of the Federal Reserve Act and the foreign bank qualifies under such sections;

“(ii) the foreign bank does not offer any products or services in the United States; and

“(iii) the activities of the foreign bank are permissible under otherwise applicable law.

“(B) OTHER LIMITATIONS INAPPLICABLE.—The limitations contained in any clause of section 2(c)(2)(F) shall not apply to a foreign bank described in subparagraph (A) that is controlled by an institution described in such section.”.

**SEC. 108. USE OF SUBORDINATED DEBT TO PROTECT FINANCIAL SYSTEM AND DEPOSIT FUNDS FROM “TOO BIG TO FAIL” INSTITUTIONS.**

12 USC 4801  
note.

(a) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall conduct a study of—

(1) the feasibility and appropriateness of establishing a requirement that, with respect to large insured depository institutions and depository institution holding companies the failure of which could have serious adverse effects on economic conditions or financial stability, such institutions and holding companies maintain some portion of their capital in the form of subordinated debt in order to bring market forces and market discipline to bear on the operation of, and the assessment of the viability of, such institutions and companies and reduce the risk to economic conditions, financial stability, and any deposit insurance fund;

(2) if such requirement is feasible and appropriate, the appropriate amount or percentage of capital that should be subordinated debt consistent with such purposes; and

(3) the manner in which any such requirement could be incorporated into existing capital standards and other issues relating to the transition to such a requirement.

(b) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Secretary of the Treasury shall submit a report to the Congress containing the findings and conclusions of the Board and the Secretary in connection with

the study required under subsection (a), together with such legislative and administrative proposals as the Board and the Secretary may determine to be appropriate.

(c) **DEFINITIONS.**—For purposes of subsection (a), the following definitions shall apply:

(1) **BANK HOLDING COMPANY.**—The term “bank holding company” has the meaning given the term in section 2 of the Bank Holding Company Act of 1956.

(2) **INSURED DEPOSITORY INSTITUTION.**—The term “insured depository institution” has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act.

(3) **SUBORDINATED DEBT.**—The term “subordinated debt” means unsecured debt that—

(A) has an original weighted average maturity of not less than 5 years;

(B) is subordinated as to payment of principal and interest to all other indebtedness of the bank, including deposits;

(C) is not supported by any form of credit enhancement, including a guarantee or standby letter of credit; and

(D) is not held in whole or in part by any affiliate or institution-affiliated party of the insured depository institution or bank holding company.

12 USC 252 note. **SEC. 109. STUDY OF FINANCIAL MODERNIZATION'S EFFECT ON THE ACCESSIBILITY OF SMALL BUSINESS AND FARM LOANS.**

(a) **STUDY.**—The Secretary of the Treasury, in consultation with the Federal banking agencies (as defined in section 3(z) of the Federal Deposit Insurance Act), shall conduct a study of the extent to which credit is being provided to and for small businesses and farms, as a result of this Act and the amendments made by this Act.

(b) **REPORT.**—Before the end of the 5-year period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Federal banking agencies, shall submit a report to the Congress on the study conducted pursuant to subsection (a) and shall include such recommendations as the Secretary determines to be appropriate for administrative and legislative action.

## **Subtitle B—Streamlining Supervision of Bank Holding Companies**

**SEC. 111. STREAMLINING BANK HOLDING COMPANY SUPERVISION.**

Section 5(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)) is amended to read as follows:

“(c) **REPORTS AND EXAMINATIONS.**—

“(1) **REPORTS.**—

“(A) **IN GENERAL.**—The Board, from time to time, may require a bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

“(i) its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the bank holding company; and



“(ii) compliance by the company or subsidiary with applicable provisions of this Act or any other Federal law that the Board has specific jurisdiction to enforce against such company or subsidiary.

“(B) USE OF EXISTING REPORTS.—

“(i) IN GENERAL.—For purposes of compliance with this paragraph, the Board shall, to the fullest extent possible, accept—

“(I) reports that a bank holding company or any subsidiary of such company has provided or been required to provide to other Federal or State supervisors or to appropriate self-regulatory organizations;

“(II) information that is otherwise required to be reported publicly; and

“(III) externally audited financial statements.

“(ii) AVAILABILITY.—A bank holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

“(iii) REPORTS FILED WITH OTHER AGENCIES.—

“(I) IN GENERAL.—In the event that the Board requires a report under this subsection from a functionally regulated subsidiary of a bank holding company of a kind that is not required by another Federal or State regulatory authority or an appropriate self-regulatory organization, the Board shall first request that the appropriate regulatory authority or self-regulatory organization obtain such report.

“(II) AVAILABILITY FROM OTHER SUBSIDIARY.—If the report is not made available to the Board, and the report is necessary to assess a material risk to the bank holding company or any of its depository institution subsidiaries or compliance with this Act or any other Federal law that the Board has specific jurisdiction to enforce against such company or subsidiary or the systems described in paragraph (2)(A)(ii)(II), the Board may require such functionally regulated subsidiary to provide such a report to the Board.

“(2) EXAMINATIONS.—

“(A) EXAMINATION AUTHORITY FOR BANK HOLDING COMPANIES AND SUBSIDIARIES.—Subject to subparagraph (B), the Board may make examinations of each bank holding company and each subsidiary of such holding company in order—

“(i) to inform the Board of the nature of the operations and financial condition of the holding company and such subsidiaries;

“(ii) to inform the Board of—

“(I) the financial and operational risks within the holding company system that may pose a threat to the safety and soundness of any depository institution subsidiary of such holding company; and

“(II) the systems for monitoring and controlling such risks; and

“(iii) to monitor compliance with the provisions of this Act or any other Federal law that the Board has specific jurisdiction to enforce against such company or subsidiary and those governing transactions and relationships between any depository institution subsidiary and its affiliates.

“(B) FUNCTIONALLY REGULATED SUBSIDIARIES.—Notwithstanding subparagraph (A), the Board may make examinations of a functionally regulated subsidiary of a bank holding company only if—

“(i) the Board has reasonable cause to believe that such subsidiary is engaged in activities that pose a material risk to an affiliated depository institution;

“(ii) the Board reasonably determines, after reviewing relevant reports, that examination of the subsidiary is necessary to adequately inform the Board of the systems described in subparagraph (A)(ii)(II); or

“(iii) based on reports and other available information, the Board has reasonable cause to believe that a subsidiary is not in compliance with this Act or any other Federal law that the Board has specific jurisdiction to enforce against such subsidiary, including provisions relating to transactions with an affiliated depository institution, and the Board cannot make such determination through examination of the affiliated depository institution or the bank holding company.

“(C) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a bank holding company to—

“(i) the bank holding company; and

“(ii) any subsidiary of the bank holding company that could have a materially adverse effect on the safety and soundness of any depository institution subsidiary of the holding company due to—

“(I) the size, condition, or activities of the subsidiary; or

“(II) the nature or size of transactions between the subsidiary and any depository institution that is also a subsidiary of the bank holding company.

“(D) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, for the purposes of this paragraph, use the reports of examinations of depository institutions made by the appropriate Federal and State depository institution supervisory authority.

“(E) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, forego an examination by the Board under this paragraph and instead review the reports of examination made of—

“(i) any registered broker or dealer by or on behalf of the Securities and Exchange Commission;

“(ii) any registered investment adviser properly registered by or on behalf of either the Securities and Exchange Commission or any State;

“(iii) any licensed insurance company by or on behalf of any State regulatory authority responsible for the supervision of insurance companies; and

“(iv) any other subsidiary that the Board finds to be comprehensively supervised by a Federal or State authority.

“(3) CAPITAL.—

“(A) IN GENERAL.—The Board may not, by regulation, guideline, order, or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any functionally regulated subsidiary of a bank holding company that—

“(i) is not a depository institution; and

“(ii) is—

“(I) in compliance with the applicable capital requirements of its Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority;

“(II) properly registered as an investment adviser under the Investment Advisers Act of 1940, or with any State; or

“(III) is licensed as an insurance agent with the appropriate State insurance authority.

“(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to—

“(i) activities of a registered investment adviser other than with respect to investment advisory activities or activities incidental to investment advisory activities; or

“(ii) activities of a licensed insurance agent other than insurance agency activities or activities incidental to insurance agency activities.

“(C) LIMITATIONS ON INDIRECT ACTION.—In developing, establishing, or assessing bank holding company capital or capital adequacy rules, guidelines, standards, or requirements for purposes of this paragraph, the Board may not take into account the activities, operations, or investments of an affiliated investment company registered under the Investment Company Act of 1940, unless the investment company is—

“(i) a bank holding company; or

“(ii) controlled by a bank holding company by reason of ownership by the bank holding company (including through all of its affiliates) of 25 percent or more of the shares of the investment company, and the shares owned by the bank holding company have a market value equal to more than \$1,000,000.

“(4) FUNCTIONAL REGULATION OF SECURITIES AND INSURANCE ACTIVITIES.—

“(A) SECURITIES ACTIVITIES.—Securities activities conducted in a functionally regulated subsidiary of a depository institution shall be subject to regulation by the Securities and Exchange Commission, and by relevant State securities authorities, as appropriate, subject to section 104 of the Gramm-Leach-Bliley Act, to the same extent as if they

were conducted in a nondepository institution subsidiary of a bank holding company.

“(B) INSURANCE ACTIVITIES.—Subject to section 104 of the Gramm-Leach-Bliley Act, insurance agency and brokerage activities and activities as principal conducted in a functionally regulated subsidiary of a depository institution shall be subject to regulation by a State insurance authority to the same extent as if they were conducted in a nondepository institution subsidiary of a bank holding company.

“(5) DEFINITION.—For purposes of this subsection, the term ‘functionally regulated subsidiary’ means any company—

“(A) that is not a bank holding company or a depository institution; and

“(B) that is—

“(i) a broker or dealer that is registered under the Securities Exchange Act of 1934;

“(ii) a registered investment adviser, properly registered by or on behalf of either the Securities and Exchange Commission or any State, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

“(iii) an investment company that is registered under the Investment Company Act of 1940;

“(iv) an insurance company, with respect to insurance activities of the insurance company and activities incidental to such insurance activities, that is subject to supervision by a State insurance regulator; or

“(v) an entity that is subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.”.

#### **SEC. 112. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.**

(a) BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following new subsection:

“(g) AUTHORITY OF STATE INSURANCE REGULATOR AND THE SECURITIES AND EXCHANGE COMMISSION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the Board that requires a bank holding company to provide funds or other assets to a subsidiary depository institution shall not be effective nor enforceable with respect to an entity described in subparagraph (A) if—

“(A) such funds or assets are to be provided by—

“(i) a bank holding company that is an insurance company, a broker or dealer registered under the Securities Exchange Act of 1934, an investment company registered under the Investment Company Act of 1940, or an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State; or

“(ii) an affiliate of the depository institution that is an insurance company or a broker or dealer registered under the Securities Exchange Act of 1934,

an investment company registered under the Investment Company Act of 1940, or an investment adviser registered by or on behalf of either the Securities and Exchange Commission or any State; and

“(B) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker, dealer, investment adviser (solely with respect to investment advisory activities or activities incidental thereto), or investment company, as the case may be, determines in writing sent to the holding company and the Board that the holding company shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker, dealer, investment company, or investment adviser, as the case may be.

“(2) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the Board requires a bank holding company, or an affiliate of a bank holding company, that is an insurance company or a broker, dealer, investment company, or investment adviser described in paragraph (1)(A) to provide funds or assets to a depository institution subsidiary of the holding company pursuant to any regulation, order, or other action of the Board referred to in paragraph (1), the Board shall promptly notify the State insurance authority for the insurance company, the Securities and Exchange Commission, or State securities regulator, as the case may be, of such requirement.

“(3) DIVESTITURE IN LIEU OF OTHER ACTION.—If the Board receives a notice described in paragraph (1)(B) from a State insurance authority or the Securities and Exchange Commission with regard to a bank holding company or affiliate referred to in that paragraph, the Board may order the bank holding company to divest the depository institution not later than 180 days after receiving the notice, or such longer period as the Board determines consistent with the safe and sound operation of the depository institution.

“(4) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the Board under paragraph (3) to a bank holding company and ending on the date the divestiture is completed, the Board may impose any conditions or restrictions on the holding company’s ownership or operation of the depository institution, including restricting or prohibiting transactions between the depository institution and any affiliate of the institution, as are appropriate under the circumstances.

“(5) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as limiting or otherwise affecting, except to the extent specifically provided in this subsection, the regulatory authority, including the scope of the authority, of any Federal agency or department with regard to any entity that is within the jurisdiction of such agency or department.”.

(b) SUBSIDIARIES OF DEPOSITORY INSTITUTIONS.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following new section:

12 USC 1831v.

**“SEC. 45. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.**

“(a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of—

“(1) section 5(c) of the Bank Holding Company Act of 1956 that limit the authority of the Board of Governors of the Federal Reserve System to require reports from, to make examinations of, or to impose capital requirements on holding companies and their functionally regulated subsidiaries or that require deference to other regulators;

“(2) section 5(g) of the Bank Holding Company Act of 1956 that limit the authority of the Board to require a functionally regulated subsidiary of a holding company to provide capital or other funds or assets to a depository institution subsidiary of the holding company and to take certain actions including requiring divestiture of the depository institution; and

“(3) section 10A of the Bank Holding Company Act of 1956 that limit whatever authority the Board might otherwise have to take direct or indirect action with respect to holding companies and their functionally regulated subsidiaries; shall also limit whatever authority that a Federal banking agency might otherwise have under any statute or regulation to require reports, make examinations, impose capital requirements, or take any other direct or indirect action with respect to any functionally regulated affiliate of a depository institution, subject to the same standards and requirements as are applicable to the Board under those provisions.

“(b) CERTAIN EXEMPTION AUTHORIZED.—No provision of this section shall be construed as preventing the Corporation, if the Corporation finds it necessary to determine the condition of a depository institution for insurance purposes, from examining an affiliate of any depository institution, pursuant to section 10(b)(4), as may be necessary to disclose fully the relationship between the depository institution and the affiliate, and the effect of such relationship on the depository institution.

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) FUNCTIONALLY REGULATED SUBSIDIARY.—The term ‘functionally regulated subsidiary’ has the meaning given the term in section 5(c)(5) of the Bank Holding Company Act of 1956.

“(2) FUNCTIONALLY REGULATED AFFILIATE.—The term ‘functionally regulated affiliate’ means, with respect to any depository institution, any affiliate of such depository institution that is—

“(A) not a depository institution holding company; and

“(B) a company described in any clause of section 5(c)(5)(B) of the Bank Holding Company Act of 1956.”.

**SEC. 113. ROLE OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.**

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by inserting after section 10 the following new section:

**“SEC. 10A. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.** 12 USC 1848a.

“(a) **LIMITATION ON DIRECT ACTION.**—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a functionally regulated subsidiary of a bank holding company unless—

“(1) the action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by such subsidiary that poses a material risk to—

“(A) the financial safety, soundness, or stability of an affiliated depository institution; or

“(B) the domestic or international payment system;

and

“(2) the Board finds that it is not reasonably possible to protect effectively against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally.

“(b) **LIMITATION ON INDIRECT ACTION.**—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a bank holding company that requires the bank holding company to require a functionally regulated subsidiary of the holding company to engage, or to refrain from engaging, in any conduct or activities unless the Board could take such action directly against or with respect to the functionally regulated subsidiary in accordance with subsection (a).

“(c) **ACTIONS SPECIFICALLY AUTHORIZED.**—Notwithstanding subsection (a) or (b), the Board may take action under this Act or section 8 of the Federal Deposit Insurance Act to enforce compliance by a functionally regulated subsidiary of a bank holding company with any Federal law that the Board has specific jurisdiction to enforce against such subsidiary.

“(d) **FUNCTIONALLY REGULATED SUBSIDIARY DEFINED.**—For purposes of this section, the term ‘functionally regulated subsidiary’ has the meaning given the term in section 5(c)(5).”.

**SEC. 114. PRUDENTIAL SAFEGUARDS.**

12 USC 1828a.

(a) **COMPTROLLER OF THE CURRENCY.**—

(1) **IN GENERAL.**—The Comptroller of the Currency may, by regulation or order, impose restrictions or requirements on relationships or transactions between a national bank and a subsidiary of the national bank that the Comptroller finds are—

(A) consistent with the purposes of this Act, title LXII of the Revised Statutes of the United States, and other Federal law applicable to national banks; and

(B) appropriate to avoid any significant risk to the safety and soundness of insured depository institutions or any Federal deposit insurance fund or other adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

(2) REVIEW.—The Comptroller of the Currency shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including the avoidance of any adverse effect referred to in paragraph (1)(B); and

(B) modify or eliminate any such restriction or requirement the Comptroller finds is no longer required for such purposes.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System may, by regulation or order, impose restrictions or requirements on relationships or transactions—

(A) between a depository institution subsidiary of a bank holding company and any affiliate of such depository institution (other than a subsidiary of such institution); or

(B) between a State member bank and a subsidiary of such bank;

if the Board makes a finding described in paragraph (2) with respect to such restriction or requirement.

(2) FINDING.—The Board of Governors of the Federal Reserve System may exercise authority under paragraph (1) if the Board finds that the exercise of such authority is—

(A) consistent with the purposes of this Act, the Bank Holding Company Act of 1956, the Federal Reserve Act, and other Federal law applicable to depository institution subsidiaries of bank holding companies or State member banks, as the case may be; and

(B) appropriate to prevent an evasion of any provision of law referred to in subparagraph (A) or to avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund or other adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

(3) REVIEW.—The Board of Governors of the Federal Reserve System shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) or (4) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including the avoidance of any adverse effect referred to in paragraph (2)(B) or (4)(B); and

(B) modify or eliminate any such restriction or requirement the Board finds is no longer required for such purposes.

(4) FOREIGN BANKS.—The Board may, by regulation or order, impose restrictions or requirements on relationships or transactions between a branch, agency, or commercial lending company of a foreign bank in the United States and any affiliate in the United States of such foreign bank that the Board finds are—

(A) consistent with the purposes of this Act, the Bank Holding Company Act of 1956, the Federal Reserve Act,



and other Federal law applicable to foreign banks and their affiliates in the United States; and

(B) appropriate to prevent an evasion of any provision of law referred to in subparagraph (A) or to avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund or other adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

(c) **FEDERAL DEPOSIT INSURANCE CORPORATION.**—

(1) **IN GENERAL.**—The Federal Deposit Insurance Corporation may, by regulation or order, impose restrictions or requirements on relationships or transactions between a State nonmember bank (as defined in section 3 of the Federal Deposit Insurance Act) and a subsidiary of the State nonmember bank that the Corporation finds are—

(A) consistent with the purposes of this Act, the Federal Deposit Insurance Act, or other Federal law applicable to State nonmember banks; and

(B) appropriate to avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund or other adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

(2) **REVIEW.**—The Federal Deposit Insurance Corporation shall regularly—

(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including the avoidance of any adverse effect referred to in paragraph (1)(B); and

(B) modify or eliminate any such restriction or requirement the Corporation finds is no longer required for such purposes.

**SEC. 115. EXAMINATION OF INVESTMENT COMPANIES.**

12 USC 1820a.

(a) **EXCLUSIVE COMMISSION AUTHORITY.**—Except as provided in subsection (c), a Federal banking agency may not inspect or examine any registered investment company that is not a bank holding company or a savings and loan holding company.

(b) **EXAMINATION RESULTS AND OTHER INFORMATION.**—The Commission shall provide to any Federal banking agency, upon request, the results of any examination, reports, records, or other information with respect to any registered investment company to the extent necessary for the agency to carry out its statutory responsibilities.

(c) **CERTAIN EXAMINATIONS AUTHORIZED.**—Nothing in this section shall prevent the Corporation, if the Corporation finds it necessary to determine the condition of an insured depository institution for insurance purposes, from examining an affiliate of any insured depository institution, pursuant to its authority under section 10(b)(4) of the Federal Deposit Insurance Act, as may be necessary to disclose fully the relationship between the insured depository institution and the affiliate, and the effect of such relationship on the insured depository institution.

(d) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

(1) **BANK HOLDING COMPANY.**—The term “bank holding company” has the meaning given the term in section 2 of the Bank Holding Company Act of 1956.

(2) **COMMISSION.**—The term “Commission” means the Securities and Exchange Commission.

(3) **CORPORATION.**—The term “Corporation” means the Federal Deposit Insurance Corporation.

(4) **FEDERAL BANKING AGENCY.**—The term “Federal banking agency” has the meaning given the term in section 3(z) of the Federal Deposit Insurance Act.

(5) **INSURED DEPOSITORY INSTITUTION.**—The term “insured depository institution” has the meaning given the term in section 3(c) of the Federal Deposit Insurance Act.

(6) **REGISTERED INVESTMENT COMPANY.**—The term “registered investment company” means an investment company that is registered with the Commission under the Investment Company Act of 1940.

(7) **SAVINGS AND LOAN HOLDING COMPANY.**—The term “savings and loan holding company” has the meaning given the term in section 10(a)(1)(D) of the Home Owners’ Loan Act.

**SEC. 116. ELIMINATION OF APPLICATION REQUIREMENT FOR FINANCIAL HOLDING COMPANIES.**

(a) **PREVENTION OF DUPLICATIVE FILINGS.**—Section 5(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(a)) is amended by adding at the end the following new sentence: “A declaration filed in accordance with section 4(l)(1)(C) shall satisfy the requirements of this subsection with regard to the registration of a bank holding company but not any requirement to file an application to acquire a bank pursuant to section 3.”

(b) **DIVESTITURE PROCEDURES.**—Section 5(e)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(e)(1)) is amended—

(1) by striking “Financial Institutions Supervisory Act of 1966, order” and inserting “Financial Institutions Supervisory Act of 1966, at the election of the bank holding company—“(A) order”; and

(2) by striking “shareholders of the bank holding company. Such distribution” and inserting “shareholders of the bank holding company; or

“(B) order the bank holding company, after due notice and opportunity for hearing, and after consultation with the primary supervisor for the bank, which shall be the Comptroller of the Currency in the case of a national bank, and the Federal Deposit Insurance Corporation and the appropriate State supervisor in the case of an insured nonmember bank, to terminate (within 120 days or such longer period as the Board may direct) the ownership or control of any such bank by such company.

The distribution referred to in subparagraph (A)”.

**SEC. 117. PRESERVING THE INTEGRITY OF FDIC RESOURCES.**

Section 11(a)(4)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)(B)) is amended by striking “to benefit any shareholder of” and inserting “to benefit any shareholder or affiliate

(other than an insured depository institution that receives assistance in accordance with the provisions of this Act) of”.

**SEC. 118. REPEAL OF SAVINGS BANK PROVISIONS IN THE BANK HOLDING COMPANY ACT OF 1956.**

Section 3(f) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(f)) is amended to read as follows:

“(f) [Repealed].”.

**SEC. 119. TECHNICAL AMENDMENT.**

Section 2(o)(1)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(o)(1)(A)) is amended by striking “section 38(b)” and inserting “section 38”.

## Subtitle C—Subsidiaries of National Banks

**SEC. 121. SUBSIDIARIES OF NATIONAL BANKS.**

(a) IN GENERAL.—Chapter one of title LXII of the Revised Statutes of the United States (12 U.S.C. 21 et seq.) is amended—

(1) by redesignating section 5136A as section 5136B; and 12 USC 25a.

(2) by inserting after section 5136 (12 U.S.C. 24) the following new section:

**“SEC. 5136A. FINANCIAL SUBSIDIARIES OF NATIONAL BANKS.**

12 USC 24a.

“(a) AUTHORIZATION TO CONDUCT IN SUBSIDIARIES CERTAIN ACTIVITIES THAT ARE FINANCIAL IN NATURE.—

“(1) IN GENERAL.—Subject to paragraph (2), a national bank may control a financial subsidiary, or hold an interest in a financial subsidiary.

“(2) CONDITIONS AND REQUIREMENTS.—A national bank may control a financial subsidiary, or hold an interest in a financial subsidiary, only if—

“(A) the financial subsidiary engages only in—

“(i) activities that are financial in nature or incidental to a financial activity pursuant to subsection (b); and

“(ii) activities that are permitted for national banks to engage in directly (subject to the same terms and conditions that govern the conduct of the activities by a national bank);

“(B) the activities engaged in by the financial subsidiary as a principal do not include—

“(i) insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death (except to the extent permitted under section 302 or 303(c) of the Gramm-Leach-Bliley Act) or providing or issuing annuities the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986;

“(ii) real estate development or real estate investment activities, unless otherwise expressly authorized by law; or

“(iii) any activity permitted in subparagraph (H) or (I) of section 4(k)(4) of the Bank Holding Company Act of 1956, except activities described in section 4(k)(4)(H) that may be permitted in accordance with section 122 of the Gramm-Leach-Bliley Act;

“(C) the national bank and each depository institution affiliate of the national bank are well capitalized and well managed;

“(D) the aggregate consolidated total assets of all financial subsidiaries of the national bank do not exceed the lesser of—

“(i) 45 percent of the consolidated total assets of the parent bank; or

“(ii) \$50,000,000,000;

“(E) except as provided in paragraph (4), the national bank meets any applicable rating or other requirement set forth in paragraph (3); and

“(F) the national bank has received the approval of the Comptroller of the Currency for the financial subsidiary to engage in such activities, which approval shall be based solely upon the factors set forth in this section.

“(3) RATING OR COMPARABLE REQUIREMENT.—

“(A) IN GENERAL.—A national bank meets the requirements of this paragraph if—

“(i) the bank is 1 of the 50 largest insured banks and has not fewer than 1 issue of outstanding eligible debt that is currently rated within the 3 highest investment grade rating categories by a nationally recognized statistical rating organization; or

“(ii) the bank is 1 of the second 50 largest insured banks and meets the criteria set forth in clause (i) or such other criteria as the Secretary of the Treasury and the Board of Governors of the Federal Reserve System may jointly establish by regulation and determine to be comparable to and consistent with the purposes of the rating required in clause (i).

“(B) CONSOLIDATED TOTAL ASSETS.—For purposes of this paragraph, the size of an insured bank shall be determined on the basis of the consolidated total assets of the bank as of the end of each calendar year.

“(4) FINANCIAL AGENCY SUBSIDIARY.—The requirement in paragraph (2)(E) shall not apply with respect to the ownership or control of a financial subsidiary that engages in activities described in subsection (b)(1) solely as agent and not directly or indirectly as principal.

“(5) REGULATIONS REQUIRED.—Before the end of the 270-day period beginning on the date of the enactment of the Gramm-Leach-Bliley Act, the Comptroller of the Currency shall, by regulation, prescribe procedures to implement this section.

Regulations.

“(6) INDEXED ASSET LIMIT.—The dollar amount contained in paragraph (2)(D) shall be adjusted according to an indexing mechanism jointly established by regulation by the Secretary of the Treasury and the Board of Governors of the Federal Reserve System.

Applicability.

“(7) COORDINATION WITH SECTION 4(l)(2) OF THE BANK HOLDING COMPANY ACT OF 1956.—Section 4(l)(2) of the Bank Holding Company Act of 1956 applies to a national bank that controls a financial subsidiary in the manner provided in that section.

“(b) ACTIVITIES THAT ARE FINANCIAL IN NATURE.—

“(1) FINANCIAL ACTIVITIES.—

“(A) IN GENERAL.—An activity shall be financial in nature or incidental to such financial activity only if—

“(i) such activity has been defined to be financial in nature or incidental to a financial activity for bank holding companies pursuant to section 4(k)(4) of the Bank Holding Company Act of 1956; or

“(ii) the Secretary of the Treasury determines the activity is financial in nature or incidental to a financial activity in accordance with subparagraph (B).

“(B) COORDINATION BETWEEN THE BOARD AND THE SECRETARY OF THE TREASURY.—

“(i) PROPOSALS RAISED BEFORE THE SECRETARY OF THE TREASURY.—

“(I) CONSULTATION.—The Secretary of the Treasury shall notify the Board of, and consult with the Board concerning, any request, proposal, or application under this section for a determination of whether an activity is financial in nature or incidental to a financial activity.

Notification.

“(II) BOARD VIEW.—The Secretary of the Treasury shall not determine that any activity is financial in nature or incidental to a financial activity under this section if the Board notifies the Secretary in writing, not later than 30 days after the date of receipt of the notice described in subclause (I) (or such longer period as the Secretary determines to be appropriate under the circumstances) that the Board believes that the activity is not financial in nature or incidental to a financial activity or is not otherwise permissible under this section.

“(ii) PROPOSALS RAISED BY THE BOARD.—

“(I) BOARD RECOMMENDATION.—The Board may, at any time, recommend in writing that the Secretary of the Treasury find an activity to be financial in nature or incidental to a financial activity for purposes of this section.

“(II) TIME PERIOD FOR SECRETARIAL ACTION.—Not later than 30 days after the date of receipt of a written recommendation from the Board under subclause (I) (or such longer period as the Secretary of the Treasury and the Board determine to be appropriate under the circumstances), the Secretary shall determine whether to initiate a public rulemaking proposing that the subject recommended activity be found to be financial in nature or incidental to a financial activity under this section, and shall notify the Board in writing of the determination of the Secretary and, in the event that the Secretary determines not to seek public comment on the proposal, the reasons for that determination.

“(2) FACTORS TO BE CONSIDERED.—In determining whether an activity is financial in nature or incidental to a financial activity, the Secretary shall take into account—

“(A) the purposes of this Act and the Gramm-Leach-Bliley Act;

“(B) changes or reasonably expected changes in the marketplace in which banks compete;

“(C) changes or reasonably expected changes in the technology for delivering financial services; and

“(D) whether such activity is necessary or appropriate to allow a bank and the subsidiaries of a bank to—

“(i) compete effectively with any company seeking to provide financial services in the United States;

“(ii) efficiently deliver information and services that are financial in nature through the use of technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions; and

“(iii) offer customers any available or emerging technological means for using financial services or for the document imaging of data.

Regulations.

“(3) AUTHORIZATION OF NEW FINANCIAL ACTIVITIES.—The Secretary of the Treasury shall, by regulation or order and in accordance with paragraph (1)(B), define, consistent with the purposes of this Act and the Gramm-Leach-Bliley Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to a financial activity:

“(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

“(B) Providing any device or other instrumentality for transferring money or other financial assets.

“(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

“(c) CAPITAL DEDUCTION.—

“(1) CAPITAL DEDUCTION REQUIRED.—In determining compliance with applicable capital standards—

“(A) the aggregate amount of the outstanding equity investment, including retained earnings, of a national bank in all financial subsidiaries shall be deducted from the assets and tangible equity of the national bank; and

“(B) the assets and liabilities of the financial subsidiaries shall not be consolidated with those of the national bank.

“(2) FINANCIAL STATEMENT DISCLOSURE OF CAPITAL DEDUCTION.—Any published financial statement of a national bank that controls a financial subsidiary shall, in addition to providing information prepared in accordance with generally accepted accounting principles, separately present financial information for the bank in the manner provided in paragraph (1).

“(d) SAFEGUARDS FOR THE BANK.—A national bank that establishes or maintains a financial subsidiary shall assure that—

“(1) the procedures of the national bank for identifying and managing financial and operational risks within the national bank and the financial subsidiary adequately protect the national bank from such risks;

“(2) the national bank has, for the protection of the bank, reasonable policies and procedures to preserve the separate corporate identity and limited liability of the national bank and the financial subsidiaries of the national bank; and

“(3) the national bank is in compliance with this section.

“(e) PROVISIONS APPLICABLE TO NATIONAL BANKS THAT FAIL TO CONTINUE TO MEET CERTAIN REQUIREMENTS.—

“(1) IN GENERAL.—If a national bank or insured depository institution affiliate does not continue to meet the requirements of subsection (a)(2)(C) or subsection (d), the Comptroller of the Currency shall promptly give notice to the national bank to that effect describing the conditions giving rise to the notice. Notice.

“(2) AGREEMENT TO CORRECT CONDITIONS.—Not later than 45 days after the date of receipt by a national bank of a notice given under paragraph (1) (or such additional period as the Comptroller of the Currency may permit), the national bank shall execute an agreement with the Comptroller of the Currency and any relevant insured depository institution affiliate shall execute an agreement with its appropriate Federal banking agency to comply with the requirements of subsection (a)(2)(C) and subsection (d). Deadline.

“(3) IMPOSITION OF CONDITIONS.—Until the conditions described in a notice under paragraph (1) are corrected—

“(A) the Comptroller of the Currency may impose such limitations on the conduct or activities of the national bank or any subsidiary of the national bank as the Comptroller of the Currency determines to be appropriate under the circumstances and consistent with the purposes of this section; and

“(B) the appropriate Federal banking agency may impose such limitations on the conduct or activities of any relevant insured depository institution affiliate or any subsidiary of the institution as such agency determines to be appropriate under the circumstances and consistent with the purposes of this section.

“(4) FAILURE TO CORRECT.—If the conditions described in a notice to a national bank under paragraph (1) are not corrected within 180 days after the date of receipt by the national bank of the notice, the Comptroller of the Currency may require the national bank, under such terms and conditions as may be imposed by the Comptroller and subject to such extension of time as may be granted in the discretion of the Comptroller, to divest control of any financial subsidiary. Deadline.

“(5) CONSULTATION.—In taking any action under this subsection, the Comptroller shall consult with all relevant Federal and State regulatory agencies and authorities.

“(f) FAILURE TO MAINTAIN PUBLIC RATING OR MEET APPLICABLE CRITERIA.—

“(1) IN GENERAL.—A national bank that does not continue to meet any applicable rating or other requirement of subsection (a)(2)(E) after acquiring or establishing a financial subsidiary shall not, directly or through a subsidiary, purchase or acquire any additional equity capital of any financial subsidiary until the bank meets such requirements.

“(2) EQUITY CAPITAL.—For purposes of this subsection, the term ‘equity capital’ includes, in addition to any equity instrument, any debt instrument issued by a financial subsidiary, if the instrument qualifies as capital of the subsidiary under any Federal or State law, regulation, or interpretation applicable to the subsidiary.

“(g) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) **AFFILIATE, COMPANY, CONTROL, AND SUBSIDIARY.**—The terms ‘affiliate’, ‘company’, ‘control’, and ‘subsidiary’ have the meanings given those terms in section 2 of the Bank Holding Company Act of 1956.

“(2) **APPROPRIATE FEDERAL BANKING AGENCY, DEPOSITORY INSTITUTION, INSURED BANK, AND INSURED DEPOSITORY INSTITUTION.**—The terms ‘appropriate Federal banking agency’, ‘depository institution’, ‘insured bank’, and ‘insured depository institution’ have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.

“(3) **FINANCIAL SUBSIDIARY.**—The term ‘financial subsidiary’ means any company that is controlled by 1 or more insured depository institutions other than a subsidiary that—

“(A) engages solely in activities that national banks are permitted to engage in directly and are conducted subject to the same terms and conditions that govern the conduct of such activities by national banks; or

“(B) a national bank is specifically authorized by the express terms of a Federal statute (other than this section), and not by implication or interpretation, to control, such as by section 25 or 25A of the Federal Reserve Act or the Bank Service Company Act.

“(4) **ELIGIBLE DEBT.**—The term ‘eligible debt’ means unsecured long-term debt that—

“(A) is not supported by any form of credit enhancement, including a guarantee or standby letter of credit; and

“(B) is not held in whole or in any significant part by any affiliate, officer, director, principal shareholder, or employee of the bank or any other person acting on behalf of or with funds from the bank or an affiliate of the bank.

“(5) **WELL CAPITALIZED.**—The term ‘well capitalized’ has the meaning given the term in section 38 of the Federal Deposit Insurance Act.

“(6) **WELL MANAGED.**—The term ‘well managed’ means—

“(A) in the case of a depository institution that has been examined, unless otherwise determined in writing by the appropriate Federal banking agency—

“(i) the achievement of a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under an equivalent rating system) in connection with the most recent examination or subsequent review of the depository institution; and

“(ii) at least a rating of 2 for management, if such rating is given; or

“(B) in the case of any depository institution that has not been examined, the existence and use of managerial resources that the appropriate Federal banking agency determines are satisfactory.”

(b) **SECTIONS 23A AND 23B OF THE FEDERAL RESERVE ACT.**—

(1) **LIMITING THE EXPOSURE OF A BANK TO A FINANCIAL SUBSIDIARY TO THE AMOUNT OF PERMISSIBLE EXPOSURE TO AN AFFILIATE.**—Section 23A of the Federal Reserve Act (12 U.S.C. 371c) is amended—

(A) by redesignating subsection (e) as subsection (f); and



(B) by inserting after subsection (d), the following new subsection:

“(e) RULES RELATING TO BANKS WITH FINANCIAL SUBSIDIARIES.—

“(1) FINANCIAL SUBSIDIARY DEFINED.—For purposes of this section and section 23B, the term ‘financial subsidiary’ means any company that is a subsidiary of a bank that would be a financial subsidiary of a national bank under section 5136A of the Revised Statutes of the United States.

“(2) FINANCIAL SUBSIDIARY TREATED AS AN AFFILIATE.—For purposes of applying this section and section 23B, and notwithstanding subsection (b)(2) of this section or section 23B(d)(1), a financial subsidiary of a bank—

“(A) shall be deemed to be an affiliate of the bank; and

“(B) shall not be deemed to be a subsidiary of the bank.

“(3) EXCEPTIONS FOR TRANSACTIONS WITH FINANCIAL SUBSIDIARIES.—

“(A) EXCEPTION FROM LIMIT ON COVERED TRANSACTIONS WITH ANY INDIVIDUAL FINANCIAL SUBSIDIARY.—Notwithstanding paragraph (2), the restriction contained in subsection (a)(1)(A) shall not apply with respect to covered transactions between a bank and any individual financial subsidiary of the bank.

“(B) EXCEPTION FOR EARNINGS RETAINED BY FINANCIAL SUBSIDIARIES.—Notwithstanding paragraph (2) or subsection (b)(7), a bank’s investment in a financial subsidiary of the bank shall not include retained earnings of the financial subsidiary.

“(4) ANTI-EVASION PROVISION.—For purposes of this section and section 23B—

“(A) any purchase of, or investment in, the securities of a financial subsidiary of a bank by an affiliate of the bank shall be considered to be a purchase of or investment in such securities by the bank; and

“(B) any extension of credit by an affiliate of a bank to a financial subsidiary of the bank shall be considered to be an extension of credit by the bank to the financial subsidiary if the Board determines that such treatment is necessary or appropriate to prevent evasions of this Act and the Gramm-Leach-Bliley Act.”.

(2) REBUTTABLE PRESUMPTION OF CONTROL OF PORTFOLIO COMPANY.—Section 23A(b) of the Federal Reserve Act (12 U.S.C. 371c(b)) is amended by adding at the end the following new paragraph—

“(11) REBUTTABLE PRESUMPTION OF CONTROL OF PORTFOLIO COMPANIES.—In addition to paragraph (3), a company or shareholder shall be presumed to control any other company if the company or shareholder, directly or indirectly, or acting through 1 or more other persons, owns or controls 15 percent or more of the equity capital of the other company pursuant to subparagraph (H) or (I) of section 4(k)(4) of the Bank Holding Company Act of 1956 or rules adopted under section 122 of the Gramm-Leach-Bliley Act, if any, unless the company or shareholder provides information acceptable to the Board to rebut this presumption of control.”.

(3) RULEMAKING REQUIRED CONCERNING DERIVATIVE TRANSACTIONS AND INTRADAY CREDIT.—Section 23A(f) of the Federal Reserve Act (12 U.S.C. 371c(f)) (as so redesignated by paragraph (1)(A) of this subsection) is amended by inserting at the end the following new paragraph:

“(3) RULEMAKING REQUIRED CONCERNING DERIVATIVE TRANSACTIONS AND INTRADAY CREDIT.—

Deadline.

“(A) IN GENERAL.—Not later than 18 months after the date of the enactment of the Gramm-Leach-Bliley Act, the Board shall adopt final rules under this section to address as covered transactions credit exposure arising out of derivative transactions between member banks and their affiliates and intraday extensions of credit by member banks to their affiliates.

“(B) EFFECTIVE DATE.—The effective date of any final rule adopted by the Board pursuant to subparagraph (A) shall be delayed for such period as the Board deems necessary or appropriate to permit banks to conform their activities to the requirements of the final rule without undue hardship.”.

(c) ANTITYPING.—Section 106(a) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1971) is amended by adding at the end the following: “For purposes of this section, a financial subsidiary of a national bank engaging in activities pursuant to section 5136A(a) of the Revised Statutes of the United States shall be deemed to be a subsidiary of a bank holding company, and not a subsidiary of a bank.”.

(d) SAFETY AND SOUNDNESS FIREWALLS FOR STATE BANKS WITH FINANCIAL SUBSIDIARIES.—

(1) FEDERAL DEPOSIT INSURANCE ACT.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 45 (as added by section 112(b) of this title) the following new section:

12 USC 1831w.

**“SEC. 46. SAFETY AND SOUNDNESS FIREWALLS APPLICABLE TO FINANCIAL SUBSIDIARIES OF BANKS.**

“(a) IN GENERAL.—An insured State bank may control or hold an interest in a subsidiary that engages in activities as principal that would only be permissible for a national bank to conduct through a financial subsidiary if—

“(1) the State bank and each insured depository institution affiliate of the State bank are well capitalized (after the capital deduction required by paragraph (2));

“(2) the State bank complies with the capital deduction and financial statement disclosure requirements in section 5136A(c) of the Revised Statutes of the United States;

“(3) the State bank complies with the financial and operational safeguards required by section 5136A(d) of the Revised Statutes of the United States; and

“(4) the State bank complies with the amendments to sections 23A and 23B of the Federal Reserve Act made by section 121(b) of the Gramm-Leach-Bliley Act.

“(b) PRESERVATION OF EXISTING SUBSIDIARIES.—Notwithstanding subsection (a), an insured State bank may retain control of a subsidiary, or retain an interest in a subsidiary, that the State bank lawfully controlled or acquired before the date of the enactment of the Gramm-Leach-Bliley Act, and conduct through

such subsidiary any activities lawfully conducted in such subsidiary as of such date.

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) SUBSIDIARY.—The term ‘subsidiary’ means any company that is a subsidiary (as defined in section 3(w)(4)) of 1 or more insured banks.

“(2) FINANCIAL SUBSIDIARY.—The term ‘financial subsidiary’ has the meaning given the term in section 5136A(g) of the Revised Statutes of the United States.

“(d) PRESERVATION OF AUTHORITY.—

“(1) FEDERAL DEPOSIT INSURANCE ACT.—No provision of this section shall be construed as superseding the authority of the Federal Deposit Insurance Corporation to review subsidiary activities under section 24.

“(2) FEDERAL RESERVE ACT.—No provision of this section shall be construed as affecting the applicability of the 20th undesignated paragraph of section 9 of the Federal Reserve Act.”.

(2) FEDERAL RESERVE ACT.—The 20th undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 335) is amended by adding at the end the following: “This paragraph shall not apply to any interest held by a State member bank in accordance with section 5136A of the Revised Statutes of the United States and subject to the same conditions and limitations provided in such section.”.

(e) CLERICAL AMENDMENT.—The table of sections for chapter one of title LXII of the Revised Statutes of the United States is amended—

(1) by redesignating the item relating to section 5136A as section 5136B; and

(2) by inserting after the item relating to section 5136 the following new item:

“5136A. Financial subsidiaries of national banks.”.

**SEC. 122. CONSIDERATION OF MERCHANT BANKING ACTIVITIES BY FINANCIAL SUBSIDIARIES.**

12 USC 1843  
note.

After the end of the 5-year period beginning on the date of the enactment of the Gramm-Leach-Bliley Act, the Board of Governors of the Federal Reserve System and the Secretary of the Treasury may, if appropriate, after considering—

(1) the experience with the effects of financial modernization under this Act and merchant banking activities of financial holding companies;

(2) the potential effects on depository institutions and the financial system of allowing merchant banking activities in financial subsidiaries; and

(3) other relevant facts;

jointly adopt rules that permit financial subsidiaries to engage in merchant banking activities described in section 4(k)(4)(H) of the Bank Holding Company Act of 1956, under such terms and conditions as the Board of Governors of the Federal Reserve System and the Secretary of the Treasury jointly determine to be appropriate.

## Subtitle D—Preservation of FTC Authority

### SEC. 131. AMENDMENT TO THE BANK HOLDING COMPANY ACT OF 1956 TO MODIFY NOTIFICATION AND POST-APPROVAL WAITING PERIOD FOR SECTION 3 TRANSACTIONS.

Section 11(b)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1849(b)(1)) is amended by inserting “and, if the transaction also involves an acquisition under section 4, the Board shall also notify the Federal Trade Commission of such approval” before the period at the end of the first sentence.

12 USC 1828b.

### SEC. 132. INTERAGENCY DATA SHARING.

(a) IN GENERAL.—To the extent not prohibited by other law, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the Board of Governors of the Federal Reserve System shall make available to the Attorney General and the Federal Trade Commission any data in the possession of any such banking agency that the antitrust agency deems necessary for antitrust review of any transaction requiring notice to any such antitrust agency or the approval of such agency under section 3 or 4 of the Bank Holding Company Act of 1956, section 18(c) of the Federal Deposit Insurance Act, the National Bank Consolidation and Merger Act, section 10 of the Home Owners’ Loan Act, or the antitrust laws.

(b) CONFIDENTIALITY REQUIREMENTS.—

(1) IN GENERAL.—Any information or material obtained by any agency pursuant to subsection (a) shall be treated as confidential.

(2) PROCEDURES FOR DISCLOSURE.—If any information or material obtained by any agency pursuant to subsection (a) is proposed to be disclosed to a third party, written notice of such disclosure shall first be provided to the agency from which such information or material was obtained and an opportunity shall be given to such agency to oppose or limit the proposed disclosure.

(3) OTHER PRIVILEGES NOT WAIVED BY DISCLOSURE UNDER THIS SECTION.—The provision by any Federal agency of any information or material pursuant to subsection (a) to another agency shall not constitute a waiver, or otherwise affect, any privilege any agency or person may claim with respect to such information under Federal or State law.

(4) EXCEPTION.—No provision of this section shall be construed as preventing or limiting access to any information by any duly authorized committee of the Congress or the Comptroller General of the United States.

Applicability.

(c) BANKING AGENCY INFORMATION SHARING.—The provisions of subsection (b) shall apply to—

(1) any information or material obtained by any Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act) from any other Federal banking agency; and

(2) any report of examination or other confidential supervisory information obtained by any State agency or authority, or any other person, from a Federal banking agency.

**SEC. 133. CLARIFICATION OF STATUS OF SUBSIDIARIES AND AFFILIATES.**

(a) **CLARIFICATION OF FEDERAL TRADE COMMISSION JURISDICTION.**—Any person that directly or indirectly controls, is controlled directly or indirectly by, or is directly or indirectly under common control with, any bank or savings association (as such terms are defined in section 3 of the Federal Deposit Insurance Act) and is not itself a bank or savings association shall not be deemed to be a bank or savings association for purposes of any provisions applied by the Federal Trade Commission under the Federal Trade Commission Act. 15 USC 41 note.

(b) **SAVINGS PROVISION.**—No provision of this section shall be construed as restricting the authority of any Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act) under any Federal banking law, including section 8 of the Federal Deposit Insurance Act. 15 USC 41 note.

(c) **HART-SCOTT-RODINO AMENDMENTS.**—

(1) **BANKS.**—Section 7A(c)(7) of the Clayton Act (15 U.S.C. 18a(c)(7)) is amended by inserting before the semicolon at the end the following: “, except that a portion of a transaction is not exempt under this paragraph if such portion of the transaction (A) is subject to section 4(k) of the Bank Holding Company Act of 1956; and (B) does not require agency approval under section 3 of the Bank Holding Company Act of 1956”.

(2) **BANK HOLDING COMPANIES.**—Section 7A(c)(8) of the Clayton Act (15 U.S.C. 18a(c)(8)) is amended by inserting before the semicolon at the end the following: “, except that a portion of a transaction is not exempt under this paragraph if such portion of the transaction (A) is subject to section 4(k) of the Bank Holding Company Act of 1956; and (B) does not require agency approval under section 4 of the Bank Holding Company Act of 1956”.

## **Subtitle E—National Treatment**

**SEC. 141. FOREIGN BANKS THAT ARE FINANCIAL HOLDING COMPANIES.**

Section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)) is amended by adding at the end the following new paragraph:

“(3) **TERMINATION OF GRANDFATHERED RIGHTS.**—

“(A) **IN GENERAL.**—If any foreign bank or foreign company files a declaration under section 4(l)(1)(C) of the Bank Holding Company Act of 1956, any authority conferred by this subsection on any foreign bank or company to engage in any activity that the Board has determined to be permissible for financial holding companies under section 4(k) of such Act shall terminate immediately.

“(B) **RESTRICTIONS AND REQUIREMENTS AUTHORIZED.**—If a foreign bank or company that engages, directly or through an affiliate pursuant to paragraph (1), in an activity that the Board has determined to be permissible for financial holding companies under section 4(k) of the Bank Holding Company Act of 1956 has not filed a declaration with the Board of its status as a financial holding company under such section by the end of the 2-year period

beginning on the date of the enactment of the Gramm-Leach-Bliley Act, the Board, giving due regard to the principle of national treatment and equality of competitive opportunity, may impose such restrictions and requirements on the conduct of such activities by such foreign bank or company as are comparable to those imposed on a financial holding company organized under the laws of the United States, including a requirement to conduct such activities in compliance with any prudential safeguards established under section 114 of the Gramm-Leach-Bliley Act.”.

**SEC. 142. REPRESENTATIVE OFFICES.**

(a) **DEFINITION.**—Section 1(b)(15) of the International Banking Act of 1978 (12 U.S.C. 3101(15)) is amended by striking “State agency, or subsidiary of a foreign bank” and inserting “or State agency”.

(b) **EXAMINATIONS.**—Section 10(c) of the International Banking Act of 1978 (12 U.S.C. 3107(c)) is amended by adding at the end the following new sentence: “The Board may also make examinations of any affiliate of a foreign bank conducting business in any State if the Board deems it necessary to determine and enforce compliance with this Act, the Bank Holding Company Act of 1956, or other applicable Federal banking law.”.

## **Subtitle F—Direct Activities of Banks**

**SEC. 151. AUTHORITY OF NATIONAL BANKS TO UNDERWRITE CERTAIN MUNICIPAL BONDS.**

The paragraph designated the Seventh of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24(7)) is amended by adding at the end the following new sentence: “In addition to the provisions in this paragraph for dealing in, underwriting, or purchasing securities, the limitations and restrictions contained in this paragraph as to dealing in, underwriting, and purchasing investment securities for the national bank’s own account shall not apply to obligations (including limited obligation bonds, revenue bonds, and obligations that satisfy the requirements of section 142(b)(1) of the Internal Revenue Code of 1986) issued by or on behalf of any State or political subdivision of a State, including any municipal corporate instrumentality of 1 or more States, or any public agency or authority of any State or political subdivision of a State, if the national bank is well capitalized (as defined in section 38 of the Federal Deposit Insurance Act).”.

## **Subtitle G—Effective Date**

12 USC 24 note.

**SEC. 161. EFFECTIVE DATE.**

This title (other than section 104) and the amendments made by this title shall take effect 120 days after the date of the enactment of this Act.

## TITLE II—FUNCTIONAL REGULATION

### Subtitle A—Brokers and Dealers

#### SEC. 201. DEFINITION OF BROKER.

Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended to read as follows:

“(4) BROKER.—

“(A) IN GENERAL.—The term ‘broker’ means any person engaged in the business of effecting transactions in securities for the account of others.

“(B) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a broker because the bank engages in any one or more of the following activities under the conditions described:

“(i) THIRD PARTY BROKERAGE ARRANGEMENTS.—The bank enters into a contractual or other written arrangement with a broker or dealer registered under this title under which the broker or dealer offers brokerage services on or off the premises of the bank if—

“(I) such broker or dealer is clearly identified as the person performing the brokerage services;

“(II) the broker or dealer performs brokerage services in an area that is clearly marked and, to the extent practicable, physically separate from the routine deposit-taking activities of the bank;

“(III) any materials used by the bank to advertise or promote generally the availability of brokerage services under the arrangement clearly indicate that the brokerage services are being provided by the broker or dealer and not by the bank;

“(IV) any materials used by the bank to advertise or promote generally the availability of brokerage services under the arrangement are in compliance with the Federal securities laws before distribution;

“(V) bank employees (other than associated persons of a broker or dealer who are qualified pursuant to the rules of a self-regulatory organization) perform only clerical or ministerial functions in connection with brokerage transactions including scheduling appointments with the associated persons of a broker or dealer, except that bank employees may forward customer funds or securities and may describe in general terms the types of investment vehicles available from the bank and the broker or dealer under the arrangement;

“(VI) bank employees do not receive incentive compensation for any brokerage transaction unless such employees are associated persons of a broker or dealer and are qualified pursuant to the rules of a self-regulatory organization, except that the bank employees may receive compensation for the referral of any customer if the compensation is

a nominal one-time cash fee of a fixed dollar amount and the payment of the fee is not contingent on whether the referral results in a transaction;

“(VII) such services are provided by the broker or dealer on a basis in which all customers that receive any services are fully disclosed to the broker or dealer;

“(VIII) the bank does not carry a securities account of the customer except as permitted under clause (ii) or (viii) of this subparagraph; and

“(IX) the bank, broker, or dealer informs each customer that the brokerage services are provided by the broker or dealer and not by the bank and that the securities are not deposits or other obligations of the bank, are not guaranteed by the bank, and are not insured by the Federal Deposit Insurance Corporation.

“(ii) TRUST ACTIVITIES.—The bank effects transactions in a trustee capacity, or effects transactions in a fiduciary capacity in its trust department or other department that is regularly examined by bank examiners for compliance with fiduciary principles and standards, and—

“(I) is chiefly compensated for such transactions, consistent with fiduciary principles and standards, on the basis of an administration or annual fee (payable on a monthly, quarterly, or other basis), a percentage of assets under management, or a flat or capped per order processing fee equal to not more than the cost incurred by the bank in connection with executing securities transactions for trustee and fiduciary customers, or any combination of such fees; and

“(II) does not publicly solicit brokerage business, other than by advertising that it effects transactions in securities in conjunction with advertising its other trust activities.

“(iii) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank effects transactions in—

“(I) commercial paper, bankers acceptances, or commercial bills;

“(II) exempted securities;

“(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

“(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

“(iv) CERTAIN STOCK PURCHASE PLANS.—

“(I) EMPLOYEE BENEFIT PLANS.—The bank effects transactions, as part of its transfer agency



activities, in the securities of an issuer as part of any pension, retirement, profit-sharing, bonus, thrift, savings, incentive, or other similar benefit plan for the employees of that issuer or its affiliates (as defined in section 2 of the Bank Holding Company Act of 1956), if the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan.

“(II) DIVIDEND REINVESTMENT PLANS.—The bank effects transactions, as part of its transfer agency activities, in the securities of an issuer as part of that issuer’s dividend reinvestment plan, if—

“(aa) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan; and

“(bb) the bank does not net shareholders’ buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission.

“(III) ISSUER PLANS.—The bank effects transactions, as part of its transfer agency activities, in the securities of an issuer as part of a plan or program for the purchase or sale of that issuer’s shares, if—

“(aa) the bank does not solicit transactions or provide investment advice with respect to the purchase or sale of securities in connection with the plan or program; and

“(bb) the bank does not net shareholders’ buy and sell orders, other than for programs for odd-lot holders or plans registered with the Commission.

“(IV) PERMISSIBLE DELIVERY OF MATERIALS.—The exception to being considered a broker for a bank engaged in activities described in subclauses (I), (II), and (III) will not be affected by delivery of written or electronic plan materials by a bank to employees of the issuer, shareholders of the issuer, or members of affinity groups of the issuer, so long as such materials are—

“(aa) comparable in scope or nature to that permitted by the Commission as of the date of the enactment of the Gramm-Leach-Bliley Act; or

“(bb) otherwise permitted by the Commission.

“(v) SWEEP ACCOUNTS.—The bank effects transactions as part of a program for the investment or reinvestment of deposit funds into any no-load, open-end management investment company registered under the Investment Company Act of 1940 that holds itself out as a money market fund.

“(vi) AFFILIATE TRANSACTIONS.—The bank effects transactions for the account of any affiliate of the

bank (as defined in section 2 of the Bank Holding Company Act of 1956) other than—

“(I) a registered broker or dealer; or

“(II) an affiliate that is engaged in merchant banking, as described in section 4(k)(4)(H) of the Bank Holding Company Act of 1956.

“(vii) PRIVATE SECURITIES OFFERINGS.—The bank—

“(I) effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 or the rules and regulations issued thereunder;

“(II) at any time after the date that is 1 year after the date of the enactment of the Gramm-Leach-Bliley Act, is not affiliated with a broker or dealer that has been registered for more than 1 year in accordance with this Act, and engages in dealing, market making, or underwriting activities, other than with respect to exempted securities; and

“(III) if the bank is not affiliated with a broker or dealer, does not effect any primary offering described in subclause (I) the aggregate amount of which exceeds 25 percent of the capital of the bank, except that the limitation of this subclause shall not apply with respect to any sale of government securities or municipal securities.

“(viii) SAFEKEEPING AND CUSTODY ACTIVITIES.—

“(I) IN GENERAL.—The bank, as part of customary banking activities—

“(aa) provides safekeeping or custody services with respect to securities, including the exercise of warrants and other rights on behalf of customers;

“(bb) facilitates the transfer of funds or securities, as a custodian or a clearing agency, in connection with the clearance and settlement of its customers’ transactions in securities;

“(cc) effects securities lending or borrowing transactions with or on behalf of customers as part of services provided to customers pursuant to division (aa) or (bb) or invests cash collateral pledged in connection with such transactions;

“(dd) holds securities pledged by a customer to another person or securities subject to purchase or resale agreements involving a customer, or facilitates the pledging or transfer of such securities by book entry or as otherwise provided under applicable law, if the bank maintains records separately identifying the securities and the customer; or

“(ee) serves as a custodian or provider of other related administrative services to any

individual retirement account, pension, retirement, profit sharing, bonus, thrift savings, incentive, or other similar benefit plan.

“(II) EXCEPTION FOR CARRYING BROKER ACTIVITIES.—The exception to being considered a broker for a bank engaged in activities described in subclause (I) shall not apply if the bank, in connection with such activities, acts in the United States as a carrying broker (as such term, and different formulations thereof, are used in section 15(c)(3) of this title and the rules and regulations thereunder) for any broker or dealer, unless such carrying broker activities are engaged in with respect to government securities (as defined in paragraph (42) of this subsection).

“(ix) IDENTIFIED BANKING PRODUCTS.—The bank effects transactions in identified banking products as defined in section 206 of the Gramm-Leach-Bliley Act.

“(x) MUNICIPAL SECURITIES.—The bank effects transactions in municipal securities.

“(xi) DE MINIMIS EXCEPTION.—The bank effects, other than in transactions referred to in clauses (i) through (x), not more than 500 transactions in securities in any calendar year, and such transactions are not effected by an employee of the bank who is also an employee of a broker or dealer.

“(C) EXECUTION BY BROKER OR DEALER.—The exception to being considered a broker for a bank engaged in activities described in clauses (ii), (iv), and (viii) of subparagraph (B) shall not apply if the activities described in such provisions result in the trade in the United States of any security that is a publicly traded security in the United States, unless—

“(i) the bank directs such trade to a registered broker or dealer for execution;

“(ii) the trade is a cross trade or other substantially similar trade of a security that—

“(I) is made by the bank or between the bank and an affiliated fiduciary; and

“(II) is not in contravention of fiduciary principles established under applicable Federal or State law; or

“(iii) the trade is conducted in some other manner permitted under rules, regulations, or orders as the Commission may prescribe or issue.

“(D) FIDUCIARY CAPACITY.—For purposes of subparagraph (B)(ii), the term ‘fiduciary capacity’ means—

“(i) in the capacity as trustee, executor, administrator, registrar of stocks and bonds, transfer agent, guardian, assignee, receiver, or custodian under a uniform gift to minor act, or as an investment adviser if the bank receives a fee for its investment advice;

“(ii) in any capacity in which the bank possesses investment discretion on behalf of another; or

“(iii) in any other similar capacity.

“(E) EXCEPTION FOR ENTITIES SUBJECT TO SECTION 15(e).—The term ‘broker’ does not include a bank that—

“(i) was, on the day before the date of enactment of the Gramm-Leach-Bliley Act, subject to section 15(e); and

“(ii) is subject to such restrictions and requirements as the Commission considers appropriate.”.

**SEC. 202. DEFINITION OF DEALER.**

Section 3(a)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(5)) is amended to read as follows:

“(5) DEALER.—

“(A) IN GENERAL.—The term ‘dealer’ means any person engaged in the business of buying and selling securities for such person’s own account through a broker or otherwise.

“(B) EXCEPTION FOR PERSON NOT ENGAGED IN THE BUSINESS OF DEALING.—The term ‘dealer’ does not include a person that buys or sells securities for such person’s own account, either individually or in a fiduciary capacity, but not as a part of a regular business.

“(C) EXCEPTION FOR CERTAIN BANK ACTIVITIES.—A bank shall not be considered to be a dealer because the bank engages in any of the following activities under the conditions described:

“(i) PERMISSIBLE SECURITIES TRANSACTIONS.—The bank buys or sells—

“(I) commercial paper, bankers acceptances, or commercial bills;

“(II) exempted securities;

“(III) qualified Canadian government obligations as defined in section 5136 of the Revised Statutes of the United States, in conformity with section 15C of this title and the rules and regulations thereunder, or obligations of the North American Development Bank; or

“(IV) any standardized, credit enhanced debt security issued by a foreign government pursuant to the March 1989 plan of then Secretary of the Treasury Brady, used by such foreign government to retire outstanding commercial bank loans.

“(ii) INVESTMENT, TRUSTEE, AND FIDUCIARY TRANSACTIONS.—The bank buys or sells securities for investment purposes—

“(I) for the bank; or

“(II) for accounts for which the bank acts as a trustee or fiduciary.

“(iii) ASSET-BACKED TRANSACTIONS.—The bank engages in the issuance or sale to qualified investors, through a grantor trust or other separate entity, of securities backed by or representing an interest in notes, drafts, acceptances, loans, leases, receivables, other obligations (other than securities of which the bank is not the issuer), or pools of any such obligations predominantly originated by—

“(I) the bank;

“(II) an affiliate of any such bank other than a broker or dealer; or

“(III) a syndicate of banks of which the bank is a member, if the obligations or pool of obligations consists of mortgage obligations or consumer-related receivables.

“(iv) IDENTIFIED BANKING PRODUCTS.—The bank buys or sells identified banking products, as defined in section 206 of the Gramm-Leach-Bliley Act.”.

**SEC. 203. REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.**

Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by inserting after subsection (i) the following new subsection:

“(j) REGISTRATION FOR SALES OF PRIVATE SECURITIES OFFERINGS.—A registered securities association shall create a limited qualification category for any associated person of a member who effects sales as part of a primary offering of securities not involving a public offering, pursuant to section 3(b), 4(2), or 4(6) of the Securities Act of 1933 and the rules and regulations thereunder, and shall deem qualified in such limited qualification category, without testing, any bank employee who, in the six month period preceding the date of the enactment of the Gramm-Leach-Bliley Act, engaged in effecting such sales.”.

**SEC. 204. INFORMATION SHARING.**

Section 18 of the Federal Deposit Insurance Act is amended by adding at the end the following new subsection: 12 USC 1828.

“(t) RECORDKEEPING REQUIREMENTS.—

“(1) REQUIREMENTS.—Each appropriate Federal banking agency, after consultation with and consideration of the views of the Commission, shall establish recordkeeping requirements for banks relying on exceptions contained in paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934. Such recordkeeping requirements shall be sufficient to demonstrate compliance with the terms of such exceptions and be designed to facilitate compliance with such exceptions.

“(2) AVAILABILITY TO COMMISSION; CONFIDENTIALITY.—Each appropriate Federal banking agency shall make any information required under paragraph (1) available to the Commission upon request. Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any such information. Nothing in this paragraph shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

“(3) DEFINITION.—As used in this subsection the term ‘Commission’ means the Securities and Exchange Commission.”.

**SEC. 205. TREATMENT OF NEW HYBRID PRODUCTS.**

Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

“(i) RULEMAKING TO EXTEND REQUIREMENTS TO NEW HYBRID PRODUCTS.—

“(1) CONSULTATION.—Prior to commencing a rulemaking under this subsection, the Commission shall consult with and seek the concurrence of the Board concerning the imposition of broker or dealer registration requirements with respect to any new hybrid product. In developing and promulgating rules under this subsection, the Commission shall consider the views of the Board, including views with respect to the nature of the new hybrid product; the history, purpose, extent, and appropriateness of the regulation of the new product under the Federal banking laws; and the impact of the proposed rule on the banking industry.

“(2) LIMITATION.—The Commission shall not—

“(A) require a bank to register as a broker or dealer under this section because the bank engages in any transaction in, or buys or sells, a new hybrid product; or

“(B) bring an action against a bank for a failure to comply with a requirement described in subparagraph (A), unless the Commission has imposed such requirement by rule or regulation issued in accordance with this section.

“(3) CRITERIA FOR RULEMAKING.—The Commission shall not impose a requirement under paragraph (2) of this subsection with respect to any new hybrid product unless the Commission determines that—

“(A) the new hybrid product is a security; and

“(B) imposing such requirement is necessary and appropriate in the public interest and for the protection of investors.

“(4) CONSIDERATIONS.—In making a determination under paragraph (3), the Commission shall consider—

“(A) the nature of the new hybrid product; and

“(B) the history, purpose, extent, and appropriateness of the regulation of the new hybrid product under the Federal securities laws and under the Federal banking laws.

“(5) OBJECTION TO COMMISSION REGULATION.—

“(A) FILING OF PETITION FOR REVIEW.—The Board may obtain review of any final regulation described in paragraph (2) in the United States Court of Appeals for the District of Columbia Circuit by filing in such court, not later than 60 days after the date of publication of the final regulation, a written petition requesting that the regulation be set aside. Any proceeding to challenge any such rule shall be expedited by the Court of Appeals.

“(B) TRANSMITTAL OF PETITION AND RECORD.—A copy of a petition described in subparagraph (A) shall be transmitted as soon as possible by the Clerk of the Court to an officer or employee of the Commission designated for that purpose. Upon receipt of the petition, the Commission shall file with the court the regulation under review and any documents referred to therein, and any other relevant materials prescribed by the court.

“(C) EXCLUSIVE JURISDICTION.—On the date of the filing of the petition under subparagraph (A), the court has jurisdiction, which becomes exclusive on the filing of

the materials set forth in subparagraph (B), to affirm and enforce or to set aside the regulation at issue.

“(D) STANDARD OF REVIEW.—The court shall determine to affirm and enforce or set aside a regulation of the Commission under this subsection, based on the determination of the court as to whether—

“(i) the subject product is a new hybrid product, as defined in this subsection;

“(ii) the subject product is a security; and

“(iii) imposing a requirement to register as a broker or dealer for banks engaging in transactions in such product is appropriate in light of the history, purpose, and extent of regulation under the Federal securities laws and under the Federal banking laws, giving deference neither to the views of the Commission nor the Board.

“(E) JUDICIAL STAY.—The filing of a petition by the Board pursuant to subparagraph (A) shall operate as a judicial stay, until the date on which the determination of the court is final (including any appeal of such determination).

“(F) OTHER AUTHORITY TO CHALLENGE.—Any aggrieved party may seek judicial review of the Commission’s rule-making under this subsection pursuant to section 25 of this title.

“(6) DEFINITIONS.—For purposes of this subsection:

“(A) NEW HYBRID PRODUCT.—The term ‘new hybrid product’ means a product that—

“(i) was not subjected to regulation by the Commission as a security prior to the date of the enactment of the Gramm-Leach-Bliley Act;

“(ii) is not an identified banking product as such term is defined in section 206 of such Act; and

“(iii) is not an equity swap within the meaning of section 206(a)(6) of such Act.

“(B) BOARD.—The term ‘Board’ means the Board of Governors of the Federal Reserve System.”.

#### **SEC. 206. DEFINITION OF IDENTIFIED BANKING PRODUCT.**

15 USC 78c note.

(a) DEFINITION OF IDENTIFIED BANKING PRODUCT.—For purposes of paragraphs (4) and (5) of section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a) (4), (5)), the term “identified banking product” means—

(1) a deposit account, savings account, certificate of deposit, or other deposit instrument issued by a bank;

(2) a banker’s acceptance;

(3) a letter of credit issued or loan made by a bank;

(4) a debit account at a bank arising from a credit card or similar arrangement;

(5) a participation in a loan which the bank or an affiliate of the bank (other than a broker or dealer) funds, participates in, or owns that is sold—

(A) to qualified investors; or

(B) to other persons that—

(i) have the opportunity to review and assess any material information, including information regarding the borrower’s creditworthiness; and

(ii) based on such factors as financial sophistication, net worth, and knowledge and experience in financial matters, have the capability to evaluate the information available, as determined under generally applicable banking standards or guidelines; or

(6) any swap agreement, including credit and equity swaps, except that an equity swap that is sold directly to any person other than a qualified investor (as defined in section 3(a)(54) of the Securities Act of 1934) shall not be treated as an identified banking product.

(b) **DEFINITION OF SWAP AGREEMENT.**—For purposes of subsection (a)(6), the term “swap agreement” means any individually negotiated contract, agreement, warrant, note, or option that is based, in whole or in part, on the value of, any interest in, or any quantitative measure or the occurrence of any event relating to, one or more commodities, securities, currencies, interest or other rates, indices, or other assets, but does not include any other identified banking product, as defined in paragraphs (1) through (5) of subsection (a).

(c) **CLASSIFICATION LIMITED.**—Classification of a particular product as an identified banking product pursuant to this section shall not be construed as finding or implying that such product is or is not a security for any purpose under the securities laws, or is or is not an account, agreement, contract, or transaction for any purpose under the Commodity Exchange Act.

(d) **INCORPORATED DEFINITIONS.**—For purposes of this section, the terms “bank” and “qualified investor” have the same meanings as given in section 3(a) of the Securities Exchange Act of 1934, as amended by this Act.

#### **SEC. 207. ADDITIONAL DEFINITIONS.**

15 USC 78c.

Section 3(a) of the Securities Exchange Act of 1934 is amended by adding at the end the following new paragraph:

“(54) **QUALIFIED INVESTOR.**—

“(A) **DEFINITION.**—Except as provided in subparagraph (B), for purposes of this title, the term ‘qualified investor’ means—

“(i) any investment company registered with the Commission under section 8 of the Investment Company Act of 1940;

“(ii) any issuer eligible for an exclusion from the definition of investment company pursuant to section 3(c)(7) of the Investment Company Act of 1940;

“(iii) any bank (as defined in paragraph (6) of this subsection), savings association (as defined in section 3(b) of the Federal Deposit Insurance Act), broker, dealer, insurance company (as defined in section 2(a)(13) of the Securities Act of 1933), or business development company (as defined in section 2(a)(48) of the Investment Company Act of 1940);

“(iv) any small business investment company licensed by the United States Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958;

“(v) any State sponsored employee benefit plan, or any other employee benefit plan, within the meaning of the Employee Retirement Income Security Act of



1974, other than an individual retirement account, if the investment decisions are made by a plan fiduciary, as defined in section 3(21) of that Act, which is either a bank, savings and loan association, insurance company, or registered investment adviser;

“(vi) any trust whose purchases of securities are directed by a person described in clauses (i) through (v) of this subparagraph;

“(vii) any market intermediary exempt under section 3(c)(2) of the Investment Company Act of 1940;

“(viii) any associated person of a broker or dealer other than a natural person;

“(ix) any foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978);

“(x) the government of any foreign country;

“(xi) any corporation, company, or partnership that owns and invests on a discretionary basis, not less than \$25,000,000 in investments;

“(xii) any natural person who owns and invests on a discretionary basis, not less than \$25,000,000 in investments;

“(xiii) any government or political subdivision, agency, or instrumentality of a government who owns and invests on a discretionary basis not less than \$50,000,000 in investments; or

“(xiv) any multinational or supranational entity or any agency or instrumentality thereof.

“(B) ALTERED THRESHOLDS FOR ASSET-BACKED SECURITIES AND LOAN PARTICIPATIONS.—For purposes of section 3(a)(5)(C)(iii) of this title and section 206(a)(5) of the Gramm-Leach-Bliley Act, the term ‘qualified investor’ has the meaning given such term by subparagraph (A) of this paragraph except that clauses (xi) and (xii) shall be applied by substituting ‘\$10,000,000’ for ‘\$25,000,000’.

“(C) ADDITIONAL AUTHORITY.—The Commission may, by rule or order, define a ‘qualified investor’ as any other person, taking into consideration such factors as the financial sophistication of the person, net worth, and knowledge and experience in financial matters.”.

#### SEC. 208. GOVERNMENT SECURITIES DEFINED.

Section 3(a)(42) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(42)) is amended—

(1) by striking “or” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(E) for purposes of sections 15, 15C, and 17A as applied to a bank, a qualified Canadian government obligation as defined in section 5136 of the Revised Statutes of the United States.”.

#### SEC. 209. EFFECTIVE DATE.

This subtitle shall take effect at the end of the 18-month period beginning on the date of the enactment of this Act.

12 USC 1828  
note.

12 USC 1811  
note.

**SEC. 210. RULE OF CONSTRUCTION.**

Nothing in this Act shall supersede, affect, or otherwise limit the scope and applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

## **Subtitle B—Bank Investment Company Activities**

**SEC. 211. CUSTODY OF INVESTMENT COMPANY ASSETS BY AFFILIATED BANK.**

(a) **MANAGEMENT COMPANIES.**—Section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking “(f) Every registered” and inserting the following:

“(f) **CUSTODY OF SECURITIES.**—

“(1) Every registered”;

(3) by redesignating the second, third, fourth, and fifth sentences of such subsection as paragraphs (2) through (5), respectively, and indenting the left margin of such paragraphs appropriately; and

(4) by adding at the end the following new paragraph:

“(6) The Commission may, after consultation with and taking into consideration the views of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person, promoter, organizer, or sponsor of, or principal underwriter for, a registered management company may serve as custodian of that registered management company.”.

(b) **UNIT INVESTMENT TRUSTS.**—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended—

(1) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(2) by inserting after subsection (a) the following new subsection:

“(b) The Commission may, after consultation with and taking into consideration the views of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the conditions under which a bank, or an affiliated person of a bank, either of which is an affiliated person of a principal underwriter for, or depositor of, a registered unit investment trust, may serve as trustee or custodian under subsection (a)(1).”.

**SEC. 212. LENDING TO AN AFFILIATED INVESTMENT COMPANY.**

Section 17(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(a)) is amended—

(1) by striking “or” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(4) to loan money or other property to such registered company, or to any company controlled by such registered company, in contravention of such rules, regulations, or orders as the Commission may, after consultation with and taking into consideration the views of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), prescribe or issue consistent with the protection of investors.”.

**SEC. 213. INDEPENDENT DIRECTORS.**

(a) **IN GENERAL.**—Section 2(a)(19)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)(A)) is amended—

(1) by striking clause (v) and inserting the following new clause:

“(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

“(I) the investment company;

“(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services; or

“(III) any account over which the investment company’s investment adviser has brokerage placement discretion,”;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

“(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

“(I) the investment company;

“(II) any other investment company having the same investment adviser as such investment company or holding itself out to investors as a related company for purposes of investment or investor services; or

“(III) any account for which the investment company’s investment adviser has borrowing authority,”.

(b) **CONFORMING AMENDMENT.**—Section 2(a)(19)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)(B)) is amended—

(1) by striking clause (v) and inserting the following new clause:

“(v) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has executed

any portfolio transactions for, engaged in any principal transactions with, or distributed shares for—

“(I) any investment company for which the investment adviser or principal underwriter serves as such;

“(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such; or

“(III) any account over which the investment adviser has brokerage placement discretion,”;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

“(vi) any person or any affiliated person of a person (other than a registered investment company) that, at any time during the 6-month period preceding the date of the determination of whether that person or affiliated person is an interested person, has loaned money or other property to—

“(I) any investment company for which the investment adviser or principal underwriter serves as such;

“(II) any investment company holding itself out to investors, for purposes of investment or investor services, as a company related to any investment company for which the investment adviser or principal underwriter serves as such; or

“(III) any account for which the investment adviser has borrowing authority.”.

(c) **AFFILIATION OF DIRECTORS.**—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(c)) is amended by striking “bank, except” and inserting “bank (together with its affiliates and subsidiaries) or any one bank holding company (together with its affiliates and subsidiaries) (as such terms are defined in section 2 of the Bank Holding Company Act of 1956), except”.

#### **SEC. 214. ADDITIONAL SEC DISCLOSURE AUTHORITY.**

Section 35(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-34(a)) is amended to read as follows:

“(a) **MISREPRESENTATION OF GUARANTEES.**—

“(1) **IN GENERAL.**—It shall be unlawful for any person, issuing or selling any security of which a registered investment company is the issuer, to represent or imply in any manner whatsoever that such security or company—

“(A) has been guaranteed, sponsored, recommended, or approved by the United States, or any agency, instrumentality or officer of the United States;

“(B) has been insured by the Federal Deposit Insurance Corporation; or

“(C) is guaranteed by or is otherwise an obligation of any bank or insured depository institution.

“(2) **DISCLOSURES.**—Any person issuing or selling the securities of a registered investment company that is advised by, or sold through, a bank shall prominently disclose that an

investment in the company is not insured by the Federal Deposit Insurance Corporation or any other government agency. The Commission may, after consultation with and taking into consideration the views of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), adopt rules and regulations, and issue orders, consistent with the protection of investors, prescribing the manner in which the disclosure under this paragraph shall be provided.

“(3) DEFINITIONS.—The terms ‘insured depository institution’ and ‘appropriate Federal banking agency’ have the same meanings as given in section 3 of the Federal Deposit Insurance Act.”.

**SEC. 215. DEFINITION OF BROKER UNDER THE INVESTMENT COMPANY ACT OF 1940.**

Section 2(a)(6) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(6)) is amended to read as follows:

“(6) The term ‘broker’ has the same meaning as given in section 3 of the Securities Exchange Act of 1934, except that such term does not include any person solely by reason of the fact that such person is an underwriter for one or more investment companies.”.

**SEC. 216. DEFINITION OF DEALER UNDER THE INVESTMENT COMPANY ACT OF 1940.**

Section 2(a)(11) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(11)) is amended to read as follows:

“(11) The term ‘dealer’ has the same meaning as given in the Securities Exchange Act of 1934, but does not include an insurance company or investment company.”.

**SEC. 217. REMOVAL OF THE EXCLUSION FROM THE DEFINITION OF INVESTMENT ADVISER FOR BANKS THAT ADVISE INVESTMENT COMPANIES.**

(a) INVESTMENT ADVISER.—Section 202(a)(11)(A) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(11)(A)) is amended by striking “investment company” and inserting “investment company, except that the term ‘investment adviser’ includes any bank or bank holding company to the extent that such bank or bank holding company serves or acts as an investment adviser to a registered investment company, but if, in the case of a bank, such services or actions are performed through a separately identifiable department or division, the department or division, and not the bank itself, shall be deemed to be the investment adviser”.

(b) SEPARATELY IDENTIFIABLE DEPARTMENT OR DIVISION.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended by adding at the end the following:

“(26) The term ‘separately identifiable department or division’ of a bank means a unit—

“(A) that is under the direct supervision of an officer or officers designated by the board of directors of the bank as responsible for the day-to-day conduct of the bank’s investment adviser activities for one or more investment companies, including the supervision of all bank employees engaged in the performance of such activities; and

“(B) for which all of the records relating to its investment adviser activities are separately maintained in or extractable from such unit’s own facilities or the facilities

of the bank, and such records are so maintained or otherwise accessible as to permit independent examination and enforcement by the Commission of this Act or the Investment Company Act of 1940 and rules and regulations promulgated under this Act or the Investment Company Act of 1940.”.

**SEC. 218. DEFINITION OF BROKER UNDER THE INVESTMENT ADVISERS ACT OF 1940.**

Section 202(a)(3) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(3)) is amended to read as follows:

“(3) The term ‘broker’ has the same meaning as given in section 3 of the Securities Exchange Act of 1934.”.

**SEC. 219. DEFINITION OF DEALER UNDER THE INVESTMENT ADVISERS ACT OF 1940.**

Section 202(a)(7) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(7)) is amended to read as follows:

“(7) The term ‘dealer’ has the same meaning as given in section 3 of the Securities Exchange Act of 1934, but does not include an insurance company or investment company.”.

**SEC. 220. INTERAGENCY CONSULTATION.**

The Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) is amended by inserting after section 210 the following new section:

15 USC 80b-10a. **“SEC. 210A. CONSULTATION.**

**“(a) EXAMINATION RESULTS AND OTHER INFORMATION.—**

“(1) The appropriate Federal banking agency shall provide the Commission upon request the results of any examination, reports, records, or other information to which such agency may have access—

“(A) with respect to the investment advisory activities of any—

“(i) bank holding company;

“(ii) bank; or

“(iii) separately identifiable department or division of a bank,

that is registered under section 203 of this title; and

“(B) in the case of a bank holding company or bank that has a subsidiary or a separately identifiable department or division registered under that section, with respect to the investment advisory activities of such bank or bank holding company.

“(2) The Commission shall provide to the appropriate Federal banking agency upon request the results of any examination, reports, records, or other information with respect to the investment advisory activities of any bank holding company, bank, or separately identifiable department or division of a bank, which is registered under section 203 of this title.

“(3) Notwithstanding any other provision of law, the Commission and the appropriate Federal banking agencies shall not be compelled to disclose any information provided under paragraph (1) or (2). Nothing in this paragraph shall authorize the Commission or such agencies to withhold information from Congress, or prevent the Commission or such agencies from complying with a request for information from any other Federal department or agency or any self-regulatory organization

requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States, the Commission, or such agencies. For purposes of section 552 of title 5, United States Code, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

“(b) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to such bank holding company (or affiliates or subsidiaries thereof), bank, or subsidiary, department, or division or a bank under any other provision of law.

“(c) DEFINITION.—For purposes of this section, the term ‘appropriate Federal banking agency’ shall have the same meaning as given in section 3 of the Federal Deposit Insurance Act.”.

#### **SEC. 221. TREATMENT OF BANK COMMON TRUST FUNDS.**

(a) SECURITIES ACT OF 1933.—Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by striking “or any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian” and inserting “or any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term ‘investment company’ under section 3(c)(3) of the Investment Company Act of 1940”.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(12)(A)(iii) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)(iii)) is amended to read as follows:

“(iii) any interest or participation in any common trust fund or similar fund that is excluded from the definition of the term ‘investment company’ under section 3(c)(3) of the Investment Company Act of 1940;”.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)(3)) is amended by inserting before the period the following: “, if—

“(A) such fund is employed by the bank solely as an aid to the administration of trusts, estates, or other accounts created and maintained for a fiduciary purpose;

“(B) except in connection with the ordinary advertising of the bank’s fiduciary services, interests in such fund are not—

“(i) advertised; or

“(ii) offered for sale to the general public; and

“(C) fees and expenses charged by such fund are not in contravention of fiduciary principles established under applicable Federal or State law”.

#### **SEC. 222. STATUTORY DISQUALIFICATION FOR BANK WRONGDOING.**

Section 9(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-9(a)) is amended in paragraphs (1) and (2) by striking “securities dealer, transfer agent,” and inserting “securities dealer, bank, transfer agent,”.

#### **SEC. 223. CONFORMING CHANGE IN DEFINITION.**

Section 2(a)(5) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(5)) is amended by striking “(A) a banking institution

organized under the laws of the United States” and inserting “(A) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or a branch or agency of a foreign bank (as such terms are defined in section 1(b) of the International Banking Act of 1978)”.

**SEC. 224. CONFORMING AMENDMENT.**

Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end the following new subsection:

“(c) CONSIDERATION OF PROMOTION OF EFFICIENCY, COMPETITION, AND CAPITAL FORMATION.—Whenever pursuant to this title the Commission is engaged in rulemaking and is required to consider or determine whether an action is necessary or appropriate in the public interest, the Commission shall also consider, in addition to the protection of investors, whether the action will promote efficiency, competition, and capital formation.”.

15 USC 77c note.

**SEC. 225. EFFECTIVE DATE.**

This subtitle shall take effect 18 months after the date of the enactment of this Act.

## **Subtitle C—Securities and Exchange Commission Supervision of Investment Bank Holding Companies**

**SEC. 231. SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES BY THE SECURITIES AND EXCHANGE COMMISSION.**

(a) AMENDMENT.—Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended—

- (1) by redesignating subsection (i) as subsection (k); and
- (2) by inserting after subsection (h) the following new subsections:

“(i) INVESTMENT BANK HOLDING COMPANIES.—

“(1) ELECTIVE SUPERVISION OF AN INVESTMENT BANK HOLDING COMPANY NOT HAVING A BANK OR SAVINGS ASSOCIATION AFFILIATE.—

“(A) IN GENERAL.—An investment bank holding company that is not—

“(i) an affiliate of an insured bank (other than an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956), or a savings association;

“(ii) a foreign bank, foreign company, or company that is described in section 8(a) of the International Banking Act of 1978; or

“(iii) a foreign bank that controls, directly or indirectly, a corporation chartered under section 25A of the Federal Reserve Act,

may elect to become supervised by filing with the Commission a notice of intention to become supervised, pursuant to subparagraph (B) of this paragraph. Any investment bank holding company filing such a notice shall be supervised in accordance with this section and comply with



the rules promulgated by the Commission applicable to supervised investment bank holding companies.

“(B) NOTIFICATION OF STATUS AS A SUPERVISED INVESTMENT BANK HOLDING COMPANY.—An investment bank holding company that elects under subparagraph (A) to become supervised by the Commission shall file with the Commission a written notice of intention to become supervised by the Commission in such form and containing such information and documents concerning such investment bank holding company as the Commission, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this section. Unless the Commission finds that such supervision is not necessary or appropriate in furtherance of the purposes of this section, such supervision shall become effective 45 days after the date of receipt of such written notice by the Commission or within such shorter time period as the Commission, by rule or order, may determine.

“(2) ELECTION NOT TO BE SUPERVISED BY THE COMMISSION AS AN INVESTMENT BANK HOLDING COMPANY.—

“(A) VOLUNTARY WITHDRAWAL.—A supervised investment bank holding company that is supervised pursuant to paragraph (1) may, upon such terms and conditions as the Commission deems necessary or appropriate, elect not to be supervised by the Commission by filing a written notice of withdrawal from Commission supervision. Such notice shall not become effective until 1 year after receipt by the Commission, or such shorter or longer period as the Commission deems necessary or appropriate to ensure effective supervision of the material risks to the supervised investment bank holding company and to the affiliated broker or dealer, or to prevent evasion of the purposes of this section.

Effective date.

“(B) DISCONTINUATION OF COMMISSION SUPERVISION.—If the Commission finds that any supervised investment bank holding company that is supervised pursuant to paragraph (1) is no longer in existence or has ceased to be an investment bank holding company, or if the Commission finds that continued supervision of such a supervised investment bank holding company is not consistent with the purposes of this section, the Commission may discontinue the supervision pursuant to a rule or order, if any, promulgated by the Commission under this section.

“(3) SUPERVISION OF INVESTMENT BANK HOLDING COMPANIES.—

“(A) RECORDKEEPING AND REPORTING.—

“(i) IN GENERAL.—Every supervised investment bank holding company and each affiliate thereof shall make and keep for prescribed periods such records, furnish copies thereof, and make such reports, as the Commission may require by rule, in order to keep the Commission informed as to—

“(I) the company’s or affiliate’s activities, financial condition, policies, systems for monitoring and controlling financial and operational risks, and transactions and relationships between any broker

or dealer affiliate of the supervised investment bank holding company; and

“(II) the extent to which the company or affiliate has complied with the provisions of this Act and regulations prescribed and orders issued under this Act.

“(ii) FORM AND CONTENTS.—Such records and reports shall be prepared in such form and according to such specifications (including certification by an independent public accountant), as the Commission may require and shall be provided promptly at any time upon request by the Commission. Such records and reports may include—

“(I) a balance sheet and income statement;

“(II) an assessment of the consolidated capital of the supervised investment bank holding company;

“(III) an independent auditor’s report attesting to the supervised investment bank holding company’s compliance with its internal risk management and internal control objectives; and

“(IV) reports concerning the extent to which the company or affiliate has complied with the provisions of this title and any regulations prescribed and orders issued under this title.

“(B) USE OF EXISTING REPORTS.—

“(i) IN GENERAL.—The Commission shall, to the fullest extent possible, accept reports in fulfillment of the requirements under this paragraph that the supervised investment bank holding company or its affiliates have been required to provide to another appropriate regulatory agency or self-regulatory organization.

“(ii) AVAILABILITY.—A supervised investment bank holding company or an affiliate of such company shall provide to the Commission, at the request of the Commission, any report referred to in clause (i).

“(C) EXAMINATION AUTHORITY.—

“(i) FOCUS OF EXAMINATION AUTHORITY.—The Commission may make examinations of any supervised investment bank holding company and any affiliate of such company in order to—

“(I) inform the Commission regarding—

“(aa) the nature of the operations and financial condition of the supervised investment bank holding company and its affiliates;

“(bb) the financial and operational risks within the supervised investment bank holding company that may affect any broker or dealer controlled by such supervised investment bank holding company; and

“(cc) the systems of the supervised investment bank holding company and its affiliates for monitoring and controlling those risks; and

“(II) monitor compliance with the provisions of this subsection, provisions governing transactions and relationships between any broker or

dealer affiliated with the supervised investment bank holding company and any of the company's other affiliates, and applicable provisions of subchapter II of chapter 53, title 31, United States Code (commonly referred to as the 'Bank Secrecy Act') and regulations thereunder.

"(ii) RESTRICTED FOCUS OF EXAMINATIONS.—The Commission shall limit the focus and scope of any examination of a supervised investment bank holding company to—

"(I) the company; and

"(II) any affiliate of the company that, because of its size, condition, or activities, the nature or size of the transactions between such affiliate and any affiliated broker or dealer, or the centralization of functions within the holding company system, could, in the discretion of the Commission, have a materially adverse effect on the operational or financial condition of the broker or dealer.

"(iii) DEFERENCE TO OTHER EXAMINATIONS.—For purposes of this subparagraph, the Commission shall, to the fullest extent possible, use the reports of examination of an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956 made by the appropriate regulatory agency, or of a licensed insurance company made by the appropriate State insurance regulator.

"(4) FUNCTIONAL REGULATION OF BANKING AND INSURANCE ACTIVITIES OF SUPERVISED INVESTMENT BANK HOLDING COMPANIES.—The Commission shall defer to—

"(A) the appropriate regulatory agency with regard to all interpretations of, and the enforcement of, applicable banking laws relating to the activities, conduct, ownership, and operations of banks, and institutions described in subparagraph (D), (F), and (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956; and

"(B) the appropriate State insurance regulators with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.

"(5) DEFINITIONS.—For purposes of this subsection:

"(A) The term 'investment bank holding company' means—

"(i) any person other than a natural person that owns or controls one or more brokers or dealers; and

"(ii) the associated persons of the investment bank holding company.

"(B) The term 'supervised investment bank holding company' means any investment bank holding company that is supervised by the Commission pursuant to this subsection.

"(C) The terms 'affiliate', 'bank', 'bank holding company', 'company', 'control', and 'savings association' have

the same meanings as given in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841).

“(D) The term ‘insured bank’ has the same meaning as given in section 3 of the Federal Deposit Insurance Act.

“(E) The term ‘foreign bank’ has the same meaning as given in section 1(b)(7) of the International Banking Act of 1978.

“(F) The terms ‘person associated with an investment bank holding company’ and ‘associated person of an investment bank holding company’ mean any person directly or indirectly controlling, controlled by, or under common control with, an investment bank holding company.

“(j) **AUTHORITY TO LIMIT DISCLOSURE OF INFORMATION.**—Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any information required to be reported under subsection (h) or (i) or any information supplied to the Commission by any domestic or foreign regulatory agency that relates to the financial or operational condition of any associated person of a broker or dealer, investment bank holding company, or any affiliate of an investment bank holding company. Nothing in this subsection shall authorize the Commission to withhold information from Congress, or prevent the Commission from complying with a request for information from any other Federal department or agency or any self-regulatory organization requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this subsection shall be considered a statute described in subsection (b)(3)(B) of such section 552. In prescribing regulations to carry out the requirements of this subsection, the Commission shall designate information described in or obtained pursuant to subparagraphs (A), (B), and (C) of subsection (i)(5) as confidential information for purposes of section 24(b)(2) of this title.”.

Regulations.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended by adding at the end the following new subparagraph:

“(H) When used with respect to an institution described in subparagraph (D), (F), or (G) of section 2(c)(2), or held under section 4(f), of the Bank Holding Company Act of 1956—

“(i) the Comptroller of the Currency, in the case of a national bank or a bank in the District of Columbia examined by the Comptroller of the Currency;

“(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System or any corporation chartered under section 25A of the Federal Reserve Act;

“(iii) the Federal Deposit Insurance Corporation, in the case of any other bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act; or

“(iv) the Commission in the case of all other such institutions.”.

(2) Section 1112(e) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3412(e)) is amended—

(A) by striking “this title” and inserting “law”; and

(B) by inserting “, examination reports” after “financial records”.

## **Subtitle D—Banks and Bank Holding Companies**

### **SEC. 241. CONSULTATION.**

15 USC 78m  
note.

(a) IN GENERAL.—The Securities and Exchange Commission shall consult and coordinate comments with the appropriate Federal banking agency before taking any action or rendering any opinion with respect to the manner in which any insured depository institution or depository institution holding company reports loan loss reserves in its financial statement, including the amount of any such loan loss reserve.

(b) DEFINITIONS.—For purposes of subsection (a), the terms “insured depository institution”, “depository institution holding company”, and “appropriate Federal banking agency” have the same meaning as given in section 3 of the Federal Deposit Insurance Act.

## **TITLE III—INSURANCE**

### **Subtitle A—State Regulation of Insurance**

#### **SEC. 301. FUNCTIONAL REGULATION OF INSURANCE.**

15 USC 6711.

The insurance activities of any person (including a national bank exercising its power to act as agent under the eleventh undesignated paragraph of section 13 of the Federal Reserve Act) shall be functionally regulated by the States, subject to section 104.

#### **SEC. 302. INSURANCE UNDERWRITING IN NATIONAL BANKS.**

15 USC 6712.

(a) IN GENERAL.—Except as provided in section 303, a national bank and the subsidiaries of a national bank may not provide insurance in a State as principal except that this prohibition shall not apply to authorized products.

(b) AUTHORIZED PRODUCTS.—For the purposes of this section, a product is authorized if—

(1) as of January 1, 1999, the Comptroller of the Currency had determined in writing that national banks may provide such product as principal, or national banks were in fact lawfully providing such product as principal;

(2) no court of relevant jurisdiction had, by final judgment, overturned a determination of the Comptroller of the Currency that national banks may provide such product as principal; and

(3) the product is not title insurance, or an annuity contract the income of which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

(c) DEFINITION.—For purposes of this section, the term “insurance” means—

(1) any product regulated as insurance as of January 1, 1999, in accordance with the relevant State insurance law, in the State in which the product is provided;

(2) any product first offered after January 1, 1999, which—

(A) a State insurance regulator determines shall be regulated as insurance in the State in which the product is provided because the product insures, guarantees, or indemnifies against liability, loss of life, loss of health, or loss through damage to or destruction of property, including, but not limited to, surety bonds, life insurance, health insurance, title insurance, and property and casualty insurance (such as private passenger or commercial automobile, homeowners, mortgage, commercial multiperil, general liability, professional liability, workers' compensation, fire and allied lines, farm owners multiperil, aircraft, fidelity, surety, medical malpractice, ocean marine, inland marine, and boiler and machinery insurance); and

(B) is not a product or service of a bank that is—

(i) a deposit product;

(ii) a loan, discount, letter of credit, or other extension of credit;

(iii) a trust or other fiduciary service;

(iv) a qualified financial contract (as defined in or determined pursuant to section 11(e)(8)(D)(i) of the Federal Deposit Insurance Act); or

(v) a financial guaranty, except that this subparagraph (B) shall not apply to a product that includes an insurance component such that if the product is offered or proposed to be offered by the bank as principal—

(I) it would be treated as a life insurance contract under section 7702 of the Internal Revenue Code of 1986; or

(II) in the event that the product is not a letter of credit or other similar extension of credit, a qualified financial contract, or a financial guaranty, it would qualify for treatment for losses incurred with respect to such product under section 832(b)(5) of the Internal Revenue Code of 1986, if the bank were subject to tax as an insurance company under section 831 of that Code; or

(3) any annuity contract, the income on which is subject to tax treatment under section 72 of the Internal Revenue Code of 1986.

(d) **RULE OF CONSTRUCTION.**—For purposes of this section, providing insurance (including reinsurance) outside the United States that insures, guarantees, or indemnifies insurance products provided in a State, or that indemnifies an insurance company with regard to insurance products provided in a State, shall be considered to be providing insurance as principal in that State.

15 USC 6713.

**SEC. 303. TITLE INSURANCE ACTIVITIES OF NATIONAL BANKS AND THEIR AFFILIATES.**

(a) **GENERAL PROHIBITION.**—No national bank may engage in any activity involving the underwriting or sale of title insurance.

(b) **NONDISCRIMINATION PARITY EXCEPTION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including section 104 of this Act), in the case of any State in which banks organized under the laws of such State are authorized to sell title insurance as agent, a national bank may sell title insurance as agent in such State, but only in the same manner, to the same extent, and under the same restrictions as such State banks are authorized to sell title insurance as agent in such State.

(2) **COORDINATION WITH “WILDCARD” PROVISION.**—A State law which authorizes State banks to engage in any activities in such State in which a national bank may engage shall not be treated as a statute which authorizes State banks to sell title insurance as agent, for purposes of paragraph (1).

(c) **GRANDFATHERING WITH CONSISTENT REGULATION.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3) and notwithstanding subsections (a) and (b), a national bank, and a subsidiary of a national bank, may conduct title insurance activities which such national bank or subsidiary was actively and lawfully conducting before the date of the enactment of this Act.

(2) **INSURANCE AFFILIATE.**—In the case of a national bank which has an affiliate which provides insurance as principal and is not a subsidiary of the bank, the national bank and any subsidiary of the national bank may not engage in the underwriting of title insurance pursuant to paragraph (1).

(3) **INSURANCE SUBSIDIARY.**—In the case of a national bank which has a subsidiary which provides insurance as principal and has no affiliate other than a subsidiary which provides insurance as principal, the national bank may not directly engage in any activity involving the underwriting of title insurance.

(d) **“AFFILIATE” AND “SUBSIDIARY” DEFINED.**—For purposes of this section, the terms “affiliate” and “subsidiary” have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

(e) **RULE OF CONSTRUCTION.**—No provision of this Act or any other Federal law shall be construed as superseding or affecting a State law which was in effect before the date of the enactment of this Act and which prohibits title insurance from being offered, provided, or sold in such State, or from being underwritten with respect to real property in such State, by any person whatsoever.

**SEC. 304. EXPEDITED AND EQUALIZED DISPUTE RESOLUTION FOR FEDERAL REGULATORS.** 15 USC 6714.

(a) **FILING IN COURT OF APPEALS.**—In the case of a regulatory conflict between a State insurance regulator and a Federal regulator regarding insurance issues, including whether a State law, rule, regulation, order, or interpretation regarding any insurance sales or solicitation activity is properly treated as preempted under Federal law, the Federal or State regulator may seek expedited judicial review of such determination by the United States Court of Appeals for the circuit in which the State is located or in the United States Court of Appeals for the District of Columbia Circuit by filing a petition for review in such court.

(b) **EXPEDITED REVIEW.**—The United States Court of Appeals in which a petition for review is filed in accordance with subsection (a) shall complete all action on such petition, including rendering

a judgment, before the end of the 60-day period beginning on the date on which such petition is filed, unless all parties to such proceeding agree to any extension of such period.

(c) **SUPREME COURT REVIEW.**—Any request for certiorari to the Supreme Court of the United States of any judgment of a United States Court of Appeals with respect to a petition for review under this section shall be filed with the Supreme Court of the United States as soon as practicable after such judgment is issued.

(d) **STATUTE OF LIMITATION.**—No petition may be filed under this section challenging an order, ruling, determination, or other action of a Federal regulator or State insurance regulator after the later of—

(1) the end of the 12-month period beginning on the date on which the first public notice is made of such order, ruling, determination or other action in its final form; or

(2) the end of the 6-month period beginning on the date on which such order, ruling, determination, or other action takes effect.

(e) **STANDARD OF REVIEW.**—The court shall decide a petition filed under this section based on its review on the merits of all questions presented under State and Federal law, including the nature of the product or activity and the history and purpose of its regulation under State and Federal law, without unequal deference.

#### **SEC. 305. INSURANCE CUSTOMER PROTECTIONS.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 46, as added by section 121(d) of this Act, the following new section:

12 USC 1831x.

#### **“SEC. 47. INSURANCE CUSTOMER PROTECTIONS.**

Publication.

“(a) **REGULATIONS REQUIRED.**—

“(1) **IN GENERAL.**—The Federal banking agencies shall prescribe and publish in final form, before the end of the 1-year period beginning on the date of the enactment of the Gramm-Leach-Bliley Act, customer protection regulations (which the agencies jointly determine to be appropriate) that—

“(A) apply to retail sales practices, solicitations, advertising, or offers of any insurance product by any depository institution or any person that is engaged in such activities at an office of the institution or on behalf of the institution; and

“(B) are consistent with the requirements of this Act and provide such additional protections for customers to whom such sales, solicitations, advertising, or offers are directed.

“(2) **APPLICABILITY TO SUBSIDIARIES.**—The regulations prescribed pursuant to paragraph (1) shall extend such protections to any subsidiary of a depository institution, as deemed appropriate by the regulators referred to in paragraph (3), where such extension is determined to be necessary to ensure the consumer protections provided by this section.

“(3) **CONSULTATION AND JOINT REGULATIONS.**—The Federal banking agencies shall consult with each other and prescribe joint regulations pursuant to paragraph (1), after consultation with the State insurance regulators, as appropriate.

“(b) **SALES PRACTICES.**—The regulations prescribed pursuant to subsection (a) shall include antitying and anticoercion rules



applicable to the sale of insurance products that prohibit a depository institution from engaging in any practice that would lead a customer to believe an extension of credit, in violation of section 106(b) of the Bank Holding Company Act Amendments of 1970, is conditional upon—

“(1) the purchase of an insurance product from the institution or any of its affiliates; or

“(2) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

“(c) DISCLOSURES AND ADVERTISING.—The regulations prescribed pursuant to subsection (a) shall include the following provisions relating to disclosures and advertising in connection with the initial purchase of an insurance product:

“(1) DISCLOSURES.—

“(A) IN GENERAL.—Requirements that the following disclosures be made orally and in writing before the completion of the initial sale and, in the case of clause (iii), at the time of application for an extension of credit:

“(i) UNINSURED STATUS.—As appropriate, the product is not insured by the Federal Deposit Insurance Corporation, the United States Government, or the depository institution.

“(ii) INVESTMENT RISK.—In the case of a variable annuity or other insurance product which involves an investment risk, that there is an investment risk associated with the product, including possible loss of value.

“(iii) COERCION.—The approval of an extension of credit may not be conditioned on—

“(I) the purchase of an insurance product from the institution in which the application for credit is pending or of any affiliate of the institution; or

“(II) an agreement by the consumer not to obtain, or a prohibition on the consumer from obtaining, an insurance product from an unaffiliated entity.

“(B) MAKING DISCLOSURE READILY UNDERSTANDABLE.—Regulations prescribed under subparagraph (A) shall encourage the use of disclosure that is conspicuous, simple, direct, and readily understandable, such as the following:

“(i) ‘NOT FDIC—INSURED’.

“(ii) ‘NOT GUARANTEED BY THE BANK’.

“(iii) ‘MAY GO DOWN IN VALUE’.

“(iv) ‘NOT INSURED BY ANY GOVERNMENT AGENCY’.

“(C) LIMITATION.—Nothing in this paragraph requires the inclusion of the foregoing disclosures in advertisements of a general nature describing or listing the services or products offered by an institution.

“(D) MEANINGFUL DISCLOSURES.—Disclosures shall not be considered to be meaningfully provided under this paragraph if the institution or its representative states that disclosures required by this subsection were available to the customer in printed material available for distribution, where such printed material is not provided and such information is not orally disclosed to the customer.

“(E) ADJUSTMENTS FOR ALTERNATIVE METHODS OF PURCHASE.—In prescribing the requirements under subparagraphs (A) and (F), necessary adjustments shall be made for purchase in person, by telephone, or by electronic media to provide for the most appropriate and complete form of disclosure and acknowledgments.

“(F) CONSUMER ACKNOWLEDGMENT.—A requirement that a depository institution shall require any person selling an insurance product at any office of, or on behalf of, the institution to obtain, at the time a consumer receives the disclosures required under this paragraph or at the time of the initial purchase by the consumer of such product, an acknowledgment by such consumer of the receipt of the disclosure required under this subsection with respect to such product.

“(2) PROHIBITION ON MISREPRESENTATIONS.—A prohibition on any practice, or any advertising, at any office of, or on behalf of, the depository institution, or any subsidiary, as appropriate, that could mislead any person or otherwise cause a reasonable person to reach an erroneous belief with respect to—

“(A) the uninsured nature of any insurance product sold, or offered for sale, by the institution or any subsidiary of the institution;

“(B) in the case of a variable annuity or insurance product that involves an investment risk, the investment risk associated with any such product; or

“(C) in the case of an institution or subsidiary at which insurance products are sold or offered for sale, the fact that—

“(i) the approval of an extension of credit to a customer by the institution or subsidiary may not be conditioned on the purchase of an insurance product by such customer from the institution or subsidiary; and

“(ii) the customer is free to purchase the insurance product from another source.

“(d) SEPARATION OF BANKING AND NONBANKING ACTIVITIES.—

“(1) REGULATIONS REQUIRED.—The regulations prescribed pursuant to subsection (a) shall include such provisions as the Federal banking agencies consider appropriate to ensure that the routine acceptance of deposits is kept, to the extent practicable, physically segregated from insurance product activity.

“(2) REQUIREMENTS.—Regulations prescribed pursuant to paragraph (1) shall include the following requirements:

“(A) SEPARATE SETTING.—A clear delineation of the setting in which, and the circumstances under which, transactions involving insurance products should be conducted in a location physically segregated from an area where retail deposits are routinely accepted.

“(B) REFERRALS.—Standards that permit any person accepting deposits from the public in an area where such transactions are routinely conducted in a depository institution to refer a customer who seeks to purchase any insurance product to a qualified person who sells such product, only if the person making the referral receives no more

than a one-time nominal fee of a fixed dollar amount for each referral that does not depend on whether the referral results in a transaction.

“(C) QUALIFICATION AND LICENSING REQUIREMENTS.—Standards prohibiting any depository institution from permitting any person to sell or offer for sale any insurance product in any part of any office of the institution, or on behalf of the institution, unless such person is appropriately qualified and licensed.

“(e) DOMESTIC VIOLENCE DISCRIMINATION PROHIBITION.—

“(1) IN GENERAL.—In the case of an applicant for, or an insured under, any insurance product described in paragraph (2), the status of the applicant or insured as a victim of domestic violence, or as a provider of services to victims of domestic violence, shall not be considered as a criterion in any decision with regard to insurance underwriting, pricing, renewal, or scope of coverage of insurance policies, or payment of insurance claims, except as required or expressly permitted under State law.

“(2) SCOPE OF APPLICATION.—The prohibition contained in paragraph (1) shall apply to any life or health insurance product which is sold or offered for sale, as principal, agent, or broker, by any depository institution or any person who is engaged in such activities at an office of the institution or on behalf of the institution.

“(3) DOMESTIC VIOLENCE DEFINED.—For purposes of this subsection, the term ‘domestic violence’ means the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

“(A) Attempting to cause or causing or threatening another person physical harm, severe emotional distress, psychological trauma, rape, or sexual assault.

“(B) Engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm.

“(C) Subjecting another person to false imprisonment.

“(D) Attempting to cause or cause damage to property so as to intimidate or attempt to control the behavior of another person.

“(f) CONSUMER GRIEVANCE PROCESS.—The Federal banking agencies shall jointly establish a consumer complaint mechanism, for receiving and expeditiously addressing consumer complaints alleging a violation of regulations issued under the section, which shall—

Establishment.

“(1) establish a group within each regulatory agency to receive such complaints;

“(2) develop procedures for investigating such complaints;

“(3) develop procedures for informing consumers of rights they may have in connection with such complaints; and

“(4) develop procedures for addressing concerns raised by such complaints, as appropriate, including procedures for the recovery of losses to the extent appropriate.

“(g) EFFECT ON OTHER AUTHORITY.—

“(1) IN GENERAL.—No provision of this section shall be construed as granting, limiting, or otherwise affecting—

“(A) any authority of the Securities and Exchange Commission, any self-regulatory organization, the Municipal Securities Rulemaking Board, or the Secretary of the Treasury under any Federal securities law; or

“(B) except as provided in paragraph (2), any authority of any State insurance commission (or any agency or office performing like functions), or of any State securities commission (or any agency or office performing like functions), or other State authority under any State law.

“(2) COORDINATION WITH STATE LAW.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), insurance customer protection regulations prescribed by a Federal banking agency under this section shall not apply to retail sales, solicitations, advertising, or offers of any insurance product by any depository institution or to any person who is engaged in such activities at an office of such institution or on behalf of the institution, in a State where the State has in effect statutes, regulations, orders, or interpretations, that are inconsistent with or contrary to the regulations prescribed by the Federal banking agencies.

“(B) PREEMPTION.—

Notification.

“(i) IN GENERAL.—If, with respect to any provision of the regulations prescribed under this section, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Board of Directors of the Corporation determine jointly that the protection afforded by such provision for customers is greater than the protection provided by a comparable provision of the statutes, regulations, orders, or interpretations referred to in subparagraph (A) of any State, the appropriate State regulatory authority shall be notified of such determination in writing.

“(ii) CONSIDERATIONS.—Before making a final determination under clause (i), the Federal agencies referred to in clause (i) shall give appropriate consideration to comments submitted by the appropriate State regulatory authorities relating to the level of protection afforded to consumers under State law.

Notice.

“(iii) FEDERAL PREEMPTION AND ABILITY OF STATES TO OVERRIDE FEDERAL PREEMPTION.—If the Federal agencies referred to in clause (i) jointly determine that any provision of the regulations prescribed under this section affords greater protections than a comparable State law, rule, regulation, order, or interpretation, those agencies shall send a written preemption notice to the appropriate State regulatory authority to notify the State that the Federal provision will preempt the State provision and will become applicable unless, not later than 3 years after the date of such notice, the State adopts legislation to override such preemption.

“(h) NON-DISCRIMINATION AGAINST NON-AFFILIATED AGENTS.—The Federal banking agencies shall ensure that the regulations prescribed pursuant to subsection (a) shall not have the effect of discriminating, either intentionally or unintentionally, against

any person engaged in insurance sales or solicitations that is not affiliated with a depository institution.”.

**SEC. 306. CERTAIN STATE AFFILIATION LAWS PREEMPTED FOR INSURANCE COMPANIES AND AFFILIATES.** 15 USC 6715.

Except as provided in section 104(c)(2), no State may, by law, regulation, order, interpretation, or otherwise—

(1) prevent or significantly interfere with the ability of any insurer, or any affiliate of an insurer (whether such affiliate is organized as a stock company, mutual holding company, or otherwise), to become a financial holding company or to acquire control of a depository institution;

(2) limit the amount of an insurer's assets that may be invested in the voting securities of a depository institution (or any company which controls such institution), except that the laws of an insurer's State of domicile may limit the amount of such investment to an amount that is not less than 5 percent of the insurer's admitted assets; or

(3) prevent, significantly interfere with, or have the authority to review, approve, or disapprove a plan of reorganization by which an insurer proposes to reorganize from mutual form to become a stock insurer (whether as a direct or indirect subsidiary of a mutual holding company or otherwise) unless such State is the State of domicile of the insurer.

**SEC. 307. INTERAGENCY CONSULTATION.**

15 USC 6716.

(a) **PURPOSE.**—It is the intention of the Congress that the Board of Governors of the Federal Reserve System, as the umbrella supervisor for financial holding companies, and the State insurance regulators, as the functional regulators of companies engaged in insurance activities, coordinate efforts to supervise companies that control both a depository institution and a company engaged in insurance activities regulated under State law. In particular, Congress believes that the Board and the State insurance regulators should share, on a confidential basis, information relevant to the supervision of companies that control both a depository institution and a company engaged in insurance activities, including information regarding the financial health of the consolidated organization and information regarding transactions and relationships between insurance companies and affiliated depository institutions. The appropriate Federal banking agencies for depository institutions should also share, on a confidential basis, information with the relevant State insurance regulators regarding transactions and relationships between depository institutions and affiliated companies engaged in insurance activities. The purpose of this section is to encourage this coordination and confidential sharing of information, and to thereby improve both the efficiency and the quality of the supervision of financial holding companies and their affiliated depository institutions and companies engaged in insurance activities.

(b) **EXAMINATION RESULTS AND OTHER INFORMATION.**—

(1) **INFORMATION OF THE BOARD.**—Upon the request of the appropriate insurance regulator of any State, the Board may provide any information of the Board regarding the financial condition, risk management policies, and operations of any financial holding company that controls a company that is engaged in insurance activities and is regulated by such State

insurance regulator, and regarding any transaction or relationship between such an insurance company and any affiliated depository institution. The Board may provide any other information to the appropriate State insurance regulator that the Board believes is necessary or appropriate to permit the State insurance regulator to administer and enforce applicable State insurance laws.

(2) BANKING AGENCY INFORMATION.—Upon the request of the appropriate insurance regulator of any State, the appropriate Federal banking agency may provide any information of the agency regarding any transaction or relationship between a depository institution supervised by such Federal banking agency and any affiliated company that is engaged in insurance activities regulated by such State insurance regulator. The appropriate Federal banking agency may provide any other information to the appropriate State insurance regulator that the agency believes is necessary or appropriate to permit the State insurance regulator to administer and enforce applicable State insurance laws.

(3) STATE INSURANCE REGULATOR INFORMATION.—Upon the request of the Board or the appropriate Federal banking agency, a State insurance regulator may provide any examination or other reports, records, or other information to which such insurance regulator may have access with respect to a company which—

(A) is engaged in insurance activities and regulated by such insurance regulator; and

(B) is an affiliate of a depository institution or financial holding company.

(c) CONSULTATION.—Before making any determination relating to the initial affiliation of, or the continuing affiliation of, a depository institution or financial holding company with a company engaged in insurance activities, the appropriate Federal banking agency shall consult with the appropriate State insurance regulator of such company and take the views of such insurance regulator into account in making such determination.

(d) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall limit in any respect the authority of the appropriate Federal banking agency with respect to a depository institution or bank holding company or any affiliate thereof under any provision of law.

(e) CONFIDENTIALITY AND PRIVILEGE.—

(1) CONFIDENTIALITY.—The appropriate Federal banking agency shall not provide any information or material that is entitled to confidential treatment under applicable Federal banking agency regulations, or other applicable law, to a State insurance regulator unless such regulator agrees to maintain the information or material in confidence and to take all reasonable steps to oppose any effort to secure disclosure of the information or material by the regulator. The appropriate Federal banking agency shall treat as confidential any information or material obtained from a State insurance regulator that is entitled to confidential treatment under applicable State regulations, or other applicable law, and take all reasonable steps to oppose any effort to secure disclosure of the information or material by the Federal banking agency.

(2) **PRIVILEGE.**—The provision pursuant to this section of information or material by a Federal banking agency or State insurance regulator shall not constitute a waiver of, or otherwise affect, any privilege to which the information or material is otherwise subject.

(f) **DEFINITIONS.**—For purposes of this section, the following definitions shall apply:

(1) **APPROPRIATE FEDERAL BANKING AGENCY; DEPOSITORY INSTITUTION.**—The terms “appropriate Federal banking agency” and “depository institution” have the same meanings as in section 3 of the Federal Deposit Insurance Act.

(2) **BOARD AND FINANCIAL HOLDING COMPANY.**—The terms “Board” and “financial holding company” have the same meanings as in section 2 of the Bank Holding Company Act of 1956.

**SEC. 308. DEFINITION OF STATE.**

15 USC 6717.

For purposes of this subtitle, the term “State” means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

## **Subtitle B—Redomestication of Mutual Insurers**

**SEC. 311. GENERAL APPLICATION.**

15 USC 6731.

This subtitle shall only apply to a mutual insurance company in a State which has not enacted a law which expressly establishes reasonable terms and conditions for a mutual insurance company domiciled in such State to reorganize into a mutual holding company.

**SEC. 312. REDOMESTICATION OF MUTUAL INSURERS.**

15 USC 6732.

(a) **REDOMESTICATION.**—A mutual insurer organized under the laws of any State may transfer its domicile to a transferee domicile as a step in a reorganization in which, pursuant to the laws of the transferee domicile and consistent with the standards in subsection (f), the mutual insurer becomes a stock insurer that is a direct or indirect subsidiary of a mutual holding company.

(b) **RESULTING DOMICILE.**—Upon complying with the applicable law of the transferee domicile governing transfers of domicile and completion of a transfer pursuant to this section, the mutual insurer shall cease to be a domestic insurer in the transferor domicile and, as a continuation of its corporate existence, shall be a domestic insurer of the transferee domicile.

(c) **LICENSES PRESERVED.**—The certificate of authority, agents’ appointments and licenses, rates, approvals and other items that a licensed State allows and that are in existence immediately prior to the date that a redomesticating insurer transfers its domicile pursuant to this subtitle shall continue in full force and effect upon transfer, if the insurer remains duly qualified to transact the business of insurance in such licensed State.

(d) **EFFECTIVENESS OF OUTSTANDING POLICIES AND CONTRACTS.**—

(1) IN GENERAL.—All outstanding insurance policies and annuities contracts of a redomesticating insurer shall remain in full force and effect and need not be endorsed as to the new domicile of the insurer, unless so ordered by the State insurance regulator of a licensed State, and then only in the case of outstanding policies and contracts whose owners reside in such licensed State.

(2) FORMS.—

(A) Applicable State law may require a redomesticating insurer to file new policy forms with the State insurance regulator of a licensed State on or before the effective date of the transfer.

(B) Notwithstanding subparagraph (A), a redomesticating insurer may use existing policy forms with appropriate endorsements to reflect the new domicile of the redomesticating insurer until the new policy forms are approved for use by the State insurance regulator of such licensed State.

(e) NOTICE.—A redomesticating insurer shall give notice of the proposed transfer to the State insurance regulator of each licensed State and shall file promptly any resulting amendments to corporate documents required to be filed by a foreign licensed mutual insurer with the insurance regulator of each such licensed State.

(f) PROCEDURAL REQUIREMENTS.—No mutual insurer may redomesticate to another State and reorganize into a mutual holding company pursuant to this section unless the State insurance regulator of the transferee domicile determines that the plan of reorganization of the insurer includes the following requirements:

(1) APPROVAL BY BOARD OF DIRECTORS AND POLICYHOLDERS.—The reorganization is approved by at least a majority of the board of directors of the mutual insurer and at least a majority of the policyholders who vote after notice, disclosure of the reorganization and the effects of the transaction on policyholder contractual rights, and reasonable opportunity to vote, in accordance with such notice, disclosure, and voting procedures as are approved by the State insurance regulator of the transferee domicile.

(2) CONTINUED VOTING CONTROL BY POLICYHOLDERS; REVIEW OF PUBLIC STOCK OFFERING.—After the consummation of a reorganization, the policyholders of the reorganized insurer shall have the same voting rights with respect to the mutual holding company as they had before the reorganization with respect to the mutual insurer. With respect to an initial public offering of stock, the offering shall be conducted in compliance with applicable securities laws and in a manner approved by the State insurance regulator of the transferee domicile.

(3) AWARD OF STOCK OR GRANT OF OPTIONS TO OFFICERS AND DIRECTORS.—During the applicable period provided for under the State law of the transferee domicile following completion of an initial public offering, or for a period of six months if no such applicable period is provided, neither a stock holding company nor the converted insurer shall award any stock options or stock grants to persons who are elected officers or directors of the mutual holding company, the stock holding company, or the converted insurer, except with respect to any such awards or options to which a person is entitled as a



policyholder and as approved by the State insurance regulator of the transferee domicile.

(4) **POLICYHOLDER RIGHTS.**—Upon reorganization into a mutual holding company, the contractual rights of the policyholders are preserved.

(5) **FAIR AND EQUITABLE TREATMENT OF POLICYHOLDERS.**—The reorganization is approved as fair and equitable to the policyholders by the insurance regulator of the transferee domicile.

**SEC. 313. EFFECT ON STATE LAWS RESTRICTING REDOMESTICATION.** 15 USC 6733.

(a) **IN GENERAL.**—Unless otherwise permitted by this subtitle, State laws of any transferor domicile that conflict with the purposes and intent of this subtitle are preempted, including but not limited to—

(1) any law that has the purpose or effect of impeding the activities of, taking any action against, or applying any provision of law or regulation to, any insurer or an affiliate of such insurer because that insurer or any affiliate plans to redomesticate, or has redomesticated, pursuant to this subtitle;

(2) any law that has the purpose or effect of impeding the activities of, taking action against, or applying any provision of law or regulation to, any insured or any insurance licensee or other intermediary because such person has procured insurance from or placed insurance with any insurer or affiliate of such insurer that plans to redomesticate, or has redomesticated, pursuant to this subtitle, but only to the extent that such law would treat such insured licensee or other intermediary differently than if the person procured insurance from, or placed insurance with, an insured licensee or other intermediary which had not redomesticated; and

(3) any law that has the purpose or effect of terminating, because of the redomestication of a mutual insurer pursuant to this subtitle, any certificate of authority, agent appointment or license, rate approval, or other approval, of any State insurance regulator or other State authority in existence immediately prior to the redomestication in any State other than the transferee domicile.

(b) **DIFFERENTIAL TREATMENT PROHIBITED.**—No State law, regulation, interpretation, or functional equivalent thereof, of a State other than a transferee domicile may treat a redomesticating or redomesticated insurer or any affiliate thereof any differently than an insurer operating in that State that is not a redomesticating or redomesticated insurer.

(c) **LAWS PROHIBITING OPERATIONS.**—If any licensed State fails to issue, delays the issuance of, or seeks to revoke an original or renewal certificate of authority of a redomesticated insurer promptly following redomestication, except on grounds and in a manner consistent with its past practices regarding the issuance of certificates of authority to foreign insurers that are not redomesticating, then the redomesticating insurer shall be exempt from any State law of the licensed State to the extent that such State law or the operation of such State law would make unlawful, or regulate, directly or indirectly, the operation of the redomesticated insurer, except that such licensed State may require the redomesticated insurer to—

(1) comply with the unfair claim settlement practices law of the licensed State;

(2) pay, on a nondiscriminatory basis, applicable premium and other taxes which are levied on licensed insurers or policyholders under the laws of the licensed State;

(3) register with and designate the State insurance regulator as its agent solely for the purpose of receiving service of legal documents or process;

(4) submit to an examination by the State insurance regulator in any licensed State in which the redomesticated insurer is doing business to determine the insurer's financial condition, if—

(A) the State insurance regulator of the transferee domicile has not begun an examination of the redomesticated insurer and has not scheduled such an examination to begin before the end of the 1-year period beginning on the date of the redomestication; and

(B) any such examination is coordinated to avoid unjustified duplication and repetition;

(5) comply with a lawful order issued in—

(A) a delinquency proceeding commenced by the State insurance regulator of any licensed State if there has been a judicial finding of financial impairment under paragraph (7); or

(B) a voluntary dissolution proceeding;

(6) comply with any State law regarding deceptive, false, or fraudulent acts or practices, except that if the licensed State seeks an injunction regarding the conduct described in this paragraph, such injunction must be obtained from a court of competent jurisdiction as provided in section 314(a);

(7) comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance regulator alleging that the redomesticating insurer is in hazardous financial condition or is financially impaired;

(8) participate in any insurance insolvency guaranty association on the same basis as any other insurer licensed in the licensed State; and

(9) require a person acting, or offering to act, as an insurance licensee for a redomesticated insurer in the licensed State to obtain a license from that State, except that such State may not impose any qualification or requirement that discriminates against a nonresident insurance licensee.

15 USC 6734.

#### **SEC. 314. OTHER PROVISIONS.**

(a) **JUDICIAL REVIEW.**—The appropriate United States district court shall have exclusive jurisdiction over litigation arising under this section involving any redomesticating or redomesticated insurer.

(b) **SEVERABILITY.**—If any provision of this section, or the application thereof to any person or circumstances, is held invalid, the remainder of the section, and the application of such provision to other persons or circumstances, shall not be affected thereby.

15 USC 6735.

#### **SEC. 315. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply:

(1) **COURT OF COMPETENT JURISDICTION.**—The term “court of competent jurisdiction” means a court authorized pursuant

to section 314(a) to adjudicate litigation arising under this subtitle.

(2) DOMICILE.—The term “domicile” means the State in which an insurer is incorporated, chartered, or organized.

(3) INSURANCE LICENSEE.—The term “insurance licensee” means any person holding a license under State law to act as insurance agent, subagent, broker, or consultant.

(4) INSTITUTION.—The term “institution” means a corporation, joint stock company, limited liability company, limited liability partnership, association, trust, partnership, or any similar entity.

(5) LICENSED STATE.—The term “licensed State” means any State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands in which the redomesticating insurer has a certificate of authority in effect immediately prior to the redomestication.

(6) MUTUAL INSURER.—The term “mutual insurer” means a mutual insurer organized under the laws of any State.

(7) PERSON.—The term “person” means an individual, institution, government or governmental agency, State or political subdivision of a State, public corporation, board, association, estate, trustee, or fiduciary, or other similar entity.

(8) POLICYHOLDER.—The term “policyholder” means the owner of a policy issued by a mutual insurer, except that, with respect to voting rights, the term means a member of a mutual insurer or mutual holding company granted the right to vote, as determined under applicable State law.

(9) REDOMESTICATED INSURER.—The term “redomesticated insurer” means a mutual insurer that has redomesticated pursuant to this subtitle.

(10) REDOMESTICATING INSURER.—The term “redomesticating insurer” means a mutual insurer that is redomesticating pursuant to this subtitle.

(11) REDOMESTICATION OR TRANSFER.—The term “redomestication” or “transfer” means the transfer of the domicile of a mutual insurer from one State to another State pursuant to this subtitle.

(12) STATE INSURANCE REGULATOR.—The term “State insurance regulator” means the principal insurance regulatory authority of a State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(13) STATE LAW.—The term “State law” means the statutes of any State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands and any regulation, order, or requirement prescribed pursuant to any such statute.

(14) TRANSFereee DOMICILE.—The term “transferee domicile” means the State to which a mutual insurer is redomesticating pursuant to this subtitle.

(15) TRANSFEROR DOMICILE.—The term “transferor domicile” means the State from which a mutual insurer is redomesticating pursuant to this subtitle.

15 USC 6731  
note.

**SEC. 316. EFFECTIVE DATE.**

This subtitle shall take effect on the date of the enactment of this Act.

## **Subtitle C—National Association of Registered Agents and Brokers**

15 USC 6751.  
Effective date.

**SEC. 321. STATE FLEXIBILITY IN MULTISTATE LICENSING REFORMS.**

(a) IN GENERAL.—The provisions of this subtitle shall take effect unless, not later than 3 years after the date of the enactment of this Act, at least a majority of the States—

(1) have enacted uniform laws and regulations governing the licensure of individuals and entities authorized to sell and solicit the purchase of insurance within the State; or

(2) have enacted reciprocity laws and regulations governing the licensure of nonresident individuals and entities authorized to sell and solicit insurance within those States.

(b) UNIFORMITY REQUIRED.—States shall be deemed to have established the uniformity necessary to satisfy subsection (a)(1) if the States—

(1) establish uniform criteria regarding the integrity, personal qualifications, education, training, and experience of licensed insurance producers, including the qualification and training of sales personnel in ascertaining the appropriateness of a particular insurance product for a prospective customer;

(2) establish uniform continuing education requirements for licensed insurance producers;

(3) establish uniform ethics course requirements for licensed insurance producers in conjunction with the continuing education requirements under paragraph (2);

(4) establish uniform criteria to ensure that an insurance product, including any annuity contract, sold to a consumer is suitable and appropriate for the consumer based on financial information disclosed by the consumer; and

(5) do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(c) RECIPROCITY REQUIRED.—States shall be deemed to have established the reciprocity required to satisfy subsection (a)(2) if the following conditions are met:

(1) ADMINISTRATIVE LICENSING PROCEDURES.—At least a majority of the States permit a producer that has a resident license for selling or soliciting the purchase of insurance in its home State to receive a license to sell or solicit the purchase of insurance in such majority of States as a nonresident to the same extent that such producer is permitted to sell or solicit the purchase of insurance in its State, if the producer's home State also awards such licenses on such a reciprocal basis, without satisfying any additional requirements other than submitting—

- (A) a request for licensure;
- (B) the application for licensure that the producer submitted to its home State;
- (C) proof that the producer is licensed and in good standing in its home State; and
- (D) the payment of any requisite fee to the appropriate authority.

(2) CONTINUING EDUCATION REQUIREMENTS.—A majority of the States accept an insurance producer's satisfaction of its home State's continuing education requirements for licensed insurance producers to satisfy the States' own continuing education requirements if the producer's home State also recognizes the satisfaction of continuing education requirements on such a reciprocal basis.

(3) NO LIMITING NONRESIDENT REQUIREMENTS.—A majority of the States do not impose any requirement upon any insurance producer to be licensed or otherwise qualified to do business as a nonresident that has the effect of limiting or conditioning that producer's activities because of its residence or place of operations, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section.

(4) RECIPROCAL RECIPROCITY.—Each of the States that satisfies paragraphs (1), (2), and (3) grants reciprocity to residents of all of the other States that satisfy such paragraphs.

(d) DETERMINATION.—

(1) NAIC DETERMINATION.—At the end of the 3-year period beginning on the date of the enactment of this Act, the National Association of Insurance Commissioners (hereafter in this subtitle referred to as the "NAIC") shall determine, in consultation with the insurance commissioners or chief insurance regulatory officials of the States, whether the uniformity or reciprocity required by subsections (b) and (c) has been achieved.

(2) JUDICIAL REVIEW.—The appropriate United States district court shall have exclusive jurisdiction over any challenge to the NAIC's determination under this section and such court shall apply the standards set forth in section 706 of title 5, United States Code, when reviewing any such challenge.

(e) CONTINUED APPLICATION.—If, at any time, the uniformity or reciprocity required by subsections (b) and (c) no longer exists, the provisions of this subtitle shall take effect 2 years after the date on which such uniformity or reciprocity ceases to exist, unless the uniformity or reciprocity required by those provisions is satisfied before the expiration of that 2-year period.

(f) SAVINGS PROVISION.—No provision of this section shall be construed as requiring that any law, regulation, provision, or action of any State which purports to regulate insurance producers, including any such law, regulation, provision, or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws, be altered or amended in order to satisfy the uniformity or reciprocity required by subsections (b) and (c), unless any such law, regulation, provision, or action is inconsistent with a specific requirement of any such subsection and then only to the extent of such inconsistency.

(g) UNIFORM LICENSING.—Nothing in this section shall be construed to require any State to adopt new or additional licensing

requirements to achieve the uniformity necessary to satisfy subsection (a)(1).

15 USC 6752.

**SEC. 322. NATIONAL ASSOCIATION OF REGISTERED AGENTS AND BROKERS.**

(a) **ESTABLISHMENT.**—There is established the National Association of Registered Agents and Brokers (hereafter in this subtitle referred to as the “Association”).

(b) **STATUS.**—The Association shall—

- (1) be a nonprofit corporation;
- (2) have succession until dissolved by an Act of Congress;
- (3) not be an agent or instrumentality of the United States Government; and
- (4) except as otherwise provided in this Act, be subject to, and have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29y-1001 et seq.).

15 USC 6753.

**SEC. 323. PURPOSE.**

The purpose of the Association shall be to provide a mechanism through which uniform licensing, appointment, continuing education, and other insurance producer sales qualification requirements and conditions can be adopted and applied on a multistate basis, while preserving the right of States to license, supervise, and discipline insurance producers and to prescribe and enforce laws and regulations with regard to insurance-related consumer protection and unfair trade practices.

15 USC 6754.

**SEC. 324. RELATIONSHIP TO THE FEDERAL GOVERNMENT.**

The Association shall be subject to the supervision and oversight of the NAIC.

15 USC 6755.

**SEC. 325. MEMBERSHIP.**

(a) **ELIGIBILITY.**—

(1) **IN GENERAL.**—Any State-licensed insurance producer shall be eligible to become a member in the Association.

(2) **INELIGIBILITY FOR SUSPENSION OR REVOCATION OF LICENSE.**—Notwithstanding paragraph (1), a State-licensed insurance producer shall not be eligible to become a member if a State insurance regulator has suspended or revoked such producer’s license in that State during the 3-year period preceding the date on which such producer applies for membership.

(3) **RESUMPTION OF ELIGIBILITY.**—Paragraph (2) shall cease to apply to any insurance producer if—

(A) the State insurance regulator renews the license of such producer in the State in which the license was suspended or revoked; or

(B) the suspension or revocation is subsequently overturned.

(b) **AUTHORITY TO ESTABLISH MEMBERSHIP CRITERIA.**—The Association shall have the authority to establish membership criteria that—

(1) bear a reasonable relationship to the purposes for which the Association was established; and

(2) do not unfairly limit the access of smaller agencies to the Association membership.

(c) **ESTABLISHMENT OF CLASSES AND CATEGORIES.**—

(1) CLASSES OF MEMBERSHIP.—The Association may establish separate classes of membership, with separate criteria, if the Association reasonably determines that performance of different duties requires different levels of education, training, or experience.

(2) CATEGORIES.—The Association may establish separate categories of membership for individuals and for other persons. The establishment of any such categories of membership shall be based either on the types of licensing categories that exist under State laws or on the aggregate amount of business handled by an insurance producer. No special categories of membership, and no distinct membership criteria, shall be established for members which are depository institutions or for their employees, agents, or affiliates.

(d) MEMBERSHIP CRITERIA.—

(1) IN GENERAL.—The Association may establish criteria for membership which shall include standards for integrity, personal qualifications, education, training, and experience.

(2) MINIMUM STANDARD.—In establishing criteria under paragraph (1), the Association shall consider the highest levels of insurance producer qualifications established under the licensing laws of the States.

(e) EFFECT OF MEMBERSHIP.—Membership in the Association shall entitle the member to licensure in each State for which the member pays the requisite fees, including licensing fees and, where applicable, bonding requirements, set by such State.

(f) ANNUAL RENEWAL.—Membership in the Association shall be renewed on an annual basis.

(g) CONTINUING EDUCATION.—The Association shall establish, as a condition of membership, continuing education requirements which shall be comparable to or greater than the continuing education requirements under the licensing laws of a majority of the States.

(h) SUSPENSION AND REVOCATION.—The Association may—

(1) inspect and examine the records and offices of the members of the Association to determine compliance with the criteria for membership established by the Association; and

(2) suspend or revoke the membership of an insurance producer if—

(A) the producer fails to meet the applicable membership criteria of the Association; or

(B) the producer has been subject to disciplinary action pursuant to a final adjudicatory proceeding under the jurisdiction of a State insurance regulator, and the Association concludes that retention of membership in the Association would not be in the public interest.

(i) OFFICE OF CONSUMER COMPLAINTS.—

(1) IN GENERAL.—The Association shall establish an office of consumer complaints that shall— Establishment.

(A) receive and investigate complaints from both consumers and State insurance regulators related to members of the Association; and

(B) recommend to the Association any disciplinary actions that the office considers appropriate, to the extent that any such recommendation is not inconsistent with State law.

(2) RECORDS AND REFERRALS.—The office of consumer complaints of the Association shall—

(A) maintain records of all complaints received in accordance with paragraph (1) and make such records available to the NAIC and to each State insurance regulator for the State of residence of the consumer who filed the complaint; and

(B) refer, when appropriate, any such complaint to any appropriate State insurance regulator.

(3) TELEPHONE AND OTHER ACCESS.—The office of consumer complaints shall maintain a toll-free telephone number for the purpose of this subsection and, as practicable, other alternative means of communication with consumers, such as an Internet home page.

15 USC 6756.

**SEC. 326. BOARD OF DIRECTORS.**

(a) ESTABLISHMENT.—There is established the board of directors of the Association (hereafter in this subtitle referred to as the “Board”) for the purpose of governing and supervising the activities of the Association and the members of the Association.

(b) POWERS.—The Board shall have such powers and authority as may be specified in the bylaws of the Association.

(c) COMPOSITION.—

(1) MEMBERS.—The Board shall be composed of 7 members appointed by the NAIC.

(2) REQUIREMENT.—At least 4 of the members of the Board shall each have significant experience with the regulation of commercial lines of insurance in at least 1 of the 20 States in which the greatest total dollar amount of commercial-lines insurance is placed in the United States.

(3) INITIAL BOARD MEMBERSHIP.—

(A) IN GENERAL.—If, by the end of the 2-year period beginning on the date of the enactment of this Act, the NAIC has not appointed the initial 7 members of the Board of the Association, the initial Board shall consist of the 7 State insurance regulators of the 7 States with the greatest total dollar amount of commercial-lines insurance in place as of the end of such period.

(B) ALTERNATE COMPOSITION.—If any of the State insurance regulators described in subparagraph (A) declines to serve on the Board, the State insurance regulator with the next greatest total dollar amount of commercial-lines insurance in place, as determined by the NAIC as of the end of such period, shall serve as a member of the Board.

(C) INOPERABILITY.—If fewer than 7 State insurance regulators accept appointment to the Board, the Association shall be established without NAIC oversight pursuant to section 332.

(d) TERMS.—The term of each director shall, after the initial appointment of the members of the Board, be for 3 years, with one-third of the directors to be appointed each year.

(e) BOARD VACANCIES.—A vacancy on the Board shall be filled in the same manner as the original appointment of the initial Board for the remainder of the term of the vacating member.

(f) MEETINGS.—The Board shall meet at the call of the chairperson, or as otherwise provided by the bylaws of the Association.



**SEC. 327. OFFICERS.**

15 USC 6757.

## (a) IN GENERAL.—

(1) POSITIONS.—The officers of the Association shall consist of a chairperson and a vice chairperson of the Board, a president, secretary, and treasurer of the Association, and such other officers and assistant officers as may be deemed necessary.

(2) MANNER OF SELECTION.—Each officer of the Board and the Association shall be elected or appointed at such time and in such manner and for such terms not exceeding 3 years as may be prescribed in the bylaws of the Association.

(b) CRITERIA FOR CHAIRPERSON.—Only individuals who are members of the NAIC shall be eligible to serve as the chairperson of the board of directors.

**SEC. 328. BYLAWS, RULES, AND DISCIPLINARY ACTION.**

15 USC 6758.

## (a) ADOPTION AND AMENDMENT OF BYLAWS.—

(1) COPY REQUIRED TO BE FILED WITH THE NAIC.—The board of directors of the Association shall file with the NAIC a copy of the proposed bylaws or any proposed amendment to the bylaws, accompanied by a concise general statement of the basis and purpose of such proposal.

(2) EFFECTIVE DATE.—Except as provided in paragraph (3), any proposed bylaw or proposed amendment shall take effect—

(A) 30 days after the date of the filing of a copy with the NAIC;

(B) upon such later date as the Association may designate; or

(C) upon such earlier date as the NAIC may determine.

(3) DISAPPROVAL BY THE NAIC.—Notwithstanding paragraph (2), a proposed bylaw or amendment shall not take effect if, after public notice and opportunity to participate in a public hearing—

(A) the NAIC disapproves such proposal as being contrary to the public interest or contrary to the purposes of this subtitle and provides notice to the Association setting forth the reasons for such disapproval; or

(B) the NAIC finds that such proposal involves a matter of such significant public interest that public comment should be obtained, in which case it may, after notifying the Association in writing of such finding, require that the procedures set forth in subsection (b) be followed with respect to such proposal, in the same manner as if such proposed bylaw change were a proposed rule change within the meaning of such subsection.

## (b) ADOPTION AND AMENDMENT OF RULES.—

## (1) FILING PROPOSED REGULATIONS WITH THE NAIC.—

(A) IN GENERAL.—The board of directors of the Association shall file with the NAIC a copy of any proposed rule or any proposed amendment to a rule of the Association which shall be accompanied by a concise general statement of the basis and purpose of such proposal.

(B) OTHER RULES AND AMENDMENTS INEFFECTIVE.—No proposed rule or amendment shall take effect unless approved by the NAIC or otherwise permitted in accordance with this paragraph.

Deadline.

(2) INITIAL CONSIDERATION BY THE NAIC.—Not later than 35 days after the date of publication of notice of filing of a proposal, or before the end of such longer period not to exceed 90 days as the NAIC may designate after such date, if the NAIC finds such longer period to be appropriate and sets forth its reasons for so finding, or as to which the Association consents, the NAIC shall—

(A) by order approve such proposed rule or amendment;

or

(B) institute proceedings to determine whether such proposed rule or amendment should be modified or disapproved.

(3) NAIC PROCEEDINGS.—

(A) IN GENERAL.—Proceedings instituted by the NAIC with respect to a proposed rule or amendment pursuant to paragraph (2) shall—

Notice.

(i) include notice of the grounds for disapproval under consideration;

(ii) provide opportunity for hearing; and

Deadline.

(iii) be concluded not later than 180 days after the date of the Association's filing of such proposed rule or amendment.

(B) DISPOSITION OF PROPOSAL.—At the conclusion of any proceeding under subparagraph (A), the NAIC shall, by order, approve or disapprove the proposed rule or amendment.

(C) EXTENSION OF TIME FOR CONSIDERATION.—The NAIC may extend the time for concluding any proceeding under subparagraph (A) for—

(i) not more than 60 days if the NAIC finds good cause for such extension and sets forth its reasons for so finding; or

(ii) such longer period as to which the Association consents.

(4) STANDARDS FOR REVIEW.—

(A) GROUNDS FOR APPROVAL.—The NAIC shall approve a proposed rule or amendment if the NAIC finds that the rule or amendment is in the public interest and is consistent with the purposes of this Act.

(B) APPROVAL BEFORE END OF NOTICE PERIOD.—The NAIC shall not approve any proposed rule before the end of the 30-day period beginning on the date on which the Association files proposed rules or amendments in accordance with paragraph (1), unless the NAIC finds good cause for so doing and sets forth the reasons for so finding.

(5) ALTERNATE PROCEDURE.—

(A) IN GENERAL.—Notwithstanding any provision of this subsection other than subparagraph (B), a proposed rule or amendment relating to the administration or organization of the Association shall take effect—

(i) upon the date of filing with the NAIC, if such proposed rule or amendment is designated by the Association as relating solely to matters which the NAIC, consistent with the public interest and the purposes of this subsection, determines by rule do not require the procedures set forth in this paragraph; or

(ii) upon such date as the NAIC shall for good cause determine.

(B) ABROGATION BY THE NAIC.—

(i) IN GENERAL.—At any time within 60 days after the date of filing of any proposed rule or amendment under subparagraph (A)(i) or clause (ii) of this subparagraph, the NAIC may repeal such rule or amendment and require that the rule or amendment be refiled and reviewed in accordance with this paragraph, if the NAIC finds that such action is necessary or appropriate in the public interest, for the protection of insurance producers or policyholders, or otherwise in furtherance of the purposes of this subtitle.

(ii) EFFECT OF RECONSIDERATION BY THE NAIC.—

Any action of the NAIC pursuant to clause (i) shall—

(I) not affect the validity or force of a rule change during the period such rule or amendment was in effect; and

(II) not be considered to be a final action.

(c) ACTION REQUIRED BY THE NAIC.—The NAIC may, in accordance with such rules as the NAIC determines to be necessary or appropriate to the public interest or to carry out the purposes of this subtitle, require the Association to adopt, amend, or repeal any bylaw, rule, or amendment of the Association, whenever adopted.

(d) DISCIPLINARY ACTION BY THE ASSOCIATION.—

(1) SPECIFICATION OF CHARGES.—In any proceeding to determine whether membership shall be denied, suspended, revoked, or not renewed (hereafter in this section referred to as a “disciplinary action”), the Association shall bring specific charges, notify such member of such charges, give the member an opportunity to defend against the charges, and keep a record.

Notification.  
Records.

(2) SUPPORTING STATEMENT.—A determination to take disciplinary action shall be supported by a statement setting forth—

(A) any act or practice in which such member has been found to have been engaged;

(B) the specific provision of this subtitle, the rules or regulations under this subtitle, or the rules of the Association which any such act or practice is deemed to violate; and

(C) the sanction imposed and the reason for such sanction.

(e) NAIC REVIEW OF DISCIPLINARY ACTION.—

(1) NOTICE TO THE NAIC.—If the Association orders any disciplinary action, the Association shall promptly notify the NAIC of such action.

(2) REVIEW BY THE NAIC.—Any disciplinary action taken by the Association shall be subject to review by the NAIC—

(A) on the NAIC’s own motion; or

(B) upon application by any person aggrieved by such action if such application is filed with the NAIC not more than 30 days after the later of—

(i) the date the notice was filed with the NAIC pursuant to paragraph (1); or

(ii) the date the notice of the disciplinary action was received by such aggrieved person.

(f) **EFFECT OF REVIEW.**—The filing of an application to the NAIC for review of a disciplinary action, or the institution of review by the NAIC on the NAIC's own motion, shall not operate as a stay of disciplinary action unless the NAIC otherwise orders.

(g) **SCOPE OF REVIEW.**—

(1) **IN GENERAL.**—In any proceeding to review such action, after notice and the opportunity for hearing, the NAIC shall—

(A) determine whether the action should be taken;

(B) affirm, modify, or rescind the disciplinary sanction;

or

(C) remand to the Association for further proceedings.

(2) **DISMISSAL OF REVIEW.**—The NAIC may dismiss a proceeding to review disciplinary action if the NAIC finds that—

(A) the specific grounds on which the action is based exist in fact;

(B) the action is in accordance with applicable rules and regulations; and

(C) such rules and regulations are, and were, applied in a manner consistent with the purposes of this subtitle.

15 USC 6759.

**SEC. 329. ASSESSMENTS.**

(a) **INSURANCE PRODUCERS SUBJECT TO ASSESSMENT.**—The Association may establish such application and membership fees as the Association finds necessary to cover the costs of its operations, including fees made reimbursable to the NAIC under subsection (b), except that, in setting such fees, the Association may not discriminate against smaller insurance producers.

(b) **NAIC ASSESSMENTS.**—The NAIC may assess the Association for any costs that the NAIC incurs under this subtitle.

15 USC 6760.

**SEC. 330. FUNCTIONS OF THE NAIC.**

(a) **ADMINISTRATIVE PROCEDURE.**—Determinations of the NAIC, for purposes of making rules pursuant to section 328, shall be made after appropriate notice and opportunity for a hearing and for submission of views of interested persons.

(b) **EXAMINATIONS AND REPORTS.**—

(1) **EXAMINATIONS.**—The NAIC may make such examinations and inspections of the Association and require the Association to furnish to the NAIC such reports and records or copies thereof as the NAIC may consider necessary or appropriate in the public interest or to effectuate the purposes of this subtitle.

(2) **REPORT BY ASSOCIATION.**—As soon as practicable after the close of each fiscal year, the Association shall submit to the NAIC a written report regarding the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The NAIC shall transmit such report to the President and the Congress with such comment thereon as the NAIC determines to be appropriate.

15 USC 6761.

**SEC. 331. LIABILITY OF THE ASSOCIATION AND THE DIRECTORS, OFFICERS, AND EMPLOYEES OF THE ASSOCIATION.**

(a) **IN GENERAL.**—The Association shall not be deemed to be an insurer or insurance producer within the meaning of any State

law, rule, regulation, or order regulating or taxing insurers, insurance producers, or other entities engaged in the business of insurance, including provisions imposing premium taxes, regulating insurer solvency or financial condition, establishing guaranty funds and levying assessments, or requiring claims settlement practices.

(b) **LIABILITY OF THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AND EMPLOYEES.**—Neither the Association nor any of its directors, officers, or employees shall have any liability to any person for any action taken or omitted in good faith under or in connection with any matter subject to this subtitle.

**SEC. 332. ELIMINATION OF NAIC OVERSIGHT.**

15 USC 6762.

(a) **IN GENERAL.**—The Association shall be established without NAIC oversight and the provisions set forth in section 324, subsections (a), (b), (c), and (e) of section 328, and sections 329(b) and 330 of this subtitle shall cease to be effective if, at the end of the 2-year period beginning on the date on which the provisions of this subtitle take effect pursuant to section 321—

(1) at least a majority of the States representing at least 50 percent of the total United States commercial-lines insurance premiums have not satisfied the uniformity or reciprocity requirements of subsections (a), (b), and (c) of section 321; and

(2) the NAIC has not approved the Association's bylaws as required by section 328 or is unable to operate or supervise the Association, or the Association is not conducting its activities as required under this Act.

(b) **BOARD APPOINTMENTS.**—If the repeals required by subsection (a) are implemented, the following shall apply:

(1) **GENERAL APPOINTMENT POWER.**—The President, with the advice and consent of the Senate, shall appoint the members of the Association's Board established under section 326 from lists of candidates recommended to the President by the NAIC.

President.  
Congress.

(2) **PROCEDURES FOR OBTAINING NAIC APPOINTMENT RECOMMENDATIONS.**—

(A) **INITIAL DETERMINATION AND RECOMMENDATIONS.**—

After the date on which the provisions of subsection (a) take effect, the NAIC shall, not later than 60 days thereafter, provide a list of recommended candidates to the President. If the NAIC fails to provide a list by that date, or if any list that is provided does not include at least 14 recommended candidates or comply with the requirements of section 326(c), the President shall, with the advice and consent of the Senate, make the requisite appointments without considering the views of the NAIC.

Deadline.

(B) **SUBSEQUENT APPOINTMENTS.**—After the initial appointments, the NAIC shall provide a list of at least six recommended candidates for the Board to the President by January 15 of each subsequent year. If the NAIC fails to provide a list by that date, or if any list that is provided does not include at least six recommended candidates or comply with the requirements of section 326(c), the President, with the advice and consent of the Senate, shall make the requisite appointments without considering the views of the NAIC.

Deadline.

(C) **PRESIDENTIAL OVERSIGHT.**—

(i) REMOVAL.—If the President determines that the Association is not acting in the interests of the public, the President may remove the entire existing Board for the remainder of the term to which the members of the Board were appointed and appoint, with the advice and consent of the Senate, new members to fill the vacancies on the Board for the remainder of such terms.

(ii) SUSPENSION OF RULES OR ACTIONS.—The President, or a person designated by the President for such purpose, may suspend the effectiveness of any rule, or prohibit any action, of the Association which the President or the designee determines is contrary to the public interest.

(c) ANNUAL REPORT.—As soon as practicable after the close of each fiscal year, the Association shall submit to the President and to the Congress a written report relative to the conduct of its business, and the exercise of the other rights and powers granted by this subtitle, during such fiscal year. Such report shall include financial statements setting forth the financial position of the Association at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year.

15 USC 6763.

**SEC. 333. RELATIONSHIP TO STATE LAW.**

(a) PREEMPTION OF STATE LAWS.—State laws, regulations, provisions, or other actions purporting to regulate insurance producers shall be preempted as provided in subsection (b).

(b) PROHIBITED ACTIONS.—No State shall—

(1) impede the activities of, take any action against, or apply any provision of law or regulation to, any insurance producer because that insurance producer or any affiliate plans to become, has applied to become, or is a member of the Association;

(2) impose any requirement upon a member of the Association that it pay different fees to be licensed or otherwise qualified to do business in that State, including bonding requirements, based on its residency;

(3) impose any licensing, appointment, integrity, personal or corporate qualifications, education, training, experience, residency, or continuing education requirement upon a member of the Association that is different from the criteria for membership in the Association or renewal of such membership, except that countersignature requirements imposed on nonresident producers shall not be deemed to have the effect of limiting or conditioning a producer's activities because of its residence or place of operations under this section; or

(4) implement the procedures of such State's system of licensing or renewing the licenses of insurance producers in a manner different from the authority of the Association under section 325.

(c) SAVINGS PROVISION.—Except as provided in subsections (a) and (b), no provision of this section shall be construed as altering or affecting the continuing effectiveness of any law, regulation, provision, or other action of any State which purports to regulate insurance producers, including any such law, regulation, provision,

or action which purports to regulate unfair trade practices or establish consumer protections, including countersignature laws.

**SEC. 334. COORDINATION WITH OTHER REGULATORS.**

15 USC 6764.

(a) **COORDINATION WITH STATE INSURANCE REGULATORS.**—The Association shall have the authority to—

(1) issue uniform insurance producer applications and renewal applications that may be used to apply for the issuance or removal of State licenses, while preserving the ability of each State to impose such conditions on the issuance or renewal of a license as are consistent with section 333;

(2) establish a central clearinghouse through which members of the Association may apply for the issuance or renewal of licenses in multiple States; and

(3) establish or utilize a national database for the collection of regulatory information concerning the activities of insurance producers.

(b) **COORDINATION WITH THE NATIONAL ASSOCIATION OF SECURITIES DEALERS.**—The Association shall coordinate with the National Association of Securities Dealers in order to ease any administrative burdens that fall on persons that are members of both associations, consistent with the purposes of this subtitle and the Federal securities laws.

**SEC. 335. JUDICIAL REVIEW.**

15 USC 6765.

(a) **JURISDICTION.**—The appropriate United States district court shall have exclusive jurisdiction over litigation involving the Association, including disputes between the Association and its members that arise under this subtitle. Suits brought in State court involving the Association shall be deemed to have arisen under Federal law and therefore be subject to jurisdiction in the appropriate United States district court.

(b) **EXHAUSTION OF REMEDIES.**—An aggrieved person shall be required to exhaust all available administrative remedies before the Association and the NAIC before it may seek judicial review of an Association decision.

(c) **STANDARDS OF REVIEW.**—The standards set forth in section 553 of title 5, United States Code, shall be applied whenever a rule or bylaw of the Association is under judicial review, and the standards set forth in section 554 of title 5, United States Code, shall be applied whenever a disciplinary action of the Association is judicially reviewed.

**SEC. 336. DEFINITIONS.**

15 USC 6766.

For purposes of this subtitle, the following definitions shall apply:

(1) **HOME STATE.**—The term “home State” means the State in which the insurance producer maintains its principal place of residence and is licensed to act as an insurance producer.

(2) **INSURANCE.**—The term “insurance” means any product, other than title insurance, defined or regulated as insurance by the appropriate State insurance regulatory authority.

(3) **INSURANCE PRODUCER.**—The term “insurance producer” means any insurance agent or broker, surplus lines broker, insurance consultant, limited insurance representative, and any other person that solicits, negotiates, effects, procures, delivers, renews, continues or binds policies of insurance or offers advice, counsel, opinions or services related to insurance.

(4) **STATE.**—The term “State” includes any State, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the Northern Mariana Islands.

(5) **STATE LAW.**—The term “State law” includes all laws, decisions, rules, regulations, or other State action having the effect of law, of any State. A law of the United States applicable only to the District of Columbia shall be treated as a State law rather than a law of the United States.

## **Subtitle D—Rental Car Agency Insurance Activities**

15 USC 6781.

### **SEC. 341. STANDARD OF REGULATION FOR MOTOR VEHICLE RENTALS.**

(a) **PROTECTION AGAINST RETROACTIVE APPLICATION OF REGULATORY AND LEGAL ACTION.**—Except as provided in subsection (b), during the 3-year period beginning on the date of the enactment of this Act, it shall be a presumption that no State law imposes any licensing, appointment, or education requirements on any person who solicits the purchase of or sells insurance connected with, and incidental to, the lease or rental of a motor vehicle.

(b) **PREEMINENCE OF STATE INSURANCE LAW.**—No provision of this section shall be construed as altering the validity, interpretation, construction, or effect of—

- (1) any State statute;
- (2) the prospective application of any court judgment interpreting or applying any State statute; or
- (3) the prospective application of any final State regulation, order, bulletin, or other statutorily authorized interpretation or action,

which, by its specific terms, expressly regulates or exempts from regulation any person who solicits the purchase of or sells insurance connected with, and incidental to, the short-term lease or rental of a motor vehicle.

(c) **SCOPE OF APPLICATION.**—This section shall apply with respect to—

- (1) the lease or rental of a motor vehicle for a total period of 90 consecutive days or less; and
- (2) insurance which is provided in connection with, and incidentally to, such lease or rental for a period of consecutive days not exceeding the lease or rental period.

(d) **MOTOR VEHICLE DEFINED.**—For purposes of this section, the term “motor vehicle” has the same meaning as in section 13102 of title 49, United States Code.

## **TITLE IV—UNITARY SAVINGS AND LOAN HOLDING COMPANIES**

### **SEC. 401. PREVENTION OF CREATION OF NEW S&L HOLDING COMPANIES WITH COMMERCIAL AFFILIATES.**

(a) **IN GENERAL.**—Section 10(c) of the Home Owners’ Loan Act (12 U.S.C. 1467a(c)) is amended by adding at the end the following new paragraph:



“(9) PREVENTION OF NEW AFFILIATIONS BETWEEN S&L HOLDING COMPANIES AND COMMERCIAL FIRMS.—

“(A) IN GENERAL.—Notwithstanding paragraph (3), no company may directly or indirectly, including through any merger, consolidation, or other type of business combination, acquire control of a savings association after May 4, 1999, unless the company is engaged, directly or indirectly (including through a subsidiary other than a savings association), only in activities that are permitted—

“(i) under paragraph (1)(C) or (2) of this subsection;

or

“(ii) for financial holding companies under section 4(k) of the Bank Holding Company Act of 1956.

“(B) PREVENTION OF NEW COMMERCIAL AFFILIATIONS.—Notwithstanding paragraph (3), no savings and loan holding company may engage directly or indirectly (including through a subsidiary other than a savings association) in any activity other than as described in clauses (i) and (ii) of subparagraph (A).

“(C) PRESERVATION OF AUTHORITY OF EXISTING UNITARY S&L HOLDING COMPANIES.—Subparagraphs (A) and (B) do not apply with respect to any company that was a savings and loan holding company on May 4, 1999, or that becomes a savings and loan holding company pursuant to an application pending before the Office on or before that date, and that—

“(i) meets and continues to meet the requirements of paragraph (3); and

“(ii) continues to control not fewer than 1 savings association that it controlled on May 4, 1999, or that it acquired pursuant to an application pending before the Office on or before that date, or the successor to such savings association.

“(D) CORPORATE REORGANIZATIONS PERMITTED.—This paragraph does not prevent a transaction that—

“(i) involves solely a company under common control with a savings and loan holding company from acquiring, directly or indirectly, control of the savings and loan holding company or any savings association that is already a subsidiary of the savings and loan holding company; or

“(ii) involves solely a merger, consolidation, or other type of business combination as a result of which a company under common control with the savings and loan holding company acquires, directly or indirectly, control of the savings and loan holding company or any savings association that is already a subsidiary of the savings and loan holding company.

“(E) AUTHORITY TO PREVENT EVASIONS.—The Director may issue interpretations, regulations, or orders that the Director determines necessary to administer and carry out the purpose and prevent evasions of this paragraph, including a determination that, notwithstanding the form of a transaction, the transaction would in substance result in a company acquiring control of a savings association.

“(F) PRESERVATION OF AUTHORITY FOR FAMILY TRUSTS.—Subparagraphs (A) and (B) do not apply with

respect to any trust that becomes a savings and loan holding company with respect to a savings association, if—

“(i) not less than 85 percent of the beneficial ownership interests in the trust are continuously owned, directly or indirectly, by or for the benefit of members of the same family, or their spouses, who are lineal descendants of common ancestors who controlled, directly or indirectly, such savings association on May 4, 1999, or a subsequent date, pursuant to an application pending before the Office on or before May 4, 1999; and

“(ii) at the time at which such trust becomes a savings and loan holding company, such ancestors or lineal descendants, or spouses of such descendants, have directly or indirectly controlled the savings association continuously since May 4, 1999, or a subsequent date, pursuant to an application pending before the Office on or before May 4, 1999.”.

(b) CONFORMING AMENDMENT.—Section 10(o)(5)(E) of the Home Owners’ Loan Act (12 U.S.C. 1467a(o)(5)(E)) is amended by striking “, except subparagraph (B)” and inserting “or (c)(9)(A)(ii)”.

(c) RULE OF CONSTRUCTION FOR CERTAIN APPLICATIONS.—

(1) IN GENERAL.—In the case of a company that—

(A) submits an application with the Director of the Office of Thrift Supervision before the date of the enactment of this Act to convert a State-chartered trust company controlled by such company on May 4, 1999, to a savings association; and

(B) controlled a subsidiary on May 4, 1999, that had submitted an application to the Director on September 2, 1998;

the company (including any subsidiary controlled by such company as of such date of enactment) shall be treated as having filed such conversion application with the Director before May 4, 1999, for purposes of section 10(c)(9)(C) of the Home Owners’ Loan Act (as added by subsection (a)).

(2) DEFINITIONS.—For purposes of paragraph (1), the terms “company”, “control”, “savings association”, and “subsidiary” have the meanings given those terms in section 10 of the Home Owners’ Loan Act.

12 USC 1467a  
note.

## TITLE V—PRIVACY

### Subtitle A—Disclosure of Nonpublic Personal Information

15 USC 6801.

#### SEC. 501. PROTECTION OF NONPUBLIC PERSONAL INFORMATION.

(a) PRIVACY OBLIGATION POLICY.—It is the policy of the Congress that each financial institution has an affirmative and continuing obligation to respect the privacy of its customers and to protect the security and confidentiality of those customers’ non-public personal information.

(b) FINANCIAL INSTITUTIONS SAFEGUARDS.—In furtherance of the policy in subsection (a), each agency or authority described

in section 505(a) shall establish appropriate standards for the financial institutions subject to their jurisdiction relating to administrative, technical, and physical safeguards—

(1) to insure the security and confidentiality of customer records and information;

(2) to protect against any anticipated threats or hazards to the security or integrity of such records; and

(3) to protect against unauthorized access to or use of such records or information which could result in substantial harm or inconvenience to any customer.

**SEC. 502. OBLIGATIONS WITH RESPECT TO DISCLOSURES OF PERSONAL INFORMATION.**

15 USC 6802.

(a) **NOTICE REQUIREMENTS.**—Except as otherwise provided in this subtitle, a financial institution may not, directly or through any affiliate, disclose to a nonaffiliated third party any nonpublic personal information, unless such financial institution provides or has provided to the consumer a notice that complies with section 503.

(b) **OPT OUT.**—

(1) **IN GENERAL.**—A financial institution may not disclose nonpublic personal information to a nonaffiliated third party unless—

(A) such financial institution clearly and conspicuously discloses to the consumer, in writing or in electronic form or other form permitted by the regulations prescribed under section 504, that such information may be disclosed to such third party;

(B) the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and

(C) the consumer is given an explanation of how the consumer can exercise that nondisclosure option.

(2) **EXCEPTION.**—This subsection shall not prevent a financial institution from providing nonpublic personal information to a nonaffiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services, or financial products or services offered pursuant to joint agreements between two or more financial institutions that comply with the requirements imposed by the regulations prescribed under section 504, if the financial institution fully discloses the providing of such information and enters into a contractual agreement with the third party that requires the third party to maintain the confidentiality of such information.

(c) **LIMITS ON REUSE OF INFORMATION.**—Except as otherwise provided in this subtitle, a nonaffiliated third party that receives from a financial institution nonpublic personal information under this section shall not, directly or through an affiliate of such receiving third party, disclose such information to any other person that is a nonaffiliated third party of both the financial institution and such receiving third party, unless such disclosure would be lawful if made directly to such other person by the financial institution.

(d) **LIMITATIONS ON THE SHARING OF ACCOUNT NUMBER INFORMATION FOR MARKETING PURPOSES.**—A financial institution

shall not disclose, other than to a consumer reporting agency, an account number or similar form of access number or access code for a credit card account, deposit account, or transaction account of a consumer to any nonaffiliated third party for use in telemarketing, direct mail marketing, or other marketing through electronic mail to the consumer.

(e) GENERAL EXCEPTIONS.—Subsections (a) and (b) shall not prohibit the disclosure of nonpublic personal information—

(1) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer, or in connection with—

(A) servicing or processing a financial product or service requested or authorized by the consumer;

(B) maintaining or servicing the consumer's account with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity; or

(C) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

(2) with the consent or at the direction of the consumer;

(3)(A) to protect the confidentiality or security of the financial institution's records pertaining to the consumer, the service or product, or the transaction therein; (B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability; (C) for required institutional risk control, or for resolving customer disputes or inquiries; (D) to persons holding a legal or beneficial interest relating to the consumer; or (E) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

(4) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the institution's compliance with industry standards, and the institution's attorneys, accountants, and auditors;

(5) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978, to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91-508 (12 U.S.C. 1951-1959), a State insurance authority, or the Federal Trade Commission), self-regulatory organizations, or for an investigation on a matter related to public safety;

(6)(A) to a consumer reporting agency in accordance with the Fair Credit Reporting Act, or (B) from a consumer report reported by a consumer reporting agency;

(7) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of such business or unit; or

(8) to comply with Federal, State, or local laws, rules, and other applicable legal requirements; to comply with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or to respond to judicial process or government regulatory

authorities having jurisdiction over the financial institution for examination, compliance, or other purposes as authorized by law.

**SEC. 503. DISCLOSURE OF INSTITUTION PRIVACY POLICY.**

15 USC 6803.

(a) **DISCLOSURE REQUIRED.**—At the time of establishing a customer relationship with a consumer and not less than annually during the continuation of such relationship, a financial institution shall provide a clear and conspicuous disclosure to such consumer, in writing or in electronic form or other form permitted by the regulations prescribed under section 504, of such financial institution's policies and practices with respect to—

(1) disclosing nonpublic personal information to affiliates and nonaffiliated third parties, consistent with section 502, including the categories of information that may be disclosed;

(2) disclosing nonpublic personal information of persons who have ceased to be customers of the financial institution; and

(3) protecting the nonpublic personal information of consumers.

Such disclosures shall be made in accordance with the regulations prescribed under section 504.

(b) **INFORMATION TO BE INCLUDED.**—The disclosure required by subsection (a) shall include—

(1) the policies and practices of the institution with respect to disclosing nonpublic personal information to nonaffiliated third parties, other than agents of the institution, consistent with section 502 of this subtitle, and including—

(A) the categories of persons to whom the information is or may be disclosed, other than the persons to whom the information may be provided pursuant to section 502(e); and

(B) the policies and practices of the institution with respect to disclosing of nonpublic personal information of persons who have ceased to be customers of the financial institution;

(2) the categories of nonpublic personal information that are collected by the financial institution;

(3) the policies that the institution maintains to protect the confidentiality and security of nonpublic personal information in accordance with section 501; and

(4) the disclosures required, if any, under section 603(d)(2)(A)(iii) of the Fair Credit Reporting Act.

**SEC. 504. RULEMAKING.**

15 USC 6804.

(a) **REGULATORY AUTHORITY.**—

(1) **RULEMAKING.**—The Federal banking agencies, the National Credit Union Administration, the Secretary of the Treasury, the Securities and Exchange Commission, and the Federal Trade Commission shall each prescribe, after consultation as appropriate with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, such regulations as may be necessary to carry out the purposes of this subtitle with respect to the financial institutions subject to their jurisdiction under section 505.

(2) **COORDINATION, CONSISTENCY, AND COMPARABILITY.**—Each of the agencies and authorities required under paragraph (1) to prescribe regulations shall consult and coordinate with

the other such agencies and authorities for the purposes of assuring, to the extent possible, that the regulations prescribed by each such agency and authority are consistent and comparable with the regulations prescribed by the other such agencies and authorities.

(3) PROCEDURES AND DEADLINE.—Such regulations shall be prescribed in accordance with applicable requirements of title 5, United States Code, and shall be issued in final form not later than 6 months after the date of the enactment of this Act.

(b) AUTHORITY TO GRANT EXCEPTIONS.—The regulations prescribed under subsection (a) may include such additional exceptions to subsections (a) through (d) of section 502 as are deemed consistent with the purposes of this subtitle.

15 USC 6805.

**SEC. 505. ENFORCEMENT.**

(a) IN GENERAL.—This subtitle and the regulations prescribed thereunder shall be enforced by the Federal functional regulators, the State insurance authorities, and the Federal Trade Commission with respect to financial institutions and other persons subject to their jurisdiction under applicable law, as follows:

(1) Under section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, Federal branches and Federal agencies of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, organizations operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Governors of the Federal Reserve System;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Board of Directors of the Federal Deposit Insurance Corporation; and

(D) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, and any subsidiaries of such savings associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers), by the Director of the Office of Thrift Supervision.

(2) Under the Federal Credit Union Act, by the Board of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity.

(3) Under the Securities Exchange Act of 1934, by the Securities and Exchange Commission with respect to any broker or dealer.

(4) Under the Investment Company Act of 1940, by the Securities and Exchange Commission with respect to investment companies.

(5) Under the Investment Advisers Act of 1940, by the Securities and Exchange Commission with respect to investment advisers registered with the Commission under such Act.

(6) Under State insurance law, in the case of any person engaged in providing insurance, by the applicable State insurance authority of the State in which the person is domiciled, subject to section 104 of this Act.

(7) Under the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (6) of this subsection.

(b) ENFORCEMENT OF SECTION 501.—

(1) IN GENERAL.—Except as provided in paragraph (2), the agencies and authorities described in subsection (a) shall implement the standards prescribed under section 501(b) in the same manner, to the extent practicable, as standards prescribed pursuant to section 39(a) of the Federal Deposit Insurance Act are implemented pursuant to such section.

(2) EXCEPTION.—The agencies and authorities described in paragraphs (3), (4), (5), (6), and (7) of subsection (a) shall implement the standards prescribed under section 501(b) by rule with respect to the financial institutions and other persons subject to their respective jurisdictions under subsection (a).

(c) ABSENCE OF STATE ACTION.—If a State insurance authority fails to adopt regulations to carry out this subtitle, such State shall not be eligible to override, pursuant to section 47(g)(2)(B)(iii) of the Federal Deposit Insurance Act, the insurance customer protection regulations prescribed by a Federal banking agency under section 47(a) of such Act.

(d) DEFINITIONS.—The terms used in subsection (a)(1) that are not defined in this subtitle or otherwise defined in section 3(s) of the Federal Deposit Insurance Act shall have the same meaning as given in section 1(b) of the International Banking Act of 1978.

#### **SEC. 506. PROTECTION OF FAIR CREDIT REPORTING ACT.**

(a) AMENDMENT.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (d), by striking everything following the end of the second sentence; and

(2) by striking subsection (e) and inserting the following:

“(e) REGULATORY AUTHORITY.—

“(1) The Federal banking agencies referred to in paragraphs (1) and (2) of subsection (b) shall jointly prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraphs (1) and (2) of subsection (b), and the Board of Governors of the Federal Reserve System shall have authority to prescribe regulations consistent with such joint regulations with respect to bank

holding companies and affiliates (other than depository institutions and consumer reporting agencies) of such holding companies.

“(2) The Board of the National Credit Union Administration shall prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraph (3) of subsection (b).”.

(b) CONFORMING AMENDMENT.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended by striking paragraph (4).

15 USC 6806.

(c) RELATION TO OTHER PROVISIONS.—Except for the amendments made by subsections (a) and (b), nothing in this title shall be construed to modify, limit, or supersede the operation of the Fair Credit Reporting Act, and no inference shall be drawn on the basis of the provisions of this title regarding whether information is transaction or experience information under section 603 of such Act.

15 USC 6807.

**SEC. 507. RELATION TO STATE LAWS.**

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall not be construed as superseding, altering, or affecting any statute, regulation, order, or interpretation in effect in any State, except to the extent that such statute, regulation, order, or interpretation is inconsistent with the provisions of this subtitle, and then only to the extent of the inconsistency.

(b) GREATER PROTECTION UNDER STATE LAW.—For purposes of this section, a State statute, regulation, order, or interpretation is not inconsistent with the provisions of this subtitle if the protection such statute, regulation, order, or interpretation affords any person is greater than the protection provided under this subtitle and the amendments made by this subtitle, as determined by the Federal Trade Commission, after consultation with the agency or authority with jurisdiction under section 505(a) of either the person that initiated the complaint or that is the subject of the complaint, on its own motion or upon the petition of any interested party.

15 USC 6808.

**SEC. 508. STUDY OF INFORMATION SHARING AMONG FINANCIAL AFFILIATES.**

(a) IN GENERAL.—The Secretary of the Treasury, in conjunction with the Federal functional regulators and the Federal Trade Commission, shall conduct a study of information sharing practices among financial institutions and their affiliates. Such study shall include—

(1) the purposes for the sharing of confidential customer information with affiliates or with nonaffiliated third parties;

(2) the extent and adequacy of security protections for such information;

(3) the potential risks for customer privacy of such sharing of information;

(4) the potential benefits for financial institutions and affiliates of such sharing of information;

(5) the potential benefits for customers of such sharing of information;

(6) the adequacy of existing laws to protect customer privacy;

(7) the adequacy of financial institution privacy policy and privacy rights disclosure under existing law;



(8) the feasibility of different approaches, including opt-out and opt-in, to permit customers to direct that confidential information not be shared with affiliates and nonaffiliated third parties; and

(9) the feasibility of restricting sharing of information for specific uses or of permitting customers to direct the uses for which information may be shared.

(b) CONSULTATION.—The Secretary shall consult with representatives of State insurance authorities designated by the National Association of Insurance Commissioners, and also with financial services industry, consumer organizations and privacy groups, and other representatives of the general public, in formulating and conducting the study required by subsection (a).

(c) REPORT.—On or before January 1, 2002, the Secretary shall submit a report to the Congress containing the findings and conclusions of the study required under subsection (a), together with such recommendations for legislative or administrative action as may be appropriate.

Deadline.

#### SEC. 509. DEFINITIONS.

15 USC 6809.

As used in this subtitle:

(1) FEDERAL BANKING AGENCY.—The term “Federal banking agency” has the same meaning as given in section 3 of the Federal Deposit Insurance Act.

(2) FEDERAL FUNCTIONAL REGULATOR.—The term “Federal functional regulator” means—

(A) the Board of Governors of the Federal Reserve System;

(B) the Office of the Comptroller of the Currency;

(C) the Board of Directors of the Federal Deposit Insurance Corporation;

(D) the Director of the Office of Thrift Supervision;

(E) the National Credit Union Administration Board;

and

(F) the Securities and Exchange Commission.

(3) FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term “financial institution” means any institution the business of which is engaging in financial activities as described in section 4(k) of the Bank Holding Company Act of 1956.

(B) PERSONS SUBJECT TO CFTC REGULATION.—Notwithstanding subparagraph (A), the term “financial institution” does not include any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act.

(C) FARM CREDIT INSTITUTIONS.—Notwithstanding subparagraph (A), the term “financial institution” does not include the Federal Agricultural Mortgage Corporation or any entity chartered and operating under the Farm Credit Act of 1971.

(D) OTHER SECONDARY MARKET INSTITUTIONS.—Notwithstanding subparagraph (A), the term “financial institution” does not include institutions chartered by Congress specifically to engage in transactions described in section 502(e)(1)(C), as long as such institutions do not sell or

transfer nonpublic personal information to a nonaffiliated third party.

(4) NONPUBLIC PERSONAL INFORMATION.—

(A) The term “nonpublic personal information” means personally identifiable financial information—

(i) provided by a consumer to a financial institution;

(ii) resulting from any transaction with the consumer or any service performed for the consumer; or

(iii) otherwise obtained by the financial institution.

(B) Such term does not include publicly available information, as such term is defined by the regulations prescribed under section 504.

(C) Notwithstanding subparagraph (B), such term—

(i) shall include any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived using any nonpublic personal information other than publicly available information; but

(ii) shall not include any list, description, or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any nonpublic personal information.

(5) NONAFFILIATED THIRD PARTY.—The term “nonaffiliated third party” means any entity that is not an affiliate of, or related by common ownership or affiliated by corporate control with, the financial institution, but does not include a joint employee of such institution.

(6) AFFILIATE.—The term “affiliate” means any company that controls, is controlled by, or is under common control with another company.

(7) NECESSARY TO EFFECT, ADMINISTER, OR ENFORCE.—The term “as necessary to effect, administer, or enforce the transaction” means—

(A) the disclosure is required, or is a usual, appropriate, or acceptable method, to carry out the transaction or the product or service business of which the transaction is a part, and record or service or maintain the consumer’s account in the ordinary course of providing the financial service or financial product, or to administer or service benefits or claims relating to the transaction or the product or service business of which it is a part, and includes—

(i) providing the consumer or the consumer’s agent or broker with a confirmation, statement, or other record of the transaction, or information on the status or value of the financial service or financial product; and

(ii) the accrual or recognition of incentives or bonuses associated with the transaction that are provided by the financial institution or any other party;

(B) the disclosure is required, or is one of the lawful or appropriate methods, to enforce the rights of the financial institution or of other persons engaged in carrying out the financial transaction, or providing the product or service;

(C) the disclosure is required, or is a usual, appropriate, or acceptable method, for insurance underwriting at the

consumer's request or for reinsurance purposes, or for any of the following purposes as they relate to a consumer's insurance: Account administration, reporting, investigating, or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), participating in research projects, or as otherwise required or specifically permitted by Federal or State law; or

(D) the disclosure is required, or is a usual, appropriate or acceptable method, in connection with—

(i) the authorization, settlement, billing, processing, clearing, transferring, reconciling, or collection of amounts charged, debited, or otherwise paid using a debit, credit or other payment card, check, or account number, or by other payment means;

(ii) the transfer of receivables, accounts or interests therein; or

(iii) the audit of debit, credit or other payment information.

(8) STATE INSURANCE AUTHORITY.—The term “State insurance authority” means, in the case of any person engaged in providing insurance, the State insurance authority of the State in which the person is domiciled.

(9) CONSUMER.—The term “consumer” means an individual who obtains, from a financial institution, financial products or services which are to be used primarily for personal, family, or household purposes, and also means the legal representative of such an individual.

(10) JOINT AGREEMENT.—The term “joint agreement” means a formal written contract pursuant to which two or more financial institutions jointly offer, endorse, or sponsor a financial product or service, and as may be further defined in the regulations prescribed under section 504.

(11) CUSTOMER RELATIONSHIP.—The term “time of establishing a customer relationship” shall be defined by the regulations prescribed under section 504, and shall, in the case of a financial institution engaged in extending credit directly to consumers to finance purchases of goods or services, mean the time of establishing the credit relationship with the consumer.

Regulations.

**SEC. 510. EFFECTIVE DATE.**

15 USC 6801  
note.

This subtitle shall take effect 6 months after the date on which rules are required to be prescribed under section 504(a)(3), except—

(1) to the extent that a later date is specified in the rules prescribed under section 504; and

(2) that sections 504 and 506 shall be effective upon enactment.

## **Subtitle B—Fraudulent Access to Financial Information**

15 USC 6821.

### **SEC. 521. PRIVACY PROTECTION FOR CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.**

(a) **PROHIBITION ON OBTAINING CUSTOMER INFORMATION BY FALSE PRETENSES.**—It shall be a violation of this subtitle for any person to obtain or attempt to obtain, or cause to be disclosed or attempt to cause to be disclosed to any person, customer information of a financial institution relating to another person—

(1) by making a false, fictitious, or fraudulent statement or representation to an officer, employee, or agent of a financial institution;

(2) by making a false, fictitious, or fraudulent statement or representation to a customer of a financial institution; or

(3) by providing any document to an officer, employee, or agent of a financial institution, knowing that the document is forged, counterfeit, lost, or stolen, was fraudulently obtained, or contains a false, fictitious, or fraudulent statement or representation.

(b) **PROHIBITION ON SOLICITATION OF A PERSON TO OBTAIN CUSTOMER INFORMATION FROM FINANCIAL INSTITUTION UNDER FALSE PRETENSES.**—It shall be a violation of this subtitle to request a person to obtain customer information of a financial institution, knowing that the person will obtain, or attempt to obtain, the information from the institution in any manner described in subsection (a).

(c) **NONAPPLICABILITY TO LAW ENFORCEMENT AGENCIES.**—No provision of this section shall be construed so as to prevent any action by a law enforcement agency, or any officer, employee, or agent of such agency, to obtain customer information of a financial institution in connection with the performance of the official duties of the agency.

(d) **NONAPPLICABILITY TO FINANCIAL INSTITUTIONS IN CERTAIN CASES.**—No provision of this section shall be construed so as to prevent any financial institution, or any officer, employee, or agent of a financial institution, from obtaining customer information of such financial institution in the course of—

(1) testing the security procedures or systems of such institution for maintaining the confidentiality of customer information;

(2) investigating allegations of misconduct or negligence on the part of any officer, employee, or agent of the financial institution; or

(3) recovering customer information of the financial institution which was obtained or received by another person in any manner described in subsection (a) or (b).

(e) **NONAPPLICABILITY TO INSURANCE INSTITUTIONS FOR INVESTIGATION OF INSURANCE FRAUD.**—No provision of this section shall be construed so as to prevent any insurance institution, or any officer, employee, or agency of an insurance institution, from obtaining information as part of an insurance investigation into criminal activity, fraud, material misrepresentation, or material nondisclosure that is authorized for such institution under State law, regulation, interpretation, or order.

(f) NONAPPLICABILITY TO CERTAIN TYPES OF CUSTOMER INFORMATION OF FINANCIAL INSTITUTIONS.—No provision of this section shall be construed so as to prevent any person from obtaining customer information of a financial institution that otherwise is available as a public record filed pursuant to the securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934).

(g) NONAPPLICABILITY TO COLLECTION OF CHILD SUPPORT JUDGMENTS.—No provision of this section shall be construed to prevent any State-licensed private investigator, or any officer, employee, or agent of such private investigator, from obtaining customer information of a financial institution, to the extent reasonably necessary to collect child support from a person adjudged to have been delinquent in his or her obligations by a Federal or State court, and to the extent that such action by a State-licensed private investigator is not unlawful under any other Federal or State law or regulation, and has been authorized by an order or judgment of a court of competent jurisdiction.

**SEC. 522. ADMINISTRATIVE ENFORCEMENT.**

15 USC 6822.

(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—Except as provided in subsection (b), compliance with this subtitle shall be enforced by the Federal Trade Commission in the same manner and with the same power and authority as the Commission has under the Fair Debt Collection Practices Act to enforce compliance with such Act.

(b) ENFORCEMENT BY OTHER AGENCIES IN CERTAIN CASES.—  
(1) IN GENERAL.—Compliance with this subtitle shall be enforced under—

(A) section 8 of the Federal Deposit Insurance Act, in the case of—

(i) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(ii) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act, by the Board;

(iii) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System and national nonmember banks) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation; and

(iv) savings associations the deposits of which are insured by the Federal Deposit Insurance Corporation, by the Director of the Office of Thrift Supervision; and

(B) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any Federal credit union.

(2) VIOLATIONS OF THIS SUBTITLE TREATED AS VIOLATIONS OF OTHER LAWS.—For the purpose of the exercise by any agency

referred to in paragraph (1) of its powers under any Act referred to in that paragraph, a violation of this subtitle shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in paragraph (1), each of the agencies referred to in that paragraph may exercise, for the purpose of enforcing compliance with this subtitle, any other authority conferred on such agency by law.

15 USC 6823.

**SEC. 523. CRIMINAL PENALTY.**

(a) IN GENERAL.—Whoever knowingly and intentionally violates, or knowingly and intentionally attempts to violate, section 521 shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

(b) ENHANCED PENALTY FOR AGGRAVATED CASES.—Whoever violates, or attempts to violate, section 521 while violating another law of the United States or as part of a pattern of any illegal activity involving more than \$100,000 in a 12-month period shall be fined twice the amount provided in subsection (b)(3) or (c)(3) (as the case may be) of section 3571 of title 18, United States Code, imprisoned for not more than 10 years, or both.

15 USC 6824.

**SEC. 524. RELATION TO STATE LAWS.**

(a) IN GENERAL.—This subtitle shall not be construed as superseding, altering, or affecting the statutes, regulations, orders, or interpretations in effect in any State, except to the extent that such statutes, regulations, orders, or interpretations are inconsistent with the provisions of this subtitle, and then only to the extent of the inconsistency.

(b) GREATER PROTECTION UNDER STATE LAW.—For purposes of this section, a State statute, regulation, order, or interpretation is not inconsistent with the provisions of this subtitle if the protection such statute, regulation, order, or interpretation affords any person is greater than the protection provided under this subtitle as determined by the Federal Trade Commission, after consultation with the agency or authority with jurisdiction under section 522 of either the person that initiated the complaint or that is the subject of the complaint, on its own motion or upon the petition of any interested party.

15 USC 6825.

**SEC. 525. AGENCY GUIDANCE.**

In furtherance of the objectives of this subtitle, each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Securities and Exchange Commission or self-regulatory organizations, as appropriate, shall review regulations and guidelines applicable to financial institutions under their respective jurisdictions and shall prescribe such revisions to such regulations and guidelines as may be necessary to ensure that such financial institutions have policies, procedures, and controls in place to prevent the unauthorized disclosure of customer financial information and to deter and detect activities proscribed under section 521.

15 USC 6826.

**SEC. 526. REPORTS.**

(a) REPORT TO THE CONGRESS.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General, in consultation with the Federal Trade Commission, Federal banking agencies, the National Credit Union

Administration, the Securities and Exchange Commission, appropriate Federal law enforcement agencies, and appropriate State insurance regulators, shall submit to the Congress a report on the following:

(1) The efficacy and adequacy of the remedies provided in this subtitle in addressing attempts to obtain financial information by fraudulent means or by false pretenses.

(2) Any recommendations for additional legislative or regulatory action to address threats to the privacy of financial information created by attempts to obtain information by fraudulent means or false pretenses.

(b) ANNUAL REPORT BY ADMINISTERING AGENCIES.—The Federal Trade Commission and the Attorney General shall submit to Congress an annual report on number and disposition of all enforcement actions taken pursuant to this subtitle.

**SEC. 527. DEFINITIONS.**

15 USC 6827.

For purposes of this subtitle, the following definitions shall apply:

(1) CUSTOMER.—The term “customer” means, with respect to a financial institution, any person (or authorized representative of a person) to whom the financial institution provides a product or service, including that of acting as a fiduciary.

(2) CUSTOMER INFORMATION OF A FINANCIAL INSTITUTION.—The term “customer information of a financial institution” means any information maintained by or for a financial institution which is derived from the relationship between the financial institution and a customer of the financial institution and is identified with the customer.

(3) DOCUMENT.—The term “document” means any information in any form.

(4) FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term “financial institution” means any institution engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution.

(B) CERTAIN FINANCIAL INSTITUTIONS SPECIFICALLY INCLUDED.—The term “financial institution” includes any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act), any broker or dealer, any investment adviser or investment company, any insurance company, any loan or finance company, any credit card issuer or operator of a credit card system, and any consumer reporting agency that compiles and maintains files on consumers on a nationwide basis (as defined in section 603(p) of the Consumer Credit Protection Act).

(C) SECURITIES INSTITUTIONS.—For purposes of subparagraph (B)—

(i) the terms “broker” and “dealer” have the same meanings as given in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(ii) the term “investment adviser” has the same meaning as given in section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)); and

(iii) the term “investment company” has the same meaning as given in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3).

(D) CERTAIN PERSONS AND ENTITIES SPECIFICALLY EXCLUDED.—The term “financial institution” does not include any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act and does not include the Federal Agricultural Mortgage Corporation or any entity chartered and operating under the Farm Credit Act of 1971.

(E) FURTHER DEFINITION BY REGULATION.—The Federal Trade Commission, after consultation with Federal banking agencies and the Securities and Exchange Commission, may prescribe regulations clarifying or describing the types of institutions which shall be treated as financial institutions for purposes of this subtitle.

Federal Home  
Loan Bank  
System  
Modernization  
Act of 1999.  
12 USC 1421  
note.

## TITLE VI—FEDERAL HOME LOAN BANK SYSTEM MODERNIZATION

### SEC. 601. SHORT TITLE.

This title may be cited as the “Federal Home Loan Bank System Modernization Act of 1999”.

### SEC. 602. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) in paragraph (1), by striking “term ‘Board’ means” and inserting “terms ‘Finance Board’ and ‘Board’ mean”;

(2) by striking paragraph (3) and inserting the following:

“(3) STATE.—The term ‘State’, in addition to the States of the United States, includes the District of Columbia, Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.”; and

(3) by adding at the end the following new paragraph: “(13) COMMUNITY FINANCIAL INSTITUTION.—

“(A) IN GENERAL.—The term ‘community financial institution’ means a member—

“(i) the deposits of which are insured under the Federal Deposit Insurance Act; and

“(ii) that has, as of the date of the transaction at issue, less than \$500,000,000 in average total assets, based on an average of total assets over the 3 years preceding that date.

“(B) ADJUSTMENTS.—The \$500,000,000 limit referred to in subparagraph (A)(ii) shall be adjusted annually by the Finance Board, based on the annual percentage increase, if any, in the Consumer Price Index for all urban consumers, as published by the Department of Labor.”.

### SEC. 603. SAVINGS ASSOCIATION MEMBERSHIP.

Section 5(f) of the Home Owners’ Loan Act (12 U.S.C. 1464(f)) is amended to read as follows:



“(f) FEDERAL HOME LOAN BANK MEMBERSHIP.—After the end of the 6-month period beginning on the date of the enactment of the Federal Home Loan Bank System Modernization Act of 1999, a Federal savings association may become a member of the Federal Home Loan Bank System, and shall qualify for such membership in the manner provided by the Federal Home Loan Bank Act.”.

**SEC. 604. ADVANCES TO MEMBERS; COLLATERAL.**

(a) IN GENERAL.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(2) by striking “(a) Each” and inserting the following:

“(a) IN GENERAL.—

“(1) ALL ADVANCES.—Each”;

(3) by striking the second sentence and inserting the following:

“(2) PURPOSES OF ADVANCES.—A long-term advance may only be made for the purposes of—

“(A) providing funds to any member for residential housing finance; and

“(B) providing funds to any community financial institution for small businesses, small farms, and small agri-businesses.”;

(4) by striking “A Bank” and inserting the following:

“(3) COLLATERAL.—A Bank”;

(5) in paragraph (3) (as so designated by paragraph (4) of this subsection)—

(A) in subparagraph (C) (as so redesignated by paragraph (1) of this subsection) by striking “Deposits” and inserting “Cash or deposits”;

(B) in subparagraph (D) (as so redesignated by paragraph (1) of this subsection), by striking the second sentence; and

(C) by inserting after subparagraph (D) (as so redesignated by paragraph (1) of this subsection) the following new subparagraph:

“(E) Secured loans for small business, agriculture, or securities representing a whole interest in such secured loans, in the case of any community financial institution.”;

(6) in paragraph (5)—

(A) in the second sentence, by striking “and the Board”;

(B) in the third sentence, by striking “Board” and inserting “Federal home loan bank”; and

(C) by striking “(5) Paragraphs (1) through (4)” and inserting the following:

“(4) ADDITIONAL BANK AUTHORITY.—Subparagraphs (A) through (E) of paragraph (3)”;

(7) by adding at the end the following:

“(5) REVIEW OF CERTAIN COLLATERAL STANDARDS.—The Board may review the collateral standards applicable to each Federal home loan bank for the classes of collateral described in subparagraphs (D) and (E) of paragraph (3), and may, if necessary for safety and soundness purposes, require an

increase in the collateral standards for any or all of those classes of collateral.

“(6) DEFINITIONS.—For purposes of this subsection, the terms ‘small business’, ‘agriculture’, ‘small farm’, and ‘small agri-business’ shall have the meanings given those terms by regulation of the Finance Board.”

(b) CLERICAL AMENDMENT.—The section heading for section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended to read as follows:

**“SEC. 10. ADVANCES TO MEMBERS.”**

(c) QUALIFIED THRIFT LENDER STATUS.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended by striking the first of the 2 subsections designated as subsection (e).

(d) FEDERAL HOME LOAN BANK ACCESS.—Section 10(m)(3)(B) of the Home Owners’ Loan Act (12 U.S.C. 1467a(m)(3)(B)) is amended—

(1) in clause (i), by striking subclause (III) and redesignating subclause (IV) as subclause (III); and

(2) by striking clause (ii) and inserting the following:

“(ii) ADDITIONAL RESTRICTIONS EFFECTIVE AFTER 3 YEARS.—Beginning 3 years after the date on which a savings association should have become a qualified thrift lender, or the date on which the savings association ceases to be a qualified thrift lender, as applicable, the savings association shall not retain any investment (including an investment in any subsidiary) or engage, directly or indirectly, in any activity, unless that investment or activity—

“(I) would be permissible for the savings association if it were a national bank; and

“(II) is permissible for the savings association as a savings association.”

**SEC. 605. ELIGIBILITY CRITERIA.**

Section 4(a) of the Federal Home Loan Bank Act (12 U.S.C. 1424(a)) is amended—

(1) in paragraph (2)(A), by inserting “(other than a community financial institution)” after “institution”;

(2) in the matter immediately following paragraph (2)(C)—  
(A) by striking “An insured” and inserting the following:

“(3) CERTAIN INSTITUTIONS.—An insured”; and

(B) by striking “preceding sentence” and inserting “paragraph (2)”; and

(3) by adding at the end the following new paragraph:

“(4) LIMITED EXEMPTION FOR COMMUNITY FINANCIAL INSTITUTIONS.—A community financial institution that otherwise meets the requirements of paragraph (2) may become a member without regard to the percentage of its total assets that is represented by residential mortgage loans, as described in subparagraph (A) of paragraph (2).”

**SEC. 606. MANAGEMENT OF BANKS.**

(a) BOARD OF DIRECTORS.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(1) in subsection (a), by striking “and bona fide residents of the district in which such bank is located” and inserting

“, and each of whom shall be either a bona fide resident of the district in which such bank is located or an officer or director of a member of such bank located in that district”;

(2) in subsection (d), by striking the first sentence and inserting the following: “The term of each director, whether elected or appointed, shall be 3 years. The board of directors of each Federal home loan bank and the Finance Board shall adjust the terms of members first elected or appointed after the date of the enactment of the Federal Home Loan Bank System Modernization Act of 1999 to ensure that the terms of the members of the board of directors are staggered with approximately  $\frac{1}{3}$  of the terms expiring each year.”; and

(3) by striking subsection (g) and inserting the following: “(g) CHAIRPERSON AND VICE CHAIRPERSON.—

“(1) ELECTION.—The Chairperson and Vice Chairperson of the board of directors of each Federal home loan bank shall be elected by a majority of all the directors of such bank from among the directors of the bank.

“(2) TERMS.—The term of office of the Chairperson and the Vice Chairperson of the board of directors of a Federal home loan bank shall be 2 years.

“(3) ACTING CHAIRPERSON.—In the event of a vacancy in the position of Chairperson of the board of directors or during the absence or disability of the Chairperson, the Vice Chairperson shall act as Chairperson.

“(4) PROCEDURES.—The board of directors of each Federal home loan bank shall establish procedures, in the bylaws of such board, for designating an acting chairperson for any period during which the Chairperson and the Vice Chairperson are not available to carry out the requirements of that position for any reason and removing any person from any such position for good cause.”.

(b) COMPENSATION.—Section 7(i) of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended—

(1) by striking “(i) Each bank may pay its directors” and inserting “(i) DIRECTORS’ COMPENSATION.—

“(1) IN GENERAL.—Subject to paragraph (2), each bank may pay its directors”; and

(2) by adding at the end the following new paragraph:

“(2) LIMITATION.—

“(A) IN GENERAL.—The annual salary of each of the following members of the board of directors of a Federal home loan bank may not exceed the amount specified:

“In the case of the—

The annual compensation  
may not exceed—

Chairperson .....	\$25,000
Vice Chairperson .....	\$20,000
All other members .....	\$15,000.

“(B) ADJUSTMENT.—Beginning January 1, 2001, each dollar amount referred to in the table in subparagraph (A) shall be adjusted annually by the Finance Board, based on the annual percentage increase, if any, in the Consumer Price Index for all urban consumers, as published by the Department of Labor.

“(C) EXPENSES.—Subparagraph (A) shall not be construed as prohibiting the reimbursement of expenses

Effective date.

incurred by members of the board of directors of any Federal home loan bank in connection with service on the board of directors.”.

(c) REPEAL OF SECTIONS 22A AND 27.—The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.) is amended by striking sections 22A (12 U.S.C. 1442a) and 27 (12 U.S.C. 1447).

(d) SECTION 12.—Section 12 of the Federal Home Loan Bank Act (12 U.S.C. 1432) is amended—

(1) in subsection (a)—

(A) by striking “, but, except” and all that follows through “ten years”;

(B) by striking “subject to the approval of the Board” the first place that term appears;

(C) by striking “and, by its Board of directors,” and all that follows through “agent of such bank,” and inserting “and, by the board of directors of the bank, to prescribe, amend, and repeal by-laws governing the manner in which its affairs may be administered, consistent with applicable laws and regulations, as administered by the Finance Board. No officer, employee, attorney, or agent of a Federal home loan bank”; and

(D) by striking “Board of directors” where such term appears in the penultimate sentence and inserting “board of directors”; and

(2) in subsection (b), by striking “loans banks” and inserting “loan banks”.

(e) POWERS AND DUTIES OF FEDERAL HOUSING FINANCE BOARD.—

(1) ISSUANCE OF NOTICES OF VIOLATIONS.—Section 2B(a) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(a)) is amended by adding at the end the following new paragraphs:

“(5) To issue and serve a notice of charges upon a Federal home loan bank or upon any executive officer or director of a Federal home loan bank if, in the determination of the Finance Board, the Bank, executive officer, or director is engaging or has engaged in, or the Finance Board has reasonable cause to believe that the Bank, executive officer, or director is about to engage in an unsafe or unsound practice in conducting the business of the bank, or any conduct that violates any provision of this Act or any law, order, rule, or regulation or any condition imposed in writing by the Finance Board in connection with the granting of any application or other request by the Bank, or any written agreement entered into by the Bank with the agency, in accordance with the procedures provided in subsection (c) or (f) of section 1371 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992. Such authority includes the same authority to issue an order requiring a party to take affirmative action to correct conditions resulting from violations or practices or to limit activities of a Bank or any executive officer or director of a Bank as appropriate Federal banking agencies have to take with respect to insured depository institutions under paragraphs (6) and (7) of section 8(b) of the Federal Deposit Insurance Act, and to have all other powers, rights, and duties to enforce this Act with respect to the Federal home loan banks and their executive officers and directors as the Office of Federal Housing Enterprise Oversight has to enforce the

Federal Housing Enterprises Financial Safety and Soundness Act of 1992, the Federal National Mortgage Association Charter Act, or the Federal Home Loan Mortgage Corporation Act with respect to the Federal housing enterprises under subtitle C (other than section 1371) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

“(6) To address any insufficiencies in capital levels resulting from the application of section 5(f) of the Home Owners’ Loan Act.

“(7) To act in its own name and through its own attorneys—

“(A) in enforcing any provision of this Act or any regulation promulgated under this Act; or

“(B) in any action, suit, or proceeding to which the Finance Board is a party that involves the Board’s regulation or supervision of any Federal home loan bank.”.

(2) TECHNICAL AMENDMENT.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking “Federal Home Loan Bank Board,” and inserting “Director of the Office of Thrift Supervision, the Federal Housing Finance Board,”.

(f) ELIGIBILITY TO SECURE ADVANCES.—

(1) SECTION 9.—Section 9 of the Federal Home Loan Bank Act (12 U.S.C. 1429) is amended—

(A) in the second sentence, by striking “with the approval of the Board”; and

(B) in the third sentence, by striking “, subject to the approval of the Board,”.

(2) SECTION 10.—Section 10 of the Federal Home Loan Bank Act (12 U.S.C. 1430) is amended—

(A) in subsection (c)—

(i) in the first sentence, by striking “Board” and inserting “Federal home loan bank”; and

(ii) by striking the second sentence; and

(B) in subsection (d)—

(i) in the first sentence, by striking “and the approval of the Board”; and

(ii) by striking “Subject to the approval of the Board, any” and inserting “Any”.

(g) SECTION 16.—Section 16(a) of the Federal Home Loan Bank Act (12 U.S.C. 1436(a)) is amended—

(1) in the third sentence—

(A) by striking “net earnings” and inserting “previously retained earnings or current net earnings”; and

(B) by striking “, and then only with the approval of the Federal Housing Finance Board”; and

(2) by striking the fourth sentence.

(h) SECTION 18.—Section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)) is amended by striking paragraph (4).

#### **SEC. 607. RESOLUTION FUNDING CORPORATION.**

(a) IN GENERAL.—Section 21B(f)(2)(C) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(C)) is amended to read as follows:

“(C) PAYMENTS BY FEDERAL HOME LOAN BANKS.—

“(i) IN GENERAL.—To the extent that the amounts available pursuant to subparagraphs (A) and (B) are insufficient to cover the amount of interest payments, each Federal home loan bank shall pay to the Funding

Corporation in each calendar year, 20.0 percent of the net earnings of that Bank (after deducting expenses relating to section 10(j) and operating expenses).

“(ii) ANNUAL DETERMINATION.—The Board annually shall determine the extent to which the value of the aggregate amounts paid by the Federal home loan banks exceeds or falls short of the value of an annuity of \$300,000,000 per year that commences on the issuance date and ends on the final scheduled maturity date of the obligations, and shall select appropriate present value factors for making such determinations, in consultation with the Secretary of the Treasury.

“(iii) PAYMENT TERM ALTERATIONS.—The Board shall extend or shorten the term of the payment obligations of a Federal home loan bank under this subparagraph as necessary to ensure that the value of all payments made by the Banks is equivalent to the value of an annuity referred to in clause (ii).

“(iv) TERM BEYOND MATURITY.—If the Board extends the term of payment obligations beyond the final scheduled maturity date for the obligations, each Federal home loan bank shall continue to pay 20.0 percent of its net earnings (after deducting expenses relating to section 10(j) and operating expenses) to the Treasury of the United States until the value of all such payments by the Federal home loan banks is equivalent to the value of an annuity referred to in clause (ii). In the final year in which the Federal home loan banks are required to make any payment to the Treasury under this subparagraph, if the dollar amount represented by 20.0 percent of the net earnings of the Federal home loan banks exceeds the remaining obligation of the Banks to the Treasury, the Finance Board shall reduce the percentage pro rata to a level sufficient to pay the remaining obligation.”

12 USC 1441b  
note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on January 1, 2000. Payments made by a Federal home loan bank before that effective date shall be counted toward the total obligation of that Bank under section 21B(f)(2)(C) of the Federal Home Loan Bank Act, as amended by this section.

#### **SEC. 608. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.**

Section 6 of the Federal Home Loan Bank Act (12 U.S.C. 1426) is amended to read as follows:

#### **“SEC. 6. CAPITAL STRUCTURE OF FEDERAL HOME LOAN BANKS.**

“(a) REGULATIONS.—

Deadline.

“(1) CAPITAL STANDARDS.—Not later than 1 year after the date of the enactment of the Federal Home Loan Bank System Modernization Act of 1999, the Finance Board shall issue regulations prescribing uniform capital standards applicable to each Federal home loan bank, which shall require each such bank to meet—

“(A) the leverage requirement specified in paragraph (2); and

“(B) the risk-based capital requirements, in accordance with paragraph (3).

“(2) LEVERAGE REQUIREMENT.—

“(A) IN GENERAL.—The leverage requirement shall require each Federal home loan bank to maintain a minimum amount of total capital based on the total assets of the bank and shall be 5 percent.

“(B) TREATMENT OF STOCK AND RETAINED EARNINGS.—

In determining compliance with the minimum leverage ratio established under subparagraph (A), the paid-in value of the outstanding Class B stock and the amount of retained earnings shall be multiplied by 1.5, and such higher amounts shall be deemed to be capital for purposes of meeting the 5 percent minimum leverage ratio, except that a Federal home loan bank’s total capital (determined without taking into account any such multiplier) shall not be less than 4 percent of the total assets of the bank.

“(3) RISK-BASED CAPITAL STANDARDS.—

“(A) IN GENERAL.—Each Federal home loan bank shall maintain permanent capital in an amount that is sufficient, as determined in accordance with the regulations of the Finance Board, to meet—

“(i) the credit risk to which the Federal home loan bank is subject; and

“(ii) the market risk, including interest rate risk, to which the Federal home loan bank is subject, based on a stress test established by the Finance Board that rigorously tests for changes in market variables, including changes in interest rates, rate volatility, and changes in the shape of the yield curve.

“(B) CONSIDERATION OF OTHER RISK-BASED STANDARDS.—In establishing the risk-based standard under subparagraph (A)(ii), the Finance Board shall take due consideration of any risk-based capital test established pursuant to section 1361 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4611) for the enterprises (as defined in that Act), with such modifications as the Finance Board determines to be appropriate to reflect differences in operations between the Federal home loan banks and those enterprises.

“(4) OTHER REGULATORY REQUIREMENTS.—The regulations issued by the Finance Board under paragraph (1) shall—

“(A) permit each Federal home loan bank to issue, with such rights, terms, and preferences, not inconsistent with this Act and the regulations issued hereunder, as the board of directors of that bank may approve, any 1 or more of—

“(i) Class A stock, which shall be redeemable in cash and at par 6 months following submission by a member of a written notice of its intent to redeem such shares; and

“(ii) Class B stock, which shall be redeemable in cash and at par 5 years following submission by a member of a written notice of its intent to redeem such shares;

“(B) provide that the stock of a Federal home loan bank may be issued to and held by only members of the

bank, and that a bank may not issue any stock other than as provided in this section;

“(C) prescribe the manner in which stock of a Federal home loan bank may be sold, transferred, redeemed, or repurchased; and

“(D) provide the manner of disposition of outstanding stock held by, and the liquidation of any claims of the Federal home loan bank against, an institution that ceases to be a member of the bank, through merger or otherwise, or that provides notice of intention to withdraw from membership in the bank.

“(5) DEFINITIONS OF CAPITAL.—For purposes of determining compliance with the capital standards established under this subsection—

“(A) permanent capital of a Federal home loan bank shall include—

“(i) the amounts paid for the Class B stock; and

“(ii) the retained earnings of the bank (as determined in accordance with generally accepted accounting principles); and

“(B) total capital of a Federal home loan bank shall include—

“(i) permanent capital;

“(ii) the amounts paid for the Class A stock;

“(iii) consistent with generally accepted accounting principles, and subject to the regulation of the Finance Board, a general allowance for losses, which may not include any reserves or allowances made or held against specific assets; and

“(iv) any other amounts from sources available to absorb losses incurred by the bank that the Finance Board determines by regulation to be appropriate to include in determining total capital.

“(6) TRANSITION PERIOD.—Notwithstanding any other provision of this Act, the requirements relating to purchase and retention of capital stock of a Federal home loan bank by any member thereof in effect on the day before the date of the enactment of the Federal Home Loan Bank System Modernization Act of 1999, shall continue in effect with respect to each Federal home loan bank until the regulations required by this subsection have taken effect and the capital structure plan required by subsection (b) has been approved by the Finance Board and implemented by such bank.

“(b) CAPITAL STRUCTURE PLAN.—

“(1) APPROVAL OF PLANS.—Not later than 270 days after the date of publication by the Finance Board of final regulations in accordance with subsection (a), the board of directors of each Federal home loan bank shall submit for Finance Board approval a plan establishing and implementing a capital structure for such bank that—

“(A) the board of directors determines is best suited for the condition and operation of the bank and the interests of the members of the bank;

“(B) meets the requirements of subsection (c); and

“(C) meets the minimum capital standards and requirements established under subsection (a) and other regulations prescribed by the Finance Board.

Deadline.



“(2) APPROVAL OF MODIFICATIONS.—The board of directors of a Federal home loan bank shall submit to the Finance Board for approval any modifications that the bank proposes to make to an approved capital structure plan.

“(c) CONTENTS OF PLAN.—The capital structure plan of each Federal home loan bank shall contain provisions addressing each of the following:

“(1) MINIMUM INVESTMENT.—

“(A) IN GENERAL.—Each capital structure plan of a Federal home loan bank shall require each member of the bank to maintain a minimum investment in the stock of the bank, the amount of which shall be determined in a manner to be prescribed by the board of directors of each bank and to be included as part of the plan.

“(B) INVESTMENT ALTERNATIVES.—

“(i) IN GENERAL.—In establishing the minimum investment required for each member under subparagraph (A), a Federal home loan bank may, in its discretion, include any 1 or more of the requirements referred to in clause (ii), or any other provisions approved by the Finance Board.

“(ii) AUTHORIZED REQUIREMENTS.—A requirement is referred to in this clause if it is a requirement for—

“(I) a stock purchase based on a percentage of the total assets of a member; or

“(II) a stock purchase based on a percentage of the outstanding advances from the bank to the member.

“(C) MINIMUM AMOUNT.—Each capital structure plan of a Federal home loan bank shall require that the minimum stock investment established for members shall be set at a level that is sufficient for the bank to meet the minimum capital requirements established by the Finance Board under subsection (a).

“(D) ADJUSTMENTS TO MINIMUM REQUIRED INVESTMENT.—The capital structure plan of each Federal home loan bank shall impose a continuing obligation on the board of directors of the bank to review and adjust the minimum investment required of each member of that bank, as necessary to ensure that the bank remains in compliance with applicable minimum capital levels established by the Finance Board, and shall require each member to comply promptly with any adjustments to the required minimum investment.

“(2) TRANSITION RULE.—

“(A) IN GENERAL.—The capital structure plan of each Federal home loan bank shall specify the date on which it shall take effect, and may provide for a transition period of not longer than 3 years to allow the bank to come into compliance with the capital requirements prescribed under subsection (a), and to allow any institution that was a member of the bank on the date of the enactment of the Federal Home Loan Bank System Modernization Act of 1999, to come into compliance with the minimum investment required pursuant to the plan.

“(B) INTERIM PURCHASE REQUIREMENTS.—The capital structure plan of a Federal home loan bank may allow any member referred to in subparagraph (A) that would be required by the terms of the capital structure plan to increase its investment in the stock of the bank to do so in periodic installments during the transition period.

“(3) DISPOSITION OF SHARES.—The capital structure plan of a Federal home loan bank shall provide for the manner of disposition of any stock held by a member of that bank that terminates its membership or that provides notice of its intention to withdraw from membership in that bank.

“(4) CLASSES OF STOCK.—

“(A) IN GENERAL.—The capital structure plan of a Federal home loan bank shall afford each member of that bank the option of maintaining its required investment in the bank through the purchase of any combination of classes of stock authorized by the board of directors of the bank and approved by the Finance Board in accordance with its regulations.

“(B) RIGHTS REQUIREMENT.—A Federal home loan bank shall include in its capital structure plan provisions establishing terms, rights, and preferences, including minimum investment, dividends, voting, and liquidation preferences of each class of stock issued by the bank, consistent with Finance Board regulations and market requirements.

“(C) REDUCED MINIMUM INVESTMENT.—The capital structure plan of a Federal home loan bank may provide for a reduced minimum stock investment for any member of that bank that elects to purchase Class B in a manner that is consistent with meeting the minimum capital requirements of the bank, as established by the Finance Board.

“(D) LIQUIDATION OF CLAIMS.—The capital structure plan of a Federal home loan bank shall provide for the liquidation in an orderly manner, as determined by the bank, of any claim of that bank against a member, including claims for any applicable prepayment fees or penalties resulting from prepayment of advances prior to stated maturity.

“(5) LIMITED TRANSFERABILITY OF STOCK.—The capital structure plan of a Federal home loan bank shall—

“(A) provide that any stock issued by that bank shall be available only to and held only by members of that bank and tradable only between that bank and its members; and

“(B) establish standards, criteria, and requirements for the issuance, purchase, transfer, retirement, and redemption of stock issued by that bank.

“(6) BANK REVIEW OF PLAN.—Before filing a capital structure plan with the Finance Board, each Federal home loan bank shall conduct a review of the plan by—

“(A) an independent certified public accountant, to ensure, to the extent possible, that implementation of the plan would not result in any write-down of the redeemable bank stock investment of its members; and

“(B) at least one major credit rating agency, to determine, to the extent possible, whether implementation of

the plan would have any material effect on the credit ratings of the bank.

“(d) TERMINATION OF MEMBERSHIP.—

“(1) VOLUNTARY WITHDRAWAL.—Any member may withdraw from a Federal home loan bank if the member provides written notice to the bank of its intent to do so and if, on the date of withdrawal, there is in effect a certification by the Finance Board that the withdrawal will not cause the Federal Home Loan Bank System to fail to meet its obligation under section 21B(f)(2)(C) to contribute to the debt service for the obligations issued by the Resolution Funding Corporation. The applicable stock redemption notice periods shall commence upon receipt of the notice by the bank. Upon the expiration of the applicable notice period for each class of redeemable stock, the member may surrender such stock to the bank, and shall be entitled to receive in cash the par value of the stock. During the applicable notice periods, the member shall be entitled to dividends and other membership rights commensurate with continuing stock ownership.

“(2) INVOLUNTARY WITHDRAWAL.—

“(A) IN GENERAL.—The board of directors of a Federal home loan bank may terminate the membership of any institution if, subject to Finance Board regulations, it determines that—

“(i) the member has failed to comply with a provision of this Act or any regulation prescribed under this Act; or

“(ii) the member has been determined to be insolvent, or otherwise subject to the appointment of a conservator, receiver, or other legal custodian, by a Federal or State authority with regulatory and supervisory responsibility for the member.

“(B) STOCK DISPOSITION.—An institution, the membership of which is terminated in accordance with subparagraph (A)—

“(i) shall surrender redeemable stock to the Federal home loan bank, and shall receive in cash the par value of the stock, upon the expiration of the applicable notice period under subsection (a)(4)(A);

“(ii) shall receive any dividends declared on its redeemable stock, during the applicable notice period under subsection (a)(4)(A); and

“(iii) shall not be entitled to any other rights or privileges accorded to members after the date of the termination.

“(C) COMMENCEMENT OF NOTICE PERIOD.—With respect to an institution, the membership of which is terminated in accordance with subparagraph (A), the applicable notice period under subsection (a)(4) for each class of redeemable stock shall commence on the earlier of—

“(i) the date of such termination; or

“(ii) the date on which the member has provided notice of its intent to redeem such stock.

“(3) LIQUIDATION OF INDEBTEDNESS.—Upon the termination of the membership of an institution for any reason, the outstanding indebtedness of the member to the bank shall be liquidated in an orderly manner, as determined by the bank

and, upon the extinguishment of all such indebtedness, the bank shall return to the member all collateral pledged to secure the indebtedness.

“(e) REDEMPTION OF EXCESS STOCK.—

“(1) IN GENERAL.—A Federal home loan bank, in its sole discretion, may redeem or repurchase, as appropriate, any shares of Class A or Class B stock issued by the bank and held by a member that are in excess of the minimum stock investment required of that member.

“(2) EXCESS STOCK.—Shares of stock held by a member shall not be deemed to be ‘excess stock’ for purposes of this subsection by virtue of a member’s submission of a notice of intent to withdraw from membership or termination of its membership in any other manner.

“(3) PRIORITY.—A Federal home loan bank may not redeem any excess Class B stock prior to the end of the 5-year notice period, unless the member has no Class A stock outstanding that could be redeemed as excess.

“(f) IMPAIRMENT OF CAPITAL.—If the Finance Board or the board of directors of a Federal home loan bank determines that the bank has incurred or is likely to incur losses that result in or are expected to result in charges against the capital of the bank, the bank shall not redeem or repurchase any stock of the bank without the prior approval of the Finance Board while such charges are continuing or are expected to continue. In no case may a bank redeem or repurchase any applicable capital stock if, following the redemption, the bank would fail to satisfy any minimum capital requirement.

“(g) REJOINING AFTER DIVESTITURE OF ALL SHARES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), and notwithstanding any other provision of this Act, an institution that divests all shares of stock in a Federal home loan bank may not, after such divestiture, acquire shares of any Federal home loan bank before the end of the 5-year period beginning on the date of the completion of such divestiture, unless the divestiture is a consequence of a transfer of membership on an uninterrupted basis between banks.

“(2) EXCEPTION FOR WITHDRAWALS FROM MEMBERSHIP BEFORE 1998.—Any institution that withdrew from membership in any Federal home loan bank before December 31, 1997, may acquire shares of a Federal home loan bank at any time after that date, subject to the approval of the Finance Board and the requirements of this Act.

“(h) TREATMENT OF RETAINED EARNINGS.—

“(1) IN GENERAL.—The holders of the Class B stock of a Federal home loan bank shall own the retained earnings, surplus, undivided profits, and equity reserves, if any, of the bank.

“(2) EXCEPTION.—Except as specifically provided in this section or through the declaration of a dividend or a capital distribution by a Federal home loan bank, or in the event of liquidation of the bank, a member shall have no right to withdraw or otherwise receive distribution of any portion of the retained earnings of the bank.

“(3) LIMITATION.—A Federal home loan bank may not make any distribution of its retained earnings unless, following such

distribution, the bank would continue to meet all applicable capital requirements.”.

## TITLE VII—OTHER PROVISIONS

### Subtitle A—ATM Fee Reform

ATM Fee Reform  
Act of 1999.

#### SEC. 701. SHORT TITLE.

This subtitle may be cited as the “ATM Fee Reform Act of 1999”.

15 USC 1601  
note.

#### SEC. 702. ELECTRONIC FUND TRANSFER FEE DISCLOSURES AT ANY HOST ATM.

Section 904(d) of the Electronic Fund Transfer Act (15 U.S.C. 1693b(d)) is amended by adding at the end the following new paragraph:

“(3) FEE DISCLOSURES AT AUTOMATED TELLER MACHINES.—

“(A) IN GENERAL.—The regulations prescribed under paragraph (1) shall require any automated teller machine operator who imposes a fee on any consumer for providing host transfer services to such consumer to provide notice in accordance with subparagraph (B) to the consumer (at the time the service is provided) of—

“(i) the fact that a fee is imposed by such operator for providing the service; and

“(ii) the amount of any such fee.

“(B) NOTICE REQUIREMENTS.—

“(i) ON THE MACHINE.—The notice required under clause (i) of subparagraph (A) with respect to any fee described in such subparagraph shall be posted in a prominent and conspicuous location on or at the automated teller machine at which the electronic fund transfer is initiated by the consumer.

“(ii) ON THE SCREEN.—The notice required under clauses (i) and (ii) of subparagraph (A) with respect to any fee described in such subparagraph shall appear on the screen of the automated teller machine, or on a paper notice issued from such machine, after the transaction is initiated and before the consumer is irrevocably committed to completing the transaction, except that during the period beginning on the date of the enactment of the Gramm-Leach-Bliley Act and ending on December 31, 2004, this clause shall not apply to any automated teller machine that lacks the technical capability to disclose the notice on the screen or to issue a paper notice after the transaction is initiated and before the consumer is irrevocably committed to completing the transaction.

“(C) PROHIBITION ON FEES NOT PROPERLY DISCLOSED AND EXPLICITLY ASSUMED BY CONSUMER.—No fee may be imposed by any automated teller machine operator in connection with any electronic fund transfer initiated by a consumer for which a notice is required under subparagraph (A), unless—

“(i) the consumer receives such notice in accordance with subparagraph (B); and

“(ii) the consumer elects to continue in the manner necessary to effect the transaction after receiving such notice.

“(D) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

“(i) AUTOMATED TELLER MACHINE OPERATOR.—The term ‘automated teller machine operator’ means any person who—

“(I) operates an automated teller machine at which consumers initiate electronic fund transfers; and

“(II) is not the financial institution that holds the account of such consumer from which the transfer is made.

“(ii) ELECTRONIC FUND TRANSFER.—The term ‘electronic fund transfer’ includes a transaction that involves a balance inquiry initiated by a consumer in the same manner as an electronic fund transfer, whether or not the consumer initiates a transfer of funds in the course of the transaction.

“(iii) HOST TRANSFER SERVICES.—The term ‘host transfer services’ means any electronic fund transfer made by an automated teller machine operator in connection with a transaction initiated by a consumer at an automated teller machine operated by such operator.”.

**SEC. 703. DISCLOSURE OF POSSIBLE FEES TO CONSUMERS WHEN ATM CARD IS ISSUED.**

Section 905(a) of the Electronic Fund Transfer Act (15 U.S.C. 1693c(a)) is amended—

- (1) by striking “and” at the end of paragraph (8);
- (2) by striking the period at the end of paragraph (9) and inserting “; and”; and
- (3) by inserting after paragraph (9) the following new paragraph:

“(10) a notice to the consumer that a fee may be imposed by—

“(A) an automated teller machine operator (as defined in section 904(d)(3)(D)(i)) if the consumer initiates a transfer from an automated teller machine that is not operated by the person issuing the card or other means of access; and

“(B) any national, regional, or local network utilized to effect the transaction.”.

**SEC. 704. FEASIBILITY STUDY.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the feasibility of requiring, in connection with any electronic fund transfer initiated by a consumer through the use of an automated teller machine—

- (1) a notice to be provided to the consumer before the consumer is irrevocably committed to completing the transaction, which clearly states the amount of any fee that will be imposed upon the consummation of the transaction by—

(A) any automated teller machine operator (as defined in section 904(d)(3)(D)(i) of the Electronic Fund Transfer Act) involved in the transaction;

(B) the financial institution holding the account of the consumer;

(C) any national, regional, or local network utilized to effect the transaction; and

(D) any other party involved in the transfer; and

(2) the consumer to elect to consummate the transaction after receiving the notice described in paragraph (1).

(b) **FACTORS TO BE CONSIDERED.**—In conducting the study required under subsection (a) with regard to the notice requirement described in such subsection, the Comptroller General shall consider the following factors:

(1) The availability of appropriate technology.

(2) Implementation and operating costs.

(3) The competitive impact any such notice requirement would have on various sizes and types of institutions, if implemented.

(4) The period of time that would be reasonable for implementing any such notice requirement.

(5) The extent to which consumers would benefit from any such notice requirement.

(6) Any other factor the Comptroller General determines to be appropriate in analyzing the feasibility of imposing any such notice requirement.

(c) **REPORT TO THE CONGRESS.**—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing—

(1) the findings and conclusions of the Comptroller General in connection with the study required under subsection (a); and

(2) the recommendation of the Comptroller General with regard to the question of whether a notice requirement described in subsection (a) should be implemented and, if so, the manner in which such requirement should be implemented.

#### **SEC. 705. NO LIABILITY IF POSTED NOTICES ARE DAMAGED.**

Section 910 of the Electronic Fund Transfer Act (15 U.S.C. 1693h) is amended by adding at the end the following new subsection:

“(d) **EXCEPTION FOR DAMAGED NOTICES.**—If the notice required to be posted pursuant to section 904(d)(3)(B)(i) by an automated teller machine operator has been posted by such operator in compliance with such section and the notice is subsequently removed, damaged, or altered by any person other than the operator of the automated teller machine, the operator shall have no liability under this section for failure to comply with section 904(d)(3)(B)(i).”.

## **Subtitle B—Community Reinvestment**

#### **SEC. 711. CRA SUNSHINE REQUIREMENTS.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by inserting after section 47, as added by section 305 of this Act, the following new section:

12 USC 1831y.

**“SEC. 48. CRA SUNSHINE REQUIREMENTS.**

“(a) PUBLIC DISCLOSURE OF AGREEMENTS.—Any agreement (as defined in subsection (e)) entered into after the date of the enactment of the Gramm-Leach-Bliley Act by an insured depository institution or affiliate with a nongovernmental entity or person made pursuant to or in connection with the Community Reinvestment Act of 1977 involving funds or other resources of such insured depository institution or affiliate—

“(1) shall be in its entirety fully disclosed, and the full text thereof made available to the appropriate Federal banking agency with supervisory responsibility over the insured depository institution and to the public by each party to the agreement; and

“(2) shall obligate each party to comply with this section.

“(b) ANNUAL REPORT OF ACTIVITY BY INSURED DEPOSITORY INSTITUTION.—Each insured depository institution or affiliate that is a party to an agreement described in subsection (a) shall report to the appropriate Federal banking agency with supervisory responsibility over the insured depository institution, not less frequently than once each year, such information as the Federal banking agency may by rule require relating to the following actions taken by the party pursuant to the agreement during the preceding 12-month period:

“(1) Payments, fees, or loans made to any party to the agreement or received from any party to the agreement and the terms and conditions of the same.

“(2) Aggregate data on loans, investments, and services provided by each party in its community or communities pursuant to the agreement.

“(3) Such other pertinent matters as determined by regulation by the appropriate Federal banking agency with supervisory responsibility over the insured depository institution.

“(c) ANNUAL REPORT OF ACTIVITY BY NONGOVERNMENTAL ENTITIES.—

“(1) IN GENERAL.—Each nongovernmental entity or person that is not an affiliate of an insured depository institution and that is a party to an agreement described in subsection (a) shall report to the appropriate Federal banking agency with supervisory responsibility over the insured depository institution that is a party to such agreement, not less frequently than once each year, an accounting of the use of funds received pursuant to each such agreement during the preceding 12-month period.

“(2) SUBMISSION TO INSURED DEPOSITORY INSTITUTION.—A nongovernmental entity or person referred to in paragraph (1) may comply with the reporting requirement in such paragraph by transmitting the report to the insured depository institution that is a party to the agreement, and such insured depository institution shall promptly transmit such report to the appropriate Federal banking agency with supervisory authority over the insured depository institution.

“(3) INFORMATION TO BE INCLUDED.—The accounting referred to in paragraph (1) shall include a detailed, itemized list of the uses to which such funds have been made, including compensation, administrative expenses, travel, entertainment, consulting and professional fees paid, and such other categories, as determined by regulation by the appropriate Federal banking



agency with supervisory responsibility over the insured depository institution.

“(d) APPLICABILITY.—Subsections (b) and (c) shall not apply with respect to any agreement entered into before the end of the 6-month period beginning on the date of the enactment of the Gramm-Leach-Bliley Act.

“(e) DEFINITIONS.—

“(1) AGREEMENT.—For purposes of this section, the term ‘agreement’—

“(A) means—

“(i) any written contract, written arrangement, or other written understanding that provides for cash payments, grants, or other consideration with a value in excess of \$10,000, or for loans the aggregate amount of principal of which exceeds \$50,000, annually (or the sum of all such agreements during a 12-month period with an aggregate value of cash payments, grants, or other consideration in excess of \$10,000, or with an aggregate amount of loan principal in excess of \$50,000); or

“(ii) a group of substantively related contracts with an aggregate value of cash payments, grants, or other consideration in excess of \$10,000, or with an aggregate amount of loan principal in excess of \$50,000, annually; made pursuant to, or in connection with, the fulfillment of the Community Reinvestment Act of 1977, at least 1 party to which is an insured depository institution or affiliate thereof, whether organized on a profit or not-for-profit basis; and

“(B) does not include—

“(i) any individual mortgage loan;

“(ii) any specific contract or commitment for a loan or extension of credit to individuals, businesses, farms, or other entities, if the funds are loaned at rates not substantially below market rates and if the purpose of the loan or extension of credit does not include any re-lending of the borrowed funds to other parties; or

“(iii) any agreement entered into by an insured depository institution or affiliate with a nongovernmental entity or person who has not commented on, testified about, or discussed with the institution, or otherwise contacted the institution, concerning the Community Reinvestment Act of 1977.

“(2) FULFILLMENT OF CRA.—For purposes of subparagraph (A), the term ‘fulfillment’ means a list of factors that the appropriate Federal banking agency determines have a material impact on the agency’s decision—

“(A) to approve or disapprove an application for a deposit facility (as defined in section 803 of the Community Reinvestment Act of 1977); or

“(B) to assign a rating to an insured depository institution under section 807 of the Community Reinvestment Act of 1977.

“(f) VIOLATIONS.—

“(1) VIOLATIONS BY PERSONS OTHER THAN INSURED DEPOSITORY INSTITUTIONS OR THEIR AFFILIATES.—

“(A) MATERIAL FAILURE TO COMPLY.—If the party to an agreement described in subsection (a) that is not an insured depository institution or affiliate willfully fails to comply with this section in a material way, as determined by the appropriate Federal banking agency, the agreement shall be unenforceable after the offending party has been given notice and a reasonable period of time to perform or comply.

“(B) DIVERSION OF FUNDS OR RESOURCES.—If funds or resources received under an agreement described in subsection (a) have been diverted contrary to the purposes of the agreement for personal financial gain, the appropriate Federal banking agency with supervisory responsibility over the insured depository institution may impose either or both of the following penalties:

“(i) Disgorgement by the offending individual of funds received under the agreement.

“(ii) Prohibition of the offending individual from being a party to any agreement described in subsection (a) for a period of not to exceed 10 years.

“(2) DESIGNATION OF SUCCESSOR NONGOVERNMENTAL PARTY.—If an agreement described in subsection (a) is found to be unenforceable under this subsection, the appropriate Federal banking agency may assist the insured depository institution in identifying a successor nongovernmental party to assume the responsibilities of the agreement.

“(3) INADVERTENT OR DE MINIMIS REPORTING ERRORS.—An error in a report filed under subsection (c) that is inadvertent or de minimis shall not subject the filing party to any penalty.

“(g) RULE OF CONSTRUCTION.—No provision of this section shall be construed as authorizing any appropriate Federal banking agency to enforce the provisions of any agreement described in subsection (a).

“(h) REGULATIONS.—

“(1) IN GENERAL.—Each appropriate Federal banking agency shall prescribe regulations, in accordance with paragraph (4), requiring procedures reasonably designed to ensure and monitor compliance with the requirements of this section.

“(2) PROTECTION OF PARTIES.—In carrying out paragraph (1), each appropriate Federal banking agency shall—

“(A) ensure that the regulations prescribed by the agency do not impose an undue burden on the parties and that proprietary and confidential information is protected; and

“(B) establish procedures to allow any nongovernmental entity or person who is a party to a large number of agreements described in subsection (a) to make a single or consolidated filing of a report under subsection (c) to an insured depository institution or an appropriate Federal banking agency.

“(3) PARTIES NOT SUBJECT TO REPORTING REQUIREMENTS.—The Board of Governors of the Federal Reserve System may prescribe regulations—

“(A) to prevent evasions of subsection (e)(1)(B)(iii); and

“(B) to provide further exemptions under such subsection, consistent with the purposes of this section.

“(4) COORDINATION, CONSISTENCY, AND COMPARABILITY.—In carrying out paragraph (1), each appropriate Federal banking agency shall consult and coordinate with the other such agencies for the purposes of assuring, to the extent possible, that the regulations prescribed by each such agency are consistent and comparable with the regulations prescribed by the other such agencies.”.

**SEC. 712. SMALL BANK REGULATORY RELIEF.**

The Community Reinvestment Act of 1977 (12 U.S.C. 2901 et seq.) is amended by adding at the end the following new section:

**“SEC. 809. SMALL BANK REGULATORY RELIEF.**

12 USC 2908.

“(a) IN GENERAL.—Except as provided in subsections (b) and (c), any regulated financial institution with aggregate assets of not more than \$250,000,000 shall be subject to routine examination under this title—

“(1) not more than once every 60 months for an institution that has achieved a rating of ‘outstanding record of meeting community credit needs’ at its most recent examination under section 804;

“(2) not more than once every 48 months for an institution that has received a rating of ‘satisfactory record of meeting community credit needs’ at its most recent examination under section 804; and

“(3) as deemed necessary by the appropriate Federal financial supervisory agency, for an institution that has received a rating of less than ‘satisfactory record of meeting community credit needs’ at its most recent examination under section 804.

“(b) NO EXCEPTION FROM CRA EXAMINATIONS IN CONNECTION WITH APPLICATIONS FOR DEPOSIT FACILITIES.—A regulated financial institution described in subsection (a) shall remain subject to examination under this title in connection with an application for a deposit facility.

“(c) DISCRETION.—A regulated financial institution described in subsection (a) may be subject to more frequent or less frequent examinations for reasonable cause under such circumstances as may be determined by the appropriate Federal financial supervisory agency.”.

**SEC. 713. FEDERAL RESERVE BOARD STUDY OF CRA LENDING.**

The Board of Governors of the Federal Reserve System shall conduct a comprehensive study, in consultation with the Chairman and Ranking Member of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate, of the Community Reinvestment Act of 1977, which shall focus on—

- (1) the default rates;
- (2) the delinquency rates; and
- (3) the profitability;

of loans made in conformity with such Act, and report on the study to such Committees not later than March 15, 2000. Such report and supporting data shall also be made available by the Board of Governors of the Federal Reserve System to the public.

Reports.  
Deadline.

Public  
information.

12 USC 1811  
note.

**SEC. 714. PRESERVING THE COMMUNITY REINVESTMENT ACT OF 1977.**

Nothing in this Act shall be construed to repeal any provision of the Community Reinvestment Act of 1977.

12 USC 2901  
note.

**SEC. 715. RESPONSIVENESS TO COMMUNITY NEEDS FOR FINANCIAL SERVICES.**

(a) **STUDY.**—The Secretary of the Treasury, in consultation with the Federal banking agencies (as defined in section 3(z) of the Federal Deposit Insurance Act), shall conduct a study of the extent to which adequate services are being provided as intended by the Community Reinvestment Act of 1977, including services in low- and moderate-income neighborhoods and for persons of modest means, as a result of the enactment of this Act.

(b) **REPORTS.**—

Deadlines.

(1) **IN GENERAL.**—The Secretary of the Treasury shall—

(A) before March 15, 2000, submit a baseline report to the Congress on the study conducted pursuant to subsection (a); and

(B) before the end of the 2-year period beginning on the date of the enactment of this Act, in consultation with the Federal banking agencies, submit a final report to the Congress on the study conducted pursuant to subsection (a).

(2) **RECOMMENDATIONS.**—The final report submitted under paragraph (1)(B) shall include such recommendations as the Secretary determines to be appropriate for administrative and legislative action with respect to institutions covered under the Community Reinvestment Act of 1977.

## Subtitle C—Other Regulatory Improvements

**SEC. 721. EXPANDED SMALL BANK ACCESS TO S CORPORATION TREATMENT.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of—

(1) possible revisions to the rules governing S corporations, including—

(A) increasing the permissible number of shareholders in such corporations;

(B) permitting shares of such corporations to be held in individual retirement accounts;

(C) clarifying that interest on investments held for safety, soundness, and liquidity purposes should not be considered to be passive income;

(D) discontinuation of the treatment of stock held by bank directors as a disqualifying personal class of stock for such corporations; and

(E) improving Federal tax treatment of bad debt and interest deductions; and

(2) what impact such revisions might have on community banks.

Deadline.

(b) **REPORT TO THE CONGRESS.**—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) **DEFINITION.**—For purposes of this section, the term “S corporation” has the meaning given the term in section 1361(a)(1) of the Internal Revenue Code of 1986.

**SEC. 722. “PLAIN LANGUAGE” REQUIREMENT FOR FEDERAL BANKING AGENCY RULES.** 12 USC 4809.

(a) **IN GENERAL.**—Each Federal banking agency shall use plain language in all proposed and final rulemakings published by the agency in the Federal Register after January 1, 2000.

(b) **REPORT.**—Not later than March 1, 2001, each Federal banking agency shall submit to the Congress a report that describes how the agency has complied with subsection (a). Deadline.

(c) **DEFINITION.**—For purposes of this section, the term “Federal banking agency” has the meaning given that term in section 3 of the Federal Deposit Insurance Act.

**SEC. 723. RETENTION OF “FEDERAL” IN NAME OF CONVERTED FEDERAL SAVINGS ASSOCIATION.**

Section 2 of the Act entitled “An Act to enable national banking associations to increase their capital stock and to change their names or locations”, approved May 1, 1886 (12 U.S.C. 30), is amended by adding at the end the following new subsection:

“(d) **RETENTION OF ‘FEDERAL’ IN NAME OF CONVERTED FEDERAL SAVINGS ASSOCIATION.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (a) or any other provision of law, any depository institution, the charter of which is converted from that of a Federal savings association to a national bank or a State bank after the date of the enactment of the Gramm-Leach-Bliley Act may retain the term ‘Federal’ in the name of such institution if such institution remains an insured depository institution.

“(2) **DEFINITIONS.**—For purposes of this subsection, the terms ‘depository institution’, ‘insured depository institution’, ‘national bank’, and ‘State bank’ have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.”.

**SEC. 724. CONTROL OF BANKERS’ BANKS.**

Section 2(a)(5)(E)(i) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a)(5)(E)(i)) is amended by inserting “1 or more” before “thrift institutions”.

**SEC. 725. PROVISION OF TECHNICAL ASSISTANCE TO MICROENTERPRISES.**

Title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4701 et seq.) is amended by adding at the end the following new subtitle:

**“Subtitle C—Microenterprise Technical Assistance and Capacity Building Program**

**“SEC. 171. SHORT TITLE.**

“This subtitle may be cited as the ‘Program for Investment in Microentrepreneurs Act of 1999’, also referred to as the ‘PRIME Act’.

Program for  
Investment in  
Micro-  
entrepreneurs  
Act of 1999.  
15 USC 6901  
note.

15 USC 6901.

**“SEC. 172. DEFINITIONS.**

“For purposes of this subtitle, the following definitions shall apply:

“(1) ADMINISTRATION.—The term ‘Administration’ means the Small Business Administration.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Small Business Administration.

“(3) CAPACITY BUILDING SERVICES.—The term ‘capacity building services’ means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing its ability to provide training and services to disadvantaged entrepreneurs.

“(4) COLLABORATIVE.—The term ‘collaborative’ means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this subtitle.

“(5) DISADVANTAGED ENTREPRENEUR.—The term ‘disadvantaged entrepreneur’ means a microentrepreneur that is—

“(A) a low-income person;

“(B) a very low-income person; or

“(C) an entrepreneur that lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

“(6) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 103.

“(7) INTERMEDIARY.—The term ‘intermediary’ means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs as authorized under section 175.

“(8) LOW-INCOME PERSON.—The term ‘low-income person’ has the meaning given the term in section 103.

“(9) MICROENTREPRENEUR.—The term ‘microentrepreneur’ means the owner or developer of a microenterprise.

“(10) MICROENTERPRISE.—The term ‘microenterprise’ means a sole proprietorship, partnership, or corporation that—

“(A) has fewer than 5 employees; and

“(B) generally lacks access to conventional loans, equity, or other banking services.

“(11) MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.—The term ‘microenterprise development organization or program’ means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

“(12) TRAINING AND TECHNICAL ASSISTANCE.—The term ‘training and technical assistance’ means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

“(13) VERY LOW-INCOME PERSON.—The term ‘very low-income person’ means having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block

Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

**“SEC. 173. ESTABLISHMENT OF PROGRAM.**

15 USC 6902.

“The Administrator shall establish a microenterprise technical assistance and capacity building grant program to provide assistance from the Administration in the form of grants to qualified organizations in accordance with this subtitle.

**“SEC. 174. USES OF ASSISTANCE.**

15 USC 6903.

“A qualified organization shall use grants made under this subtitle—

“(1) to provide training and technical assistance to disadvantaged entrepreneurs;

“(2) to provide training and capacity building services to microenterprise development organizations and programs and groups of such organizations to assist such organizations and programs in developing microenterprise training and services;

“(3) to aid in researching and developing the best practices in the field of microenterprise and technical assistance programs for disadvantaged entrepreneurs; and

“(4) for such other activities as the Administrator determines are consistent with the purposes of this subtitle.

**“SEC. 175. QUALIFIED ORGANIZATIONS.**

15 USC 6904.

“For purposes of eligibility for assistance under this subtitle, a qualified organization shall be—

“(1) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

“(2) an intermediary;

“(3) a microenterprise development organization or program that is accountable to a local community, working in conjunction with a State or local government or Indian tribe; or

“(4) an Indian tribe acting on its own, if the Indian tribe can certify that no private organization or program referred to in this paragraph exists within its jurisdiction.

**“SEC. 176. ALLOCATION OF ASSISTANCE; SUBGRANTS.**

15 USC 6905.

“(a) ALLOCATION OF ASSISTANCE.—

“(1) IN GENERAL.—The Administrator shall allocate assistance from the Administration under this subtitle to ensure that—

“(A) activities described in section 174(1) are funded using not less than 75 percent of amounts made available for such assistance; and

“(B) activities described in section 174(2) are funded using not less than 15 percent of amounts made available for such assistance.

“(2) LIMIT ON INDIVIDUAL ASSISTANCE.—No single person may receive more than 10 percent of the total funds appropriated under this subtitle in a single fiscal year.

“(b) TARGETED ASSISTANCE.—The Administrator shall ensure that not less than 50 percent of the grants made under this subtitle are used to benefit very low-income persons, including those residing on Indian reservations.

“(c) SUBGRANTS AUTHORIZED.—

“(1) IN GENERAL.—A qualified organization receiving assistance under this subtitle may provide grants using that assistance to qualified small and emerging microenterprise organizations and programs, subject to such rules and regulations as the Administrator determines to be appropriate.

“(2) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of assistance received by a qualified organization under this subtitle may be used for administrative expenses in connection with the making of subgrants under paragraph (1).

“(d) DIVERSITY.—In making grants under this subtitle, the Administrator shall ensure that grant recipients include both large and small microenterprise organizations, serving urban, rural, and Indian tribal communities serving diverse populations.

“(e) PROHIBITION ON PREFERENTIAL CONSIDERATION OF CERTAIN SBA PROGRAM PARTICIPANTS.—In making grants under this subtitle, the Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) of the Small Business Act does not receive preferential consideration over applications from other qualified organizations that are not participants in such program.

15 USC 6906.

**“SEC. 177. MATCHING REQUIREMENTS.**

“(a) IN GENERAL.—Financial assistance under this subtitle shall be matched with funds from sources other than the Federal Government on the basis of not less than 50 percent of each dollar provided by the Administration.

“(b) SOURCES OF MATCHING FUNDS.—Fees, grants, gifts, funds from loan sources, and in-kind resources of a grant recipient from public or private sources may be used to comply with the matching requirement in subsection (a).

“(c) EXCEPTION.—

“(1) IN GENERAL.—In the case of an applicant for assistance under this subtitle with severe constraints on available sources of matching funds, the Administrator may reduce or eliminate the matching requirements of subsection (a).

“(2) LIMITATION.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this subtitle may be excepted from the matching requirements of subsection (a), as authorized by paragraph (1) of this subsection.

15 USC 6907.

**“SEC. 178. APPLICATIONS FOR ASSISTANCE.**

“An application for assistance under this subtitle shall be submitted in such form and in accordance with such procedures as the Administrator shall establish.

15 USC 6908.

**“SEC. 179. RECORDKEEPING.**

Applicability.

“The requirements of section 115 shall apply to a qualified organization receiving assistance from the Administration under this subtitle as if it were a community development financial institution receiving assistance from the Fund under subtitle A.

15 USC 6909.

**“SEC. 180. AUTHORIZATION.**

“In addition to funds otherwise authorized to be appropriated to the Fund to carry out this title, there are authorized to be appropriated to the Administrator to carry out this subtitle—

“(1) \$15,000,000 for fiscal year 2000;



- “(2) \$15,000,000 for fiscal year 2001;
- “(3) \$15,000,000 for fiscal year 2002; and
- “(4) \$15,000,000 for fiscal year 2003.

**“SEC. 181. IMPLEMENTATION.**

“The Administrator shall, by regulation, establish such requirements as may be necessary to carry out this subtitle.”.

Regulations.  
15 USC 6910.

**SEC. 726. FEDERAL RESERVE AUDITS.**

The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 11A the following new section:

**“SEC. 11B. ANNUAL INDEPENDENT AUDITS OF FEDERAL RESERVE BANKS AND BOARD.**

12 USC 248b.

“The Board shall order an annual independent audit of the financial statements of each Federal reserve bank and the Board.”.

**SEC. 727. AUTHORIZATION TO RELEASE REPORTS.**

(a) **FEDERAL RESERVE ACT.**—The eighth undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 326) is amended by striking the last sentence and inserting the following: “The Board of Governors of the Federal Reserve System, at its discretion, may furnish any report of examination or other confidential supervisory information concerning any State member bank or other entity examined under any other authority of the Board, to any Federal or State agency or authority with supervisory or regulatory authority over the examined entity, to any officer, director, or receiver of the examined entity, and to any other person that the Board determines to be proper.”.

(b) **COMMODITY FUTURES TRADING COMMISSION.**—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(1) in section 1101(7)—

12 USC 3401.

(A) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively; and

(B) by inserting after subparagraph (F) the following new subparagraph:

“(G) the Commodity Futures Trading Commission;”;

and

(2) in section 1112(e), by striking “and the Securities and Exchange Commission” and inserting “, the Securities and Exchange Commission, and the Commodity Futures Trading Commission”.

12 USC 3412.

**SEC. 728. GENERAL ACCOUNTING OFFICE STUDY OF CONFLICTS OF INTEREST.**

12 USC 241 note.

(a) **STUDY REQUIRED.**—The Comptroller General of the United States shall conduct a study analyzing the conflict of interest faced by the Board of Governors of the Federal Reserve System between its role as a primary regulator of the banking industry and its role as a vendor of services to the banking and financial services industry.

(b) **SPECIFIC CONFLICT REQUIRED TO BE ADDRESSED.**—In the course of the study required under subsection (a), the Comptroller General shall address the conflict of interest faced by the Board of Governors of the Federal Reserve System between the role of the Board as a regulator of the payment system, generally, and its participation in the payment system as a competitor with private entities who are providing payment services.

(c) **REPORT TO THE CONGRESS.**—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the study required under this section, together with such recommendations for such legislative or administrative actions as the Comptroller General may determine to be appropriate, including recommendations for resolving any such conflict of interest.

12 USC 4801  
note.

**SEC. 729. STUDY AND REPORT ON ADAPTING EXISTING LEGISLATIVE REQUIREMENTS TO ONLINE BANKING AND LENDING.**

(a) **STUDY REQUIRED.**—The Federal banking agencies shall conduct a study of banking regulations regarding the delivery of financial services, including those regulations that may assume that there will be person-to-person contact during the course of a financial services transaction, and report their recommendations on adapting those existing requirements to online banking and lending.

(b) **REPORT REQUIRED.**—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Federal banking agencies shall submit a report to the Congress on the findings and conclusions of the agencies with respect to the study required under subsection (a), together with such recommendations for legislative or regulatory action as the agencies may determine to be appropriate.

(c) **DEFINITION.**—For purposes of this section, the term “Federal banking agencies” means each Federal banking agency (as defined in section 3(z) of the Federal Deposit Insurance Act).

**SEC. 730. CLARIFICATION OF SOURCE OF STRENGTH DOCTRINE.**

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

“(t) **LIMITATION ON CLAIMS.**—

“(1) **IN GENERAL.**—No person may bring a claim against any Federal banking agency (including in its capacity as conservator or receiver) for the return of assets of an affiliate or controlling shareholder of the insured depository institution transferred to, or for the benefit of, an insured depository institution by such affiliate or controlling shareholder of the insured depository institution, or a claim against such Federal banking agency for monetary damages or other legal or equitable relief in connection with such transfer, if at the time of the transfer—

“(A) the insured depository institution is subject to any direction issued in writing by a Federal banking agency to increase its capital;

“(B) the insured depository institution is undercapitalized (as defined in section 38 of this Act); and

“(C) for that portion of the transfer that is made by an entity covered by section 5(g) of the Bank Holding Company Act of 1956 or section 45 of this Act, the Federal banking agency has followed the procedure set forth in such section.

“(2) **DEFINITION OF CLAIM.**—For purposes of paragraph (1), the term ‘claim’—

“(A) means a cause of action based on Federal or State law that—

“(i) provides for the avoidance of preferential or fraudulent transfers or conveyances; or

“(ii) provides similar remedies for preferential or fraudulent transfers or conveyances; and

“(B) does not include any claim based on actual intent to hinder, delay, or defraud pursuant to such a fraudulent transfer or conveyance law.”.

**SEC. 731. INTEREST RATES AND OTHER CHARGES AT INTERSTATE BRANCHES.**

Section 44 of the Federal Deposit Insurance Act (12 U.S.C. 1831u) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) APPLICABLE RATE AND OTHER CHARGE LIMITATIONS.—

“(1) IN GENERAL.—In the case of any State that has a constitutional provision that sets a maximum lawful annual percentage rate of interest on any contract at not more than 5 percent above the discount rate for 90-day commercial paper in effect at the Federal reserve bank for the Federal reserve district in which such State is located, except as provided in paragraph (2), upon the establishment in such State of a branch of any out-of-State insured depository institution in such State under this section, the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved from time to time in any loan or discount made or upon any note, bill of exchange, financing transaction, or other evidence of debt by any insured depository institution whose home State is such State shall be equal to not more than the greater of—

“(A) the maximum interest rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved in a similar transaction under the constitution or any statute or other law of the home State of the out-of-State insured depository institution establishing any such branch, without reference to this section, as such maximum interest rate or amount of interest may change from time to time; or

“(B) the maximum rate or amount of interest, discount points, finance charges, or other similar charges that may be charged, taken, received, or reserved in a similar transaction by a State insured depository institution chartered under the laws of such State or a national bank or Federal savings association whose main office is located in such State without reference to this section.

“(2) RULE OF CONSTRUCTION.—No provision of this subsection shall be construed as superseding or affecting—

“(A) the authority of any insured depository institution to take, receive, reserve, and charge interest on any loan made in any State other than the State referred to in paragraph (1); or

“(B) the applicability of section 501 of the Depository Institutions Deregulation and Monetary Control Act of

1980, section 5197 of the Revised Statutes of the United States, or section 27 of this Act.”.

**SEC. 732. INTERSTATE BRANCHES AND AGENCIES OF FOREIGN BANKS.**

Section 5(a)(7) of the International Banking Act of 1978 (12 U.S.C. 3103(a)(7)) is amended to read as follows:

“(7) ADDITIONAL AUTHORITY FOR INTERSTATE BRANCHES AND AGENCIES OF FOREIGN BANKS, UPGRADES OF CERTAIN FOREIGN BANK AGENCIES AND BRANCHES.—Notwithstanding paragraphs (1) and (2), a foreign bank may—

“(A) with the approval of the Board and the Comptroller of the Currency, establish and operate a Federal branch or Federal agency or, with the approval of the Board and the appropriate State bank supervisor, a State branch or State agency in any State outside the foreign bank’s home State if—

“(i) the establishment and operation of such branch or agency is permitted by the State in which the branch or agency is to be established; and

“(ii) in the case of a Federal or State branch, the branch receives only such deposits as would be permitted for a corporation organized under section 25A of the Federal Reserve Act; or

“(B) with the approval of the Board and the relevant licensing authority (the Comptroller in the case of a Federal branch or the appropriate State supervisor in the case of a State branch), upgrade an agency, or a branch of the type referred to in subparagraph (A)(ii), located in a State outside the foreign bank’s home State, into a Federal or State branch if—

“(i) the establishment and operation of such branch is permitted by such State; and

“(ii) such agency or branch—

“(I) was in operation in such State on the day before September 29, 1994; or

“(II) has been in operation in such State for a period of time that meets the State’s minimum age requirement permitted under section 44(a)(5) of the Federal Deposit Insurance Act.”.

**SEC. 733. FAIR TREATMENT OF WOMEN BY FINANCIAL ADVISERS.**

It is the sense of the Congress that individuals offering financial advice and products should offer such services and products in a nondiscriminatory, nongender-specific manner.

**SEC. 734. MEMBERSHIP OF LOAN GUARANTEE BOARDS.**

(a) EMERGENCY STEEL LOAN GUARANTEE BOARD.—Section 101(e) of the Emergency Steel Loan Guarantee Act of 1999 is amended—

(1) in paragraph (2), by inserting “, or a member of the Board of Governors of the Federal Reserve System designated by the Chairman” after “the Chairman of the Board of Governors of the Federal Reserve System”; and

(2) in paragraph (3), by inserting “, or a commissioner of the Securities and Exchange Commission designated by the Chairman” before the period.

(b) EMERGENCY OIL AND GAS LOAN GUARANTEE BOARD.—Section 201(d)(2) of the Emergency Oil and Gas Guarantee Loan Program Act is amended—

*Ante*, p. 255.

(1) in subparagraph (B), by inserting “, or a member of the Board of Governors of the Federal Reserve System designated by the Chairman” after “the Chairman of the Board of Governors of the Federal Reserve System”; and

(2) in subparagraph (C), by inserting “, or a commissioner of the Securities and Exchange Commission designated by the Chairman” before the period.

**SEC. 735. REPEAL OF STOCK LOAN LIMIT IN FEDERAL RESERVE ACT.**

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by striking the paragraph designated as “(m)” and inserting “(m) [Repealed]”.

**SEC. 736. ELIMINATION OF SAIF AND DIF SPECIAL RESERVES.**

(a) SAIF SPECIAL RESERVE.—Section 11(a)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(6)) is amended by striking subparagraph (L).

(b) DIF SPECIAL RESERVE.—Section 2704 of the Deposit Insurance Funds Act of 1996 (12 U.S.C. 1821 note) is amended—

(1) by striking subsection (b); and

12 USC 1821  
note.

(2) in subsection (d)—

12 USC 1821.

(A) by striking paragraph (4);

(B) in paragraph (6)(C)(i), by striking “(6) and (7)” and inserting “(5), (6), and (7)”; and

(C) in paragraph (6)(C), by striking clause (ii) and inserting the following:

“(ii) by redesignating paragraph (8) as paragraph (5).”.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall become effective on the date of the enactment of this Act.

12 USC 1821  
note.

**SEC. 737. BANK OFFICERS AND DIRECTORS AS OFFICERS AND DIRECTORS OF PUBLIC UTILITIES.**

Section 305(b) of the Federal Power Act (16 U.S.C. 825d(b)) is amended—

(1) by striking “(b) After six” and inserting the following:

“(b) INTERLOCKING DIRECTORATES.—

“(1) IN GENERAL.—After 6”; and

(2) by adding at the end the following:

“(2) APPLICABILITY.—

“(A) IN GENERAL.—In the circumstances described in subparagraph (B), paragraph (1) shall not apply to a person that holds or proposes to hold the positions of—

“(i) officer or director of a public utility; and

“(ii) officer or director of a bank, trust company, banking association, or firm authorized by law to underwrite or participate in the marketing of securities of a public utility.

“(B) CIRCUMSTANCES.—The circumstances described in this subparagraph are that—

“(i) a person described in subparagraph (A) does not participate in any deliberations or decisions of the public utility regarding the selection of a bank,

trust company, banking association, or firm to underwrite or participate in the marketing of securities of the public utility, if the person serves as an officer or director of a bank, trust company, banking association, or firm that is under consideration in the deliberation process;

“(ii) the bank, trust company, banking association, or firm of which the person is an officer or director does not engage in the underwriting of, or participate in the marketing of, securities of the public utility of which the person holds the position of officer or director;

“(iii) the public utility for which the person serves or proposes to serve as an officer or director selects underwriters by competitive procedures; or

“(iv) the issuance of securities of the public utility for which the person serves or proposes to serve as an officer or director has been approved by all Federal and State regulatory agencies having jurisdiction over the issuance.”.

#### **SEC. 738. APPROVAL FOR PURCHASES OF SECURITIES.**

Section 23B(b)(2) of the Federal Reserve Act (12 U.S.C. 371c-1) is amended to read as follows:

“Subparagraph (B) of paragraph (1) shall not apply if the purchase or acquisition of such securities has been approved, before such securities are initially offered for sale to the public, by a majority of the directors of the bank based on a determination that the purchase is a sound investment for the bank irrespective of the fact that an affiliate of the bank is a principal underwriter of the securities.”.

#### **SEC. 739. OPTIONAL CONVERSION OF FEDERAL SAVINGS ASSOCIATIONS.**

Section 5(i) of the Home Owners' Loan Act (12 U.S.C. 1464(i)) is amended by adding at the end the following new paragraph:

“(5) CONVERSION TO NATIONAL OR STATE BANK.—

“(A) IN GENERAL.—Any Federal savings association chartered and in operation before the date of the enactment of the Gramm-Leach-Bliley Act, with branches in operation before such date of enactment in 1 or more States, may convert, at its option, with the approval of the Comptroller of the Currency or the appropriate State bank supervisor, into 1 or more national or State banks, each of which may encompass 1 or more of the branches of the Federal savings association in operation before such date of enactment in 1 or more States, but only if each resulting national or State bank will meet all financial, management, and capital requirements applicable to the resulting national or State bank.

“(B) DEFINITIONS.—For purposes of this paragraph, the terms ‘State bank’ and ‘State bank supervisor’ have the meanings given those terms in section 3 of the Federal Deposit Insurance Act.”.

#### **SEC. 740. GRAND JURY PROCEEDINGS.**

Section 3322(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting “Federal or State” before “financial institution”; and

(2) in paragraph (2), by inserting “at any time during or after the completion of the investigation of the grand jury,” before “upon”.

Approved November 12, 1999.

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LEGISLATIVE HISTORY—S. 900 (H.R. 10):

HOUSE REPORTS: Nos. 106–74, Pts. 1 and 2 (Comm. on Banking and Financial Services) and Pt. 3 (Comm. on Commerce) accompanying H.R. 10 and 106–434 (Comm. of Conference).

SENATE REPORTS: No. 106–44 (Comm. on Banking, Housing, and Urban Affairs).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

May 4–6, considered and passed Senate.

July 20, considered and passed House, amended, in lieu of H.R. 10.

Nov. 3, Senate considered conference report.

Nov. 4, Senate and House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 12, Presidential remarks and statement.



Public Law 106–103  
106th Congress

An Act

Nov. 13, 1999  
[H.R. 348]

To authorize the construction of a monument to honor those who have served the Nation's civil defense and emergency management programs.

16 USC 431 note. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AUTHORITY.**

(a) GRANT OF AUTHORITY.—The United States National Civil Defense Monument Commission (in this Act referred to as the “Commission”), a private nonprofit organization organized under the laws of the Commonwealth of Pennsylvania, is authorized to construct a Monument to honor those who have served the Nation's civil defense and emergency management programs.

(b) EXPIRATION.—The authority granted by this section shall expire 7 years after the date of the enactment of this Act, unless before the expiration of such 7-year period—

(1) the approvals required by sections 2(a) and (b) have been obtained; and

(2) the construction of the Monument has begun.

**SEC. 2. SITE AND DESIGN.**

(a) SITE.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may select the site upon which the Monument will be constructed. Such site shall be on Federal land controlled by the Federal Emergency Management Agency at Emmitsburg, Maryland.

(b) DESIGN.—Subject to the approval of the Director of the Federal Emergency Management Agency, the Commission may develop the design of the Monument.

**SEC. 3. CONSTRUCTION COSTS.**

The costs of constructing the Monument shall be paid out of contributions to the Commission.

Approved November 13, 1999.

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**LEGISLATIVE HISTORY—H.R. 348:**

HOUSE REPORTS: No. 106–416 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 1, considered and passed House.

Nov. 8, considered and passed Senate.





Public Law 106–104  
106th Congress

An Act

To amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

Nov. 13, 1999  
[H.R. 3061]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SENSE OF THE CONGRESS.**

In light of the increasing problem of alien smuggling into the United States, it is the sense of the Congress that the Attorney General should use the provision of nonimmigrant status under section 101(a)(15)(S) of the Immigration and Nationality Act in a greater number of alien smuggling investigations per year than has been done in the past.

**SEC. 2. EXTENSION OF AUTHORIZATION FOR ADMISSION OF “S” VISA NONIMMIGRANTS.**

Section 214(k)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(2)) is amended by striking “5” and inserting “7”.

**SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR REFUGEE ASSISTANCE.**

Section 414(a) of the Immigration and Nationality Act (8 U.S.C. 1524(a)) is amended by striking “1998 and 1999” and inserting “2000 through 2002”.

Approved November 13, 1999.

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**LEGISLATIVE HISTORY—H.R. 3061:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 26, considered and passed House.

Nov. 8, considered and passed Senate.



Public Law 106–105  
106th Congress

Joint Resolution

Nov. 18, 1999  
[H.J. Res. 80]

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 106–62 is further amended by striking “November 17, 1999” in section 106(c) and inserting “November 18, 1999”. Public Law 106–46 is amended by striking “November 17, 1999” and inserting “November 18, 1999”.

*Ante*, pp. 505,  
1125, 1297, 1304,  
1311.  
*Ante*, pp. 227,  
509, 1297, 1304,  
1311.

Approved November 18, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 80:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 17, considered and passed House and Senate.



Public Law 106–106  
106th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 2000, and for other purposes.

Nov. 19, 1999

[H.J. Res. 83]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Public Law 106–62 is further amended by striking “November 18, 1999” in section 106(c) and inserting “December 2, 1999”, and by striking “\$346,483,754” in section 119 and inserting “\$755,719,054”. Public Law 106–46 is amended by striking “November 18, 1999” and inserting “December 2, 1999”.

*Ante*, pp. 505,  
1125, 1297, 1304,  
1311.

*Ante*, pp. 509,  
1297, 1311.

*Ante*, pp. 227,  
509, 1297, 1304,  
1311, 1484.

Approved November 19, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 83:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 18, considered and passed House and Senate.



Public Law 106–107  
106th Congress

An Act

Nov. 20, 1999  
[S. 468]

To improve the effectiveness and performance of Federal financial assistance programs, simplify Federal financial assistance application and reporting requirements, and improve the delivery of services to the public.

Federal Financial  
Assistance  
Management  
Improvement Act  
of 1999.  
31 USC 6101  
note.  
31 USC 6101  
note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Federal Financial Assistance Management Improvement Act of 1999”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) there are over 600 different Federal financial assistance programs to implement domestic policy;

(2) while the assistance described in paragraph (1) has been directed at critical problems, some Federal administrative requirements may be duplicative, burdensome or conflicting, thus impeding cost-effective delivery of services at the local level;

(3) the Nation’s State, local, and tribal governments and private, nonprofit organizations are dealing with increasingly complex problems which require the delivery and coordination of many kinds of services; and

(4) streamlining and simplification of Federal financial assistance administrative procedures and reporting requirements will improve the delivery of services to the public.

31 USC 6101  
note.

**SEC. 3. PURPOSES.**

The purposes of this Act are to—

(1) improve the effectiveness and performance of Federal financial assistance programs;

(2) simplify Federal financial assistance application and reporting requirements;

(3) improve the delivery of services to the public; and

(4) facilitate greater coordination among those responsible for delivering such services.

31 USC 6101  
note.

**SEC. 4. DEFINITIONS.**

In this Act:

(1) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(2) **FEDERAL AGENCY.**—The term “Federal agency” means any agency as defined under section 551(1) of title 5, United States Code.

(3) **FEDERAL FINANCIAL ASSISTANCE.**—The term “Federal financial assistance” has the same meaning as defined in section 7501(a)(5) of title 31, United States Code, under which Federal financial assistance is provided, directly or indirectly, to a non-Federal entity.

(4) **LOCAL GOVERNMENT.**—The term “local government” means a political subdivision of a State that is a unit of general local government (as defined under section 7501(a)(11) of title 31, United States Code).

(5) **NON-FEDERAL ENTITY.**—The term “non-Federal entity” means a State, local government, or nonprofit organization.

(6) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means any corporation, trust, association, cooperative, or other organization that—

(A) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(B) is not organized primarily for profit; and

(C) uses net proceeds to maintain, improve, or expand the operations of the organization.

(7) **STATE.**—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, and any instrumentality thereof, any multi-State, regional, or interstate entity which has governmental functions, and any Indian Tribal Government.

(8) **TRIBAL GOVERNMENT.**—The term “tribal government” means an Indian tribe, as that term is defined in section 7501(a)(9) of title 31, United States Code.

(9) **UNIFORM ADMINISTRATIVE RULE.**—The term “uniform administrative rule” means a Governmentwide uniform rule for any generally applicable requirement established to achieve national policy objectives that applies to multiple Federal financial assistance programs across Federal agencies.

#### **SEC. 5. DUTIES OF FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Except as provided under subsection (b), not later than 18 months after the date of the enactment of this Act, each Federal agency shall develop and implement a plan that—

(1) streamlines and simplifies the application, administrative, and reporting procedures for Federal financial assistance programs administered by the agency;

(2) demonstrates active participation in the interagency process under section 6(a)(2);

(3) demonstrates appropriate agency use, or plans for use, of the common application and reporting system developed under section 6(a)(1);

(4) designates a lead agency official for carrying out the responsibilities of the agency under this Act;

(5) allows applicants to electronically apply for, and report on the use of, funds from the Federal financial assistance program administered by the agency;

(6) ensures recipients of Federal financial assistance provide timely, complete, and high quality information in response to Federal reporting requirements; and

31 USC 6101  
note.  
Deadline.

(7) in cooperation with recipients of Federal financial assistance, establishes specific annual goals and objectives to further the purposes of this Act and measure annual performance in achieving those goals and objectives, which may be done as part of the agency's annual planning responsibilities under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

(b) EXTENSION.—If a Federal agency is unable to comply with subsection (a), the Director may extend for up to 12 months the period for the agency to develop and implement a plan in accordance with subsection (a).

(c) COMMENT AND CONSULTATION ON AGENCY PLANS.—

Federal Register,  
publication.

(1) COMMENT.—Each agency shall publish the plan developed under subsection (a) in the Federal Register and shall receive public comment of the plan through the Federal Register and other means (including electronic means). To the maximum extent practicable, each Federal agency shall hold public forums on the plan.

(2) CONSULTATION.—The lead official designated under subsection (a)(4) shall consult with representatives of non-Federal entities during development and implementation of the plan. Consultation with representatives of State, local, and tribal governments shall be in accordance with section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534).

(d) SUBMISSION OF PLAN.—Each Federal agency shall submit the plan developed under subsection (a) to the Director and Congress and report annually thereafter on the implementation of the plan and performance of the agency in meeting the goals and objectives specified under subsection (a)(7). Such report may be included as part of any of the general management reports required under law.

31 USC 6101  
note.

#### **SEC. 6. DUTIES OF THE DIRECTOR.**

(a) IN GENERAL.—The Director, in consultation with agency heads and representatives of non-Federal entities, shall direct, coordinate, and assist Federal agencies in establishing—

(1) a common application and reporting system, including—

(A) a common application or set of common applications, wherein a non-Federal entity can apply for Federal financial assistance from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies;

(B) a common system, including electronic processes, wherein a non-Federal entity can apply for, manage, and report on the use of funding from multiple Federal financial assistance programs that serve similar purposes and are administered by different Federal agencies; and

(C) uniform administrative rules for Federal financial assistance programs across different Federal agencies; and

(2) an interagency process for addressing—

(A) ways to streamline and simplify Federal financial assistance administrative procedures and reporting requirements for non-Federal entities;

(B) improved interagency and intergovernmental coordination of information collection and sharing of data pertaining to Federal financial assistance programs,

including appropriate information sharing consistent with section 552a of title 5, United States Code; and

(C) improvements in the timeliness, completeness, and quality of information received by Federal agencies from recipients of Federal financial assistance.

(b) **LEAD AGENCY AND WORKING GROUPS.**—The Director may designate a lead agency to assist the Director in carrying out the responsibilities under this section. The Director may use inter-agency working groups to assist in carrying out such responsibilities.

(c) **REVIEW OF PLANS AND REPORTS.**—Upon the request of the Director, agencies shall submit to the Director, for the Director's review, information and other reporting regarding agency implementation of this Act.

(d) **EXEMPTIONS.**—The Director may exempt any Federal agency or Federal financial assistance program from the requirements of this Act if the Director determines that the Federal agency does not have a significant number of Federal financial assistance programs. The Director shall maintain a list of exempted agencies which shall be available to the public through the Office of Management and Budget's Internet site.

Records.

(e) **REPORT ON RECOMMENDED CHANGES IN LAW.**—Not later than 18 months after the date of the enactment of this Act, the Director shall submit to Congress a report containing recommendations for changes in law to improve the effectiveness, performance, and coordination of Federal financial assistance programs.

Deadline.

(f) **DEADLINE.**—All actions required under this section shall be carried out not later than 18 months after the date of the enactment of this Act.

#### **SEC. 7. EVALUATION.**

31 USC 6101  
note.

(a) **IN GENERAL.**—The General Accounting Office shall evaluate the effectiveness of this Act. Not later than 6 years after the date of the enactment of this Act, the evaluation shall be submitted to the lead agency, the Director, and Congress. The evaluation shall be performed with input from State, local, and tribal governments, and nonprofit organizations.

Deadline.

(b) **CONTENTS.**—The evaluation under subsection (a) shall—

(1) assess the effectiveness of this Act in meeting the purposes of this Act and make specific recommendations to further the implementation of this Act;

(2) evaluate actual performance of each agency in achieving the goals and objectives stated in agency plans; and

(3) assess the level of coordination among the Director, Federal agencies, State, local, and tribal governments, and nonprofit organizations in implementing this Act.

#### **SEC. 8. COLLECTION OF INFORMATION.**

31 USC 6101  
note.

Nothing in this Act shall be construed to prevent the Director or any Federal agency from gathering, or to exempt any recipient of Federal financial assistance from providing, information that is required for review of the financial integrity or quality of services of an activity assisted by a Federal financial assistance program.

#### **SEC. 9. JUDICIAL REVIEW.**

31 USC 6101  
note.

There shall be no judicial review of compliance or noncompliance with any of the provisions of this Act. No provision of this

Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

31 USC 6101  
note.

**SEC. 10. STATUTORY REQUIREMENTS.**

Nothing in this Act shall be construed as a means to deviate from the statutory requirements relating to applicable Federal financial assistance programs.

31 USC 6101  
note.

**SEC. 11. EFFECTIVE DATE AND SUNSET.**

This Act shall take effect on the date of the enactment of this Act and shall cease to be effective 8 years after such date of enactment.

Approved November 20, 1999.

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**LEGISLATIVE HISTORY—S. 468 (H.R. 409):**

SENATE REPORTS: No. 106–103 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 15, considered and passed Senate.

Nov. 2, considered and passed House, amended.

Nov. 4, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 20, Presidential statement.





Public Law 106–108  
106th Congress

An Act

To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese.

Nov. 24, 1999  
[H.R. 2454]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Arctic Tundra Habitat Emergency Conservation Act”.

Arctic Tundra  
Habitat  
Emergency  
Conservation  
Act.  
16 USC 703 note.

**SEC. 2. FINDINGS AND PURPOSES.**

16 USC 703 note.

(a) FINDINGS.—The Congress finds the following:

(1) The winter index population of mid-continent light geese was 800,000 birds in 1969, while the total population of such geese is more than 5,200,000 birds today.

(2) The population of mid-continent light geese is expanding by over 5 percent each year, and in the absence of new wildlife management actions it could grow to more than 6,800,000 breeding light geese in 3 years.

(3) The primary reasons for this unprecedented population growth are—

(A) the expansion of agricultural areas and the resulting abundance of cereal grain crops in the United States;

(B) the establishment of sanctuaries along the United States flyways of migrating light geese; and

(C) a decline in light geese harvest rates.

(4) As a direct result of this population explosion, the Hudson Bay Lowlands Salt-Marsh ecosystem in Canada is being systematically destroyed. This ecosystem contains approximately 135,000 acres of essential habitat for migrating light geese and many other avian species. Biologists have testified that one-third of this habitat has been destroyed, one-third is on the brink of devastation, and the remaining one-third is overgrazed.

(5) The destruction of the Arctic tundra is having a severe negative impact on many avian species that breed or migrate through this habitat, including the following:

(A) Canada Goose.

(B) American Wigeon.

(C) Dowitcher.

(D) Hudsonian Godwit.

(E) Stilt Sandpiper.

- (F) Northern Shoveler.
- (G) Red-Breasted Merganser.
- (H) Oldsquaw.
- (I) Parasitic Jaeger.
- (J) Whimbrel.
- (K) Yellow Rail.

(6) It is essential that the current population of mid-continent light geese be reduced by 50 percent by the year 2005 to ensure that the fragile Arctic tundra is not irreversibly damaged.

(b) PURPOSES.—The purposes of this Act are the following:

- (1) To reduce the population of mid-continent light geese.
- (2) To assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend.

16 USC 703 note. **SEC. 3. FORCE AND EFFECT OF RULES TO CONTROL OVERABUNDANT MID-CONTINENT LIGHT GEESE POPULATIONS.**

(a) FORCE AND EFFECT.—

(1) IN GENERAL.—The rules published by the Service on February 16, 1999, relating to use of additional hunting methods to increase the harvest of mid-continent light geese (64 Fed. Reg. 7507–7517) and the establishment of a conservation order for the reduction of mid-continent light goose populations (64 Fed. Reg. 7517–7528), shall have the force and effect of law.

(2) PUBLIC NOTICE.—The Secretary, acting through the Director of the Service, shall take such action as is necessary to appropriately notify the public of the force and effect of the rules referred to in paragraph (1).

(b) APPLICATION.—Subsection (a) shall apply only during the period that—

- (1) begins on the date of the enactment of this Act; and
- (2) ends on the latest of—

(A) the effective date of rules issued by the Service after such date of the enactment to control overabundant mid-continent light geese populations;

(B) the date of the publication of a final environmental impact statement for such rules under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); and

(C) May 15, 2001.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to limit the authority of the Secretary or the Service to issue rules, under another law, to regulate the taking of mid-continent light geese.

16 USC 703 note. **SEC. 4. COMPREHENSIVE MANAGEMENT PLAN.**

Deadline.

(a) IN GENERAL.—Not later than the end of the period described in section 103(b), the Secretary shall prepare, and as appropriate implement, a comprehensive, long-term plan for the management of mid-continent light geese and the conservation of their habitat.

(b) REQUIRED ELEMENTS.—The plan shall apply principles of adaptive resource management and shall include—

- (1) a description of methods for monitoring the levels of populations and the levels of harvest of mid-continent light geese, and recommendations concerning long-term harvest levels;

(2) recommendations concerning other means for the management of mid-continent light goose populations, taking into account the reasons for the population growth specified in section 102(a)(3);

(3) an assessment of, and recommendations relating to, conservation of the breeding habitat of mid-continent light geese;

(4) an assessment of, and recommendations relating to, conservation of native species of wildlife adversely affected by the overabundance of mid-continent light geese, including the species specified in section 102(a)(5); and

(5) an identification of methods for promoting collaboration with the Government of Canada, States, and other interested persons.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2000 through 2002.

#### SEC. 5. DEFINITIONS.

16 USC 703 note.

In this Act:

(1) MID-CONTINENT LIGHT GEESE.—The term “mid-continent light geese” means Lesser snow geese (*Anser caerulescens caerulescens*) and Ross’ geese (*Anser rossii*) that primarily migrate between Canada and the States of Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) SERVICE.—The term “Service” means the United States Fish and Wildlife Service.

Approved November 24, 1999.

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#### LEGISLATIVE HISTORY—H.R. 2454:

HOUSE REPORTS: No. 106–271 (Comm. on Resources).

SENATE REPORTS: No. 106–188 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Nov. 8, considered and passed Senate, amended.

Nov. 10, House concurred in Senate amendments.



Public Law 106–109  
106th Congress

An Act

Nov. 24, 1999  
[H.R. 2724]

To make technical corrections to the Water Resources Development Act of 1999.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ENVIRONMENTAL INFRASTRUCTURE.**

(a) JACKSON COUNTY, MISSISSIPPI.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended—

(1) in subsection (c), by striking paragraph (5) and inserting the following:

“(5) JACKSON COUNTY, MISSISSIPPI.—Provision of an alternative water supply and a project for the elimination or control of combined sewer overflows for Jackson County, Mississippi.”; and

(2) in subsection (e)(1), by striking “\$10,000,000” and inserting “\$20,000,000”.

(b) MANCHESTER, NEW HAMPSHIRE.—Section 219(e)(3) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757) is amended by striking “\$10,000,000” and inserting “\$20,000,000”.

(c) ATLANTA, GEORGIA.—Section 219(f)(1) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking “\$25,000,000 for”.

(d) PATERSON, PASSAIC COUNTY, AND PASSAIC VALLEY, NEW JERSEY.—Section 219(f)(2) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by striking “\$20,000,000 for”.

(e) ELIZABETH AND NORTH HUDSON, NEW JERSEY.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended—

(1) in paragraph (33), by striking “\$20,000,000” and inserting “\$10,000,000”; and

(2) in paragraph (34)—

(A) by striking “\$10,000,000” and inserting “\$20,000,000”; and

(B) by striking “in the city of North Hudson” and inserting “for the North Hudson Sewerage Authority”.

**SEC. 2. UPPER MISSISSIPPI RIVER ENVIRONMENTAL MANAGEMENT PROGRAM.**

Section 1103(e)(5) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(5)) (as amended by section 509(c)(3) of the Water Resources Development Act of 1999 (113 Stat. 340))

is amended by striking “paragraph (1)(A)(i)” and inserting “paragraph (1)(B)”.

**SEC. 3. DELAWARE RIVER, PENNSYLVANIA AND DELAWARE.**

Section 346 of the Water Resources Development Act of 1999 (113 Stat. 309) is amended by striking “economically acceptable” and inserting “environmentally acceptable”.

**SEC. 4. PROJECT REAUTHORIZATIONS.**

Section 364 of the Water Resources Development Act of 1999 (113 Stat. 313) is amended—

(1) by striking “Each” and all that follows through the colon and inserting the following: “Each of the following projects is authorized to be carried out by the Secretary, and no construction on any such project may be initiated until the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.”;

(2) by striking paragraph (1); and

(3) by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

**SEC. 5. SHORE PROTECTION.**

Section 103(d)(2)(A) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(d)(2)(A)) (as amended by section 215(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 292)) is amended by striking “or for which a feasibility study is completed after that date,” and inserting “except for a project for which a District Engineer’s Report is completed by that date,”.

**SEC. 6. COMITE RIVER, LOUISIANA.**

Section 371 of the Water Resources Development Act of 1999 (113 Stat. 321) is amended—

(1) by inserting “(a) IN GENERAL.—” before “The”; and

(2) by adding at the end the following:

“(b) CREDITING OF REDUCTION IN NON-FEDERAL SHARE.—The project cooperation agreement for the Comite River Diversion Project shall include a provision that specifies that any reduction in the non-Federal share that results from the modification under subsection (a) shall be credited toward the share of project costs to be paid by the Amite River Basin Drainage and Water Conservation District.”.

**SEC. 7. CHESAPEAKE CITY, MARYLAND.**

Section 535(b) of the Water Resources Development Act of 1999 (113 Stat. 349) is amended by striking “the city of Chesapeake” each place it appears and inserting “Chesapeake City”.

**SEC. 8. CONTINUATION OF SUBMISSION OF CERTAIN REPORTS BY THE SECRETARY OF THE ARMY.**

(a) RECOMMENDATIONS OF INLAND WATERWAYS USERS BOARD.—Section 302(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2251(b)) is amended in the last sentence by striking “The” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the”.

(b) LIST OF AUTHORIZED BUT UNFUNDED STUDIES.—Section 710(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2264(a)) is amended in the first sentence by striking “Not” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), not”.

(c) REPORTS ON PARTICIPATION OF MINORITY GROUPS AND MINORITY-OWNED FIRMS IN MISSISSIPPI RIVER-GULF OUTLET FEATURE.—Section 844(b) of the Water Resources Development Act of 1986 (100 Stat. 4177) is amended in the second sentence by striking “The” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), the”.

(d) LIST OF AUTHORIZED BUT UNFUNDED PROJECTS.—Section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)) is amended in the first sentence by striking “Every” and inserting “Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), every”.

**SEC. 9. AUTHORIZATIONS FOR PROGRAM PREVIOUSLY AND CURRENTLY FUNDED.**

(a) PROGRAM AUTHORIZATION.—The program described in subsection (c) is hereby authorized.

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Transportation for the program authorized in subsection (a) in amounts as follows:

(1) FISCAL YEAR 2000.—For fiscal year 2000, \$10,000,000.

(2) FISCAL YEAR 2001.—For fiscal year 2001, \$10,000,000.

(3) FISCAL YEAR 2002.—For fiscal year 2002, \$7,000,000.

(c) APPLICABILITY.—The program referred to in subsection (a) is the program for which funds appropriated in title I of Public Law 106-69 under the heading “FEDERAL RAILROAD ADMINISTRATION” are available for obligation upon the enactment of legislation authorizing the program.

Approved November 24, 1999.

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**LEGISLATIVE HISTORY—H.R. 2724:**

SENATE REPORTS: No. 106-183 (Comm. on Environment and Public Works).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 5, considered and passed House.

Nov. 8, considered and passed Senate, amended.

Nov. 10, House concurred in Senate amendment.



Public Law 106–110  
106th Congress

An Act

To amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

Nov. 24, 1999

[S. 1235]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INCLUSION OF RAILROAD POLICE OFFICERS IN FBI LAW ENFORCEMENT TRAINING.**

(a) IN GENERAL.—Section 701(a) of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771(a)) is amended—

(1) in paragraph (1)—

(A) by striking “State or unit of local government” and inserting “State, unit of local government, or rail carrier”; and

(B) by inserting “, including railroad police officers” before the semicolon; and

(2) in paragraph (3)—

(A) by striking “State or unit of local government” and inserting “State, unit of local government, or rail carrier”;

(B) by inserting “railroad police officer,” after “deputies,”;

(C) by striking “State or such unit” and inserting “State, unit of local government, or rail carrier”; and

(D) by striking “State or unit.” and inserting “State, unit of local government, or rail carrier.”.

(b) RAIL CARRIER COSTS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

“(d) RAIL CARRIER COSTS.—No Federal funds may be used for any travel, transportation, or subsistence expenses incurred in connection with the participation of a railroad police officer in a training program conducted under subsection (a).”.

(c) DEFINITIONS.—Section 701 of part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3771) is amended by adding at the end the following:

“(e) DEFINITIONS.—In this section—

“(1) the terms ‘rail carrier’ and ‘railroad’ have the meanings given such terms in section 20102 of title 49, United States Code; and

“(2) the term ‘railroad police officer’ means a peace officer who is commissioned in his or her State of legal residence or State of primary employment and employed by a rail carrier to enforce State laws for the protection of railroad property, personnel, passengers, or cargo.”.

Approved November 24, 1999.

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LEGISLATIVE HISTORY—S. 1235:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 26, considered and passed Senate.

Nov. 17, considered and passed House.





Public Law 106–111  
106th Congress

An Act

To establish designations for United States Postal Service buildings in Philadelphia, Pennsylvania.

Nov. 29, 1999

[H.R. 100]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ROXANNE H. JONES POST OFFICE BUILDING.**

(a) DESIGNATION.—The United States Postal Service building located at 2601 North 16th Street, in Philadelphia, Pennsylvania, shall be known and designated as the “Roxanne H. Jones Post Office Building”.

(b) REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “Roxanne H. Jones Post Office Building”.

**SEC. 2. FREEMAN HANKINS POST OFFICE BUILDING.**

(a) DESIGNATION.—The United States Postal Service building located at 5300 West Jefferson Street, in Philadelphia, Pennsylvania, shall be known and designated as the “Freeman Hankins Post Office Building”.

(b) REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “Freeman Hankins Post Office Building”.

**SEC. 3. MAX WEINER POST OFFICE BUILDING.**

(a) DESIGNATION.—The United States Postal Service building located at 2037 Chestnut Street, in Philadelphia, Pennsylvania, shall be known and designated as the “Max Weiner Post Office Building”.

(b) REFERENCES.—Any reference in any law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the “Max Weiner Post Office Building”.

Approved November 29, 1999.

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LEGISLATIVE HISTORY—H.R. 100:

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 24, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–112  
106th Congress

An Act

Nov. 29, 1999  
[H.R. 197]

To designate the facility of the United States Postal Service at 410 North 6th Street in Garden City, Kansas, as the “Clifford R. Hope Post Office”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The facility of the United States Postal Service located at 410 North 6th Street in Garden City, Kansas, is hereby designated as the “Clifford R. Hope Post Office”.

**SEC. 2. REFERENCES.**

Any reference in any law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the “Clifford R. Hope Post Office”.

Approved November 29, 1999.

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**LEGISLATIVE HISTORY—H.R. 197:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
May 24, considered and passed House.  
Nov. 19, considered and passed Senate.



Public Law 106–113  
106th Congress

An Act

Making consolidated appropriations for the fiscal year ending September 30, 2000,  
and for other purposes.

Nov. 29, 1999  
[H.R. 3194]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the several departments, agencies, corporations and other organizational units of the Government for the fiscal year 2000, and for other purposes, namely:

DIVISION A

DISTRICT OF COLUMBIA APPROPRIATIONS

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

District of  
Columbia  
Appropriations  
Act, 1999.

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, \$17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further*, That if the authorized program is a nationwide program, the Mayor may expend up to \$17,000,000: *Provided further*, That if the authorized program is for a limited number of States, the Mayor may expend up to \$11,000,000: *Provided further*, That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, \$5,000,000: *Provided*, That such funds shall remain available until September 30, 2001 and shall be used

in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, \$500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, \$250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS  
TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, \$176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712): *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed \$4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$7,209,000; for the District of Columbia Superior Court, \$68,351,000; for the District of Columbia Court System, \$16,154,000; and \$8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided*, That of the amounts available for operations of the District of Columbia Courts, not to exceed \$2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly

by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

#### DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$33,336,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

Reports.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER  
SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105-33; 111 Stat. 712), \$93,800,000, of which \$58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; \$17,400,000 shall be available to the Public Defender Service; and \$17,800,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That of the amounts made available under this heading, \$20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which \$7,000,000 shall be for treatment services.

## CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, \$2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

## FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, \$1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: *Provided*, That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

Reports.  
Deadline.

## FEDERAL PAYMENT TO THE GENERAL SERVICES ADMINISTRATION

For a Federal payment to the Administrator of General Services for activities carried out as a result of the transfer of the property on which the Lorton Correctional Complex is located to the General Services Administration, \$6,700,000, to remain available until expended.

## DISTRICT OF COLUMBIA FUNDS

## OPERATING EXPENSES

## DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

## GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, \$162,356,000 (including \$137,134,000 from local funds, \$11,670,000 from Federal funds, and \$13,552,000 from other funds): *Provided*, That not to exceed \$2,500 for the Mayor, \$2,500 for the Chairman of the Council of the District of Columbia, and \$2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That, notwithstanding any other provision of law now or hereafter enacted, no Member of the District of Columbia Council eligible to earn a part-time salary of \$92,520, exclusive of the Council Chairman, shall be paid a salary of more than \$84,635 during fiscal year 2000.

## ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$190,335,000 (including \$52,911,000 from local funds, \$84,751,000 from Federal funds, and \$52,673,000 from other funds), of which \$15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Code, sec. 1-2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12-23): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

## PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, \$778,770,000 (including \$565,511,000 from local funds, \$29,012,000 from Federal funds, and \$184,247,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace

Reports.

Reports.

not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be \$500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That \$100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further*, That up to \$700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

#### PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, \$867,411,000 (including \$721,847,000 from local funds, \$120,951,000 from Federal funds, and \$24,613,000 from other funds), to be allocated as follows: \$713,197,000 (including \$600,936,000 from local funds, \$106,213,000 from Federal funds, and \$6,048,000 from other funds), for the public schools of the



District of Columbia; \$10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; \$17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; \$27,885,000 from local funds for public charter schools: *Provided*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further*, That \$480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs; \$72,347,000 (including \$40,491,000 from local funds, \$13,536,000 from Federal funds, and \$18,320,000 from other funds) for the University of the District of Columbia; \$24,171,000 (including \$23,128,000 from local funds, \$798,000 from Federal funds, and \$245,000 from other funds) for the Public Library; \$2,111,000 (including \$1,707,000 from local funds and \$404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed \$2,500 for the Superintendent of Schools, \$2,500 for the President of the University of the District of Columbia, and \$2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31-401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That the District of Columbia Public Schools shall not spend less than \$365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: *Provided further*, That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public

and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: *Provided further*, That the District of Columbia Public Schools may spend \$500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

#### HUMAN SUPPORT SERVICES

Human support services, \$1,526,361,000 (including \$635,373,000 from local funds, \$875,814,000 from Federal funds, and \$15,174,000 from other funds): *Provided*, That \$25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100-77; 42 U.S.C. 11301 et seq.).

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$271,395,000 (including \$258,341,000 from local funds, \$3,099,000 from Federal funds, and \$9,955,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, \$342,077,000 (including \$217,606,000 from local funds, \$106,111,000 from Federal funds, and \$18,360,000 from other funds).

#### WORKFORCE INVESTMENTS

For workforce investments, \$8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

#### RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial

Responsibility and Management Assistance Authority,  
\$150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND  
MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104-8), \$3,140,000: *Provided*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B-279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, \$328,417,000 from local funds: *Provided*, That for equipment leases, the Mayor may finance \$27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That \$5,300,000 is allocated to the Metropolitan Police Department, \$3,200,000 for the Fire and Emergency Medical Services Department, \$350,000 for the Department of Corrections, \$15,949,000 for the Department of Public Works and \$2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the \$331,589,000 general fund accumulated deficit as of September 30, 1990, \$38,286,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47-321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, \$7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, \$1,295,000 from local funds.

## PRODUCTIVITY BANK

Reports.  
Deadline.

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling \$20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

## PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling \$20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce aggregate cost savings or additional revenues in an amount equal to the Productivity Bank financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

## PROCUREMENT AND MANAGEMENT SAVINGS

Reports.

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of \$14,457,000 for general supply schedule savings and \$7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

## ENTERPRISE AND OTHER FUNDS

## WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, \$279,608,000 from other funds (including \$236,075,000 for the Water and Sewer Authority and \$43,533,000 for the Washington Aqueduct) of which \$35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, \$197,169,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law

58-140; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

#### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97-91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Code, sec. 2-2501 et seq. and sec. 22-1516 et seq.), \$234,400,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled "An Act To Establish A District of Columbia Armory Board, and for other purposes" (62 Stat. 339; D.C. Code, sec. 2-301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85-300; D.C. Code, sec. 2-321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

Budget.

#### DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212; D.C. Code, sec. 32-262.2, \$133,443,000 of which \$44,435,000 shall be derived by transfer from the general fund and \$89,008,000 from other funds.

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), \$9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual

Reports.

Records.

budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1-711(c)(1)) is amended by striking “the total amount to which a member may be entitled” and all that follows and inserting the following: “the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed \$5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed \$7,500 (beginning with 2000).”.

#### CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), \$1,810,000 from other funds.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$50,226,000 from other funds.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, \$1,260,524,000 of which \$929,450,000 is from local funds, \$54,050,000 is from the highway trust fund, and \$277,024,000 is from Federal funds, and a rescission of \$41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of \$1,218,637,500 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

#### GENERAL PROVISIONS

##### Contracts.

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia

of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Lobbying.

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Reports.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

Notification.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.



SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1-242(7)) is amended by striking “, not to exceed” and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-612.8(c)(2)(F)) is amended to read as follows:

“(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.”.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

Deadline.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term “program, project, and activity” shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved

have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

Records.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term “entity of the District of Columbia government” includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

Deadline.  
Reports.

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions,

renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120 percent of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120 percent of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

(b) Notwithstanding the preceding subsection, if the Mayor, District of Columbia Financial Responsibility and Management Assistance Authority and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection.

Memorandums.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Abortion.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental

Domestic partners.

benefits to such couples on the same basis that such benefits are extended to legally married couples.

Deadline.  
Reports.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of \$10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Reports.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

Deadline.  
Budget.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the heading "Division of Expenses" shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) \$5,515,379,000 (of which \$152,753,000 shall be from intra-District funds and \$3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the

District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

Deadline.

Deadline.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized

accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93-198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

- (1) classified as an Educational Service employee;
- (2) placed under the personnel authority of the Board of Education; and
- (3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1-601.1 et seq.), is further amended in section 2408(a) by striking "1999" and inserting "2000"; in subsection (b), by striking "1999" and inserting "2000"; in subsection (i), by striking "1999" and inserting "2000"; and in subsection (k), by striking "1999" and inserting "2000".

Deadline.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally



determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1-1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8), as added by section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

“(j) RESERVE.—

“(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain \$150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

“(2) CONDITIONS ON USE.—The reserve funds—

112 Stat. 2681-  
146.

Effective date.

“(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

“(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

“(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

Notification.

“(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.”.

(b) Section 202 of such Act (Public Law 104-8), as amended by subsection (a), is further amended by adding at the end the following:

“(k) POSITIVE FUND BALANCE.—

“(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

“(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

“(A) not more than 50 percent may be used for authorized non-recurring expenses; and

“(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.”.

Deadline.  
Budget.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

Needle exchange.

SEC. 150. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 151. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment

of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 1999) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 152. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use

of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

Certification.

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

Deadline.  
Reports.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293) is amended—

(1) by inserting “and public charter” after “public”; and

(2) by adding at the end the following: “Of such amounts and proceeds, \$5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of three individuals appointed by the Mayor of the District of Columbia and two individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.”.

Deadline.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-2851) is amended by striking “during the period” and “and ending 5 years after such date.”.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104-134; D.C. Code, sec. 31-

2853.16(c)) is amended by adding at the end the following: “, except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.”.

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the “Authority”) to the District of Columbia the sum of \$18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: *Provided*, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the “Authority”), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104-21; D.C. Code, sec. 7-134.2(a)) an amount not to exceed \$5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-552), for infrastructure needs of the District of Columbia, \$5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-435(e)) is amended—

(1) by striking “and administrative costs necessary to carry out this chapter”; and

(2) by striking the period at the end and inserting the following: “, and no monies in the Fund may be used for any other purpose.”.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3-435(a)) is amended by striking the second sentence and inserting the following: “The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).”.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3-435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3-435(c)) is amended by inserting after “1997,” the second place it appears the following: “any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,”.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3-435), as amended by subsection (b)(2), is further amended by inserting after subsection (c) the following new subsection:

“(d) Any unobligated balance existing in the Fund in excess of \$250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.”.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3-421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as “other”, “miscellaneous”, or a similar general, nondescriptive term, the document shall include a description of

the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-124) is amended in the item relating to “FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS”—

(A) by striking “existing lessees” the first place it appears and inserting “existing lessees of the Marina”; and

(B) by striking “the existing lessees” the second place it appears and inserting “such lessees”.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) ADDITIONAL FUNDING FOR IMPROVEMENTS CARRIED OUT THROUGH CORPS OF ENGINEERS.—

(1) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of \$3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) SOURCE OF FUNDS.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-552), for infrastructure needs of the District of Columbia.

(d) QUARTERLY REPORTS ON PROJECT.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning

requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled “Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia”, approved July 1, 1947 (Public Law 100-637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1233(c)) is amended by adding at the end the following new paragraph:

“(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.”.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the “Trustee”) shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the “Agency”) relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee’s certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

Marijuana.

SEC. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.



SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the “Authority”) to the District of Columbia the sum of \$5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

Deadline.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (section 47-231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103-373)) is amended—

(1) in subsection (a)(1), by striking “District of Columbia Financial Responsibility and Management Assistance Authority” and inserting “Mayor”; and

(2) in subsection (b)(1), by striking “Authority” and inserting “Mayor”.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, \$20,900,000 was spent on publicly funded drug treatment in the District compared to \$29,000,000 in fiscal year 1993. The District’s Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including two charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with one exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

Deadline.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM. Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

Reports.

(2) submit to Congress a report on the results of the study under paragraph (1).

SEC. 173. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 174. WIRELESS COMMUNICATIONS.—(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the National Park Service, shall—

Deadline.

(1) implement the notice of decision approved by the National Capital Regional Director, dated April 7, 1999, including the provisions of the notice of decision concerning the issuance of right-of-way permits at market rates; and

(2) expend such sums as are necessary to carry out paragraph (1).

(b) ANTENNA APPLICATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of an application, a Federal agency that receives an application submitted after the enactment of this Act to locate a wireless communications antenna on Federal property in the District of Columbia or surrounding area over which the Federal agency exercises control shall take final action on the application, including action on the issuance of right-of-way permits at market rates.

Deadline.

(2) EXISTING LAW.—Nothing in this subsection shall be construed to affect the applicability of existing laws regarding—

(A) judicial review under chapter 7 of title 5, United States Code (the Administrative Procedure Act), and the Communications Act of 1934;

(B) the National Environmental Policy Act, the National Historic Preservation Act and other applicable Federal statutes; and

(C) the authority of a State or local government or instrumentality thereof, including the District of Columbia, in the placement, construction, and modification of personal wireless service facilities.

SEC. 175. (a)(1) The first paragraph under the heading “Community Development Block Grants” in title II of H.R. 2684 (Public Law 106-74) is amended by inserting after “National American Indian Housing Council,” the following: “\$4,000,000 shall be available as a grant for the Special Olympics in Anchorage, Alaska to develop the Ben Boeke Arena and Hilltop Ski Area,”; and

*Ante*, p. 1061.

(2) The paragraph that includes the words “Economic Development Initiative (EDI)” under the heading “Community Development Block Grants” in title II of H.R. 2684 (Public Law 106-74) is amended by striking “\$240,000,000” and inserting “\$243,500,000”.

*Ante*, p. 1062.

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 is deemed to be amended under the heading “Community Development Block Grants” to include in the description of targeted economic development initiatives the following:

“—\$1,000,000 for the New Jersey Community Development Corporation for the construction of the New Jersey Community Development Corporation’s Transportation Opportunity Center;

“—\$750,000 for South Dakota State University in Brookings, South Dakota for the development of a performing arts center;

“—\$925,000 for the Florida Association of Counties for a Rural Capacity Building Pilot Project in Tallahassee, Florida;

“—\$500,000 for the Osceola County Agriculture Center for construction of a new and expanded agriculture center in Osceola County, Florida;

“—\$1,000,000 for the University of Syracuse in Syracuse, New York for electrical infrastructure improvements.”; and the current descriptions are amended as follows:

“—\$1,700,000 to the City of Miami, Florida for the development of a Homeownership Zone to assist residents displaced by the demolition of public housing in the Model City area;” is amended to read as follows:

“—\$1,700,000 to Miami-Dade County, Florida for an economic development project at the Opa-locka Neighborhood Center;”;

“—\$250,000 to the Arizona Science Center in Yuma, Arizona for its after-school program for inner-city youth;” is amended to read as follows:

“—\$250,000 to the Arizona Science Center in Phoenix, Arizona for its after-school program for inner-city youth;”;

“—\$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building on the grounds of the firefighters facility in Morea, Pennsylvania;” is amended to read as follows:

“—\$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building and other facilities and improvements on the grounds of the firefighters facility in Morea, Pennsylvania;”.

(c) Notwithstanding any other provision of law, the \$2,000,000 made available pursuant to Public Law 105-276 for Pittsburgh, Pennsylvania to redevelop the Sun Co./LTV Steel Site in Hazelwood, Pennsylvania is available to the Department of Economic Development in Allegheny County, Pennsylvania for the development of a technology based project in the county.

(d) Insert the following new sections at the end of the administrative provisions in title II of H.R. 2684 (Public Law 106-74):

*Ante*, p. 1077.

#### “FHA MULTIFAMILY MORTGAGE CREDIT DEMONSTRATION

“SEC. 226. Section 542 of the Housing and Community Development Act of 1992 is amended—

“(1) in subsection (b)(5) by striking ‘during fiscal year 1999’ and inserting ‘in each of the fiscal years 1999 and 2000’; and

“(2) in the first sentence of subsection (c)(4) by striking ‘during fiscal year 1999’ and inserting ‘in each of fiscal years 1999 and 2000’.

#### “DRUG ELIMINATION PROGRAM

“SEC. 227. (a) Section 5126(4) of the Public and Assisted Housing Drug Elimination Act of 1990 is amended—

“(1) in subparagraph (B), by inserting after ‘1965;’ the following: ‘or’;

“(2) in subparagraph (C), by striking ‘1937: or’ and inserting ‘1937.’; and

“(3) by striking subparagraph (D).

Effective date.

“(b) The amendments made by subsection (a) shall be construed to have taken effect on October 21, 1998.”.

(e) The current description in the statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106-74; House Report No. 106-379) under the heading “Community Development Block Grants” in title II is amended as follows:

“—\$500,000 to the City of Citrus Heights, California for the revitalization of the Sunrise Mall;” is amended to read as follows:

“—\$500,000 to the City of Citrus Heights, California for the revitalization of the Sunrise Marketplace;”.

(f) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106-74) is amended under the heading “Corporation for National and Community Service, National and Community Service Programs Operating Expenses” in title III by striking “to remain available until September 30, 2000” and inserting “to remain available until September 30, 2001”.

*Ante*, p. 1078.

(g) The statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106-74; House Report No. 106-379) is deemed to be amended in the matter related to targeted economic development initiatives under the heading “Community Development Block Grants” by reducing by \$100,000 the amount available to the University of Maryland in College Park, Maryland for the renovation of the James McGregor Burn Academy of Leadership, and by adding the following item:

“—\$100,000 to St. Mary’s College in Maryland for the St. Mary’s River Project;”.

SEC. 176. GEORGETOWN WATERFRONT PARK FUND. (a) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105-277; 112 Stat. 2681-123) is amended in the item relating to “FEDERAL FUNDS—Federal Payment to the Georgetown Waterfront Park Fund” by striking the colon and inserting “, to remain available until expended;”.

(b) EFFECTIVE DATE.—This section shall take effect as if included in the District of Columbia Appropriations Act, 1999.

This title may be cited as the “District of Columbia Appropriations Act, 2000”.

## TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA. The Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13-110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION. Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

## DIVISION B

SEC. 1000. (a) The provisions of the following bills are hereby enacted into law:

Incorporation by reference.

(1) H.R. 3421 of the 106th Congress, as introduced on November 17, 1999;

(2) H.R. 3422 of the 106th Congress, as introduced on November 17, 1999;

(3) H.R. 3423 of the 106th Congress, as introduced on November 17, 1999;

(4) H.R. 3424 of the 106th Congress, as introduced on November 17, 1999;

(5) H.R. 3425 of the 106th Congress, as introduced on November 17, 1999;

(6) H.R. 3426 of the 106th Congress, as introduced on November 17, 1999;

*Post,*  
p. 1501A–476.

(7) H.R. 3427 of the 106th Congress, as introduced on November 17, 1999, except that subsection (c) of section 912 of H.R. 3427 shall be deemed to read as follows:

Certification.

“(c) ADVANCE CONGRESSIONAL NOTIFICATION.—

“(1) FISCAL YEAR 1998.—Funds made available pursuant to section 911(a)(1) may be obligated and expended beginning on or after December 15, 1999: *Provided*, That the appropriate certification has been submitted to the appropriate congressional committees.

“(2) FISCAL YEARS 1999 AND 2000.—Funds made available pursuant to paragraph (2) or (3) of section 911(a) may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.”;

(8) H.R. 3428 of the 106th Congress, as introduced on November 17, 1999; and

(9) S. 1948 of the 106th Congress, as introduced on November 17, 1999.

Incorporation by  
reference;  
publication.

(b) In publishing the Act in slip form and in the United States Statutes at Large pursuant to section 112, of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section.

SEC. 1001. PAYGO ADJUSTMENTS. (a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report No. 105–217, legislation enacted in this division by reference in the paragraphs after paragraph 4 of subsection 1000(a) that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, but shall be subject to subsection (b).

(b) The Director of the Office of Management and Budget shall not make any estimates of changes in direct spending outlays and receipts under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 for any fiscal year resulting from enactment of the legislation referenced in the paragraphs after paragraph 4 of subsection 1000(a) of this division.

(c) On January 3, 2000, the Director of the Office of Management and Budget shall change any balances of direct spending and receipts legislation for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 to zero. Effective date.

Approved November 29, 1999.

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**LEGISLATIVE HISTORY—H.R. 3194:**

HOUSE REPORTS: No. 106–479 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 3, considered and passed House; considered and passed Senate, amended.

Nov. 18, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 29, Presidential remarks and statement.

ENDNOTE: The following appendixes are added pursuant to the provisions of section 1000 of this Act (113 Stat. 1535).



## TABLE OF CONTENTS

*The table of contents for this Appendix is as follows:*

APPENDIX A—H.R. 3421

APPENDIX B—H.R. 3422

APPENDIX C—H.R. 3423

APPENDIX D—H.R. 3424

APPENDIX E—H.R. 3425

APPENDIX F—H.R. 3426

APPENDIX G—H.R. 3427

APPENDIX H—H.R. 3428

APPENDIX I—S. 1948



## APPENDIX A—H.R. 3421

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

### TITLE I—DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$79,328,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 1999: *Provided further*, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices may utilize non-reimbursable details of career employees within the caps described in the aforementioned proviso: *Provided further*, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: *Provided further*, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.

##### JOINT AUTOMATED BOOKING SYSTEM

For expenses necessary for the nationwide deployment of a Joint Automated Booking System, \$1,800,000, to remain available until expended.

##### NARROWBAND COMMUNICATIONS

For the costs of conversion to narrowband communications as mandated by section 104 of the National Telecommunications and

Information Administration Organization Act (47 U.S.C. 903(d)(1)), \$10,625,000, to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, \$10,000,000, to remain available until expended, to reimburse any Department of Justice organization for: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident; and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities: *Provided*, That any Federal agency may be reimbursed for the costs of detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States: *Provided further*, That funds provided under this paragraph shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

For payments authorized by section 109 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1008), \$15,000,000, to remain available until expended.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$98,136,000.

In addition, \$50,363,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$40,275,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year: *Provided*, That not less than \$40,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, \$8,527,000.

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$357,016,000; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed \$36,666,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through “Salaries and Expenses”, General Administration: *Provided further*, That of the amount appropriated under this heading \$582,000 shall be transferred to, and merged with, funds available to the Presidential Advisory Commission on Holocaust Assets in the United States and shall be made available for the same purposes for which such funds are available: *Provided further*, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses.

In addition, \$147,929,000, to be derived from the Violent Crime Reduction Trust Fund, to remain available until expended for such purposes.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

## SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$81,850,000: *Provided*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$81,850,000 of offsetting collections derived from fees collected in fiscal year 2000 for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at not more than \$0.

## SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,161,957,000; of which not to exceed \$2,500,000 shall be available until September 30, 2001, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: *Provided*, That of the total amount

appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 of those funds available for automated litigation support contracts shall remain available until expended: *Provided further*, That not to exceed \$2,500,000 for the operation of the National Advocacy Center shall remain available until expended: *Provided further*, That not to exceed \$1,000,000 shall remain available until expended for the expansion of existing Violent Crime Task Forces in United States Attorneys Offices into demonstration projects, including inter-governmental, inter-local, cooperative, and task-force agreements, however denominated, and contracts with State and local prosecutorial and law enforcement agencies engaged in the investigation and prosecution of violent crimes: *Provided further*, That, in addition to reimbursable full-time equivalent workyears available to the Offices of the United States Attorneys, not to exceed 9,120 positions and 9,398 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

#### UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized by 28 U.S.C. 589a(a), \$112,775,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That, notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, \$112,775,000 of offsetting collections derived from fees collected pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the Fund estimated at \$0: *Provided further*, That 28 U.S.C. 589a is amended by striking “and” in subsection (b)(7); by striking the period in subsection (b)(8) and inserting “; and”; and by adding a new paragraph as follows: “(9) interest earned on Fund investment.”.

#### SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, \$1,175,000.

#### SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles, and the purchase of passenger motor vehicles for police-type use, without regard to the general purchase price limitation for the current fiscal year, \$333,745,000, as authorized by 28 U.S.C. 561(i); of which not to exceed \$6,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 for development, implementation, maintenance and support, and training for an automated prisoner information system shall remain available until expended; and of which not less than

\$2,762,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, \$209,620,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

#### CONSTRUCTION

For planning, constructing, renovating, equipping, and maintaining United States Marshals Service prisoner-holding space in United States courthouses and Federal buildings, including the renovation and expansion of prisoner movement areas, elevators, and sallyports, \$6,000,000, to remain available until expended.

#### JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND, UNITED STATES MARSHALS SERVICE

Beginning in fiscal year 2000 and thereafter, payment shall be made from the Justice Prisoner and Alien Transportation System Fund for necessary expenses related to the scheduling and transportation of United States prisoners and illegal and criminal aliens in the custody of the United States Marshals Service, as authorized in 18 U.S.C. 4013, including, without limitation, salaries and expenses, operations, and the acquisition, lease, and maintenance of aircraft and support facilities: *Provided*, That the Fund shall be reimbursed or credited with advance payments from amounts available to the Department of Justice, other Federal agencies, and other sources at rates that will recover the expenses of Fund operations, including, without limitation, accrual of annual leave and depreciation of plant and equipment of the Fund: *Provided further*, That proceeds from the disposal of Fund aircraft shall be credited to the Fund: *Provided further*, That amounts in the Fund shall be available without fiscal year limitation, and may be used for operating equipment lease agreements that do not exceed 5 years.

#### FEDERAL PRISONER DETENTION

For expenses, related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General, \$525,000,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

#### FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, \$95,000,000, to remain available until expended; of which not to exceed \$6,000,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings, and the purchase of equipment incident thereto, for protected witness safesites; and of which not to exceed \$1,000,000

may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses.

#### SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, \$7,199,000 and, in addition, up to \$1,000,000 of funds made available to the Department of Justice in this Act may be transferred by the Attorney General to this account: *Provided*, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (F), and (G), as amended, \$23,000,000, to be derived from the Department of Justice Assets Forfeiture Fund.

#### RADIATION EXPOSURE COMPENSATION

##### ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, \$2,000,000.

##### PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, \$3,200,000.

#### INTERAGENCY LAW ENFORCEMENT

##### INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$316,792,000, of which \$50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

## FEDERAL BUREAU OF INVESTIGATION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,236 passenger motor vehicles, of which 1,142 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance, and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General, \$2,337,015,000; of which not to exceed \$50,000,000 for automated data processing and telecommunications and technical investigative equipment and not to exceed \$1,000,000 for undercover operations shall remain available until September 30, 2001; of which not less than \$292,473,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed \$10,000,000 is authorized to be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which not less than \$50,000,000 shall be for the costs of conversion to narrowband communications, and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: *Provided further*, That not to exceed \$45,000 shall be available for official reception and representation expenses: *Provided further*, That no funds in this Act may be used to provide ballistics imaging equipment to any State or local authority which has obtained similar equipment through a Federal grant or subsidy unless the State or local authority agrees to return that equipment or to repay that grant or subsidy to the Federal Government.

In addition, \$752,853,000 for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund, as authorized by the Violent Crime Control and Law Enforcement Act of 1994, as amended, and the Antiterrorism and Effective Death Penalty Act of 1996.

## CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, \$1,287,000, to remain available until expended.

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,358 passenger motor vehicles, of which 1,079 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft, \$933,000,000, of which not to exceed \$1,800,000 for research shall remain available until expended, and of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2001; of which not to exceed \$50,000 shall be available for official reception and representation expenses; and of which not less than \$20,733,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office.

In addition, \$343,250,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

## CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects, \$5,500,000, to remain available until expended.

## IMMIGRATION AND NATURALIZATION SERVICE

## SALARIES AND EXPENSES

For expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, as follows:

## ENFORCEMENT AND BORDER AFFAIRS

For salaries and expenses for the Border Patrol program, the detention and deportation program, the intelligence program, the investigations program, and the inspections program, including not to exceed \$50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase



for police-type use (not to exceed 3,075 passenger motor vehicles, of which 2,266 are for replacement only), without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; research related to immigration enforcement; for protecting and maintaining the integrity of the borders of the United States including, without limitation, equipping, maintaining, and making improvements to the infrastructure; and for the care and housing of Federal detainees held in the joint Immigration and Naturalization Service and United States Marshals Service's Buffalo Detention Facility, \$1,107,429,000; of which not to exceed \$10,000,000 shall be available for costs associated with the training program for basic officer training, and \$5,000,000 is for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration; of which not to exceed \$5,000,000 is to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens; and of which not less than \$18,510,000 shall be for the costs of conversion to narrowband communications and for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That such amount shall be transferred to and administered by the Department of Justice Wireless Management Office: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2000: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless the checkpoints are open and traffic is being checked on a continuous 24-hour basis.

CITIZENSHIP AND BENEFITS, IMMIGRATION SUPPORT AND PROGRAM  
DIRECTION

For all programs of the Immigration and Naturalization Service not included under the heading "Enforcement and Border Affairs", \$535,011,000, of which not to exceed \$400,000 for research shall remain available until expended: *Provided*, That not to exceed \$5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer any funds appropriated under this heading and the heading "Enforcement and Border Affairs" between said appropriations notwithstanding any percentage transfer limitations imposed under this appropriation Act and may direct such fees as are collected by the Immigration and Naturalization Service to the activities funded under this heading and the heading "Enforcement and Border Affairs" for performance of the functions for which the fees legally may be expended: *Provided further*, That not to exceed 40 permanent positions and 40 full-time equivalent workyears and \$4,150,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: *Provided further*, That the latter two aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis, or any other type of formal or informal transfer

or reimbursement of personnel or funds on either a temporary or long-term basis: *Provided further*, That the number of positions filled through non-career appointment at the Immigration and Naturalization Service, for which funding is provided in this Act or is otherwise made available to the Immigration and Naturalization Service, shall not exceed four permanent positions and four full-time equivalent workyears: *Provided further*, That none of the funds available to the Immigration and Naturalization Service shall be used to pay any employee overtime pay in an amount in excess of \$30,000 during the calendar year beginning January 1, 2000: *Provided further*, That funds may be used, without limitation, for equipping, maintaining, and making improvements to the infrastructure and the purchase of vehicles for police-type use within the limits of the Enforcement and Border Affairs appropriation: *Provided further*, That, notwithstanding any other provision of law, during fiscal year 2000, the Attorney General is authorized and directed to impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, for any employee of the Immigration and Naturalization Service who violates policies and procedures set forth by the Department of Justice relative to the granting of citizenship or who willfully deceives the Congress or department leadership on any matter.

#### VIOLENT CRIME REDUCTION PROGRAMS

In addition, \$1,267,225,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund: *Provided*, That the Attorney General may use the transfer authority provided under the heading “Citizenship and Benefits, Immigration Support and Program Direction” to provide funds to any program of the Immigration and Naturalization Service that heretofore has been funded by the Violent Crime Reduction Trust Fund.

#### CONSTRUCTION

For planning, construction, renovation, equipping, and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, \$99,664,000, to remain available until expended: *Provided*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 708, of which 602 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$3,089,110,000; of which not less than \$500,000 shall be transferred to and administered by the Department of Justice Wireless Management Office for the costs of conversion to narrowband communications and

for the operations and maintenance of legacy Land Mobile Radio systems: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of FPS, furnish health services to individuals committed to the custody of FPS: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$90,000,000 shall remain available for necessary operations until September 30, 2001: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, as amended, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That, notwithstanding section 4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), FPS may enter into contracts and other agreements with private entities for periods of not to exceed 3 years and seven additional option years for the confinement of Federal prisoners.

In addition, \$22,524,000, for such purposes, to remain available until expended, to be derived from the Violent Crime Reduction Trust Fund.

#### BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$556,791,000, to remain available until expended, of which not to exceed \$14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to “Buildings and Facilities” in this or any other Act may be transferred to “Salaries and Expenses”, Federal Prison System, upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act.

#### FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program

set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON  
INDUSTRIES, INCORPORATED

Not to exceed \$3,429,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"), and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, \$155,611,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 102-534 (106 Stat. 3524).

In addition, for grants, cooperative agreements, and other assistance authorized by sections 819, 821, and 822 of the Antiterrorism and Effective Death Penalty Act of 1996, \$152,000,000, to remain available until expended.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), as amended ("the 1994 Act"), \$1,634,500,000 to remain available until expended; of which \$523,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "State", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: *Provided*, That no funds provided under this heading may be used as matching funds for any other Federal grant program: *Provided further*, That \$50,000,000 of this amount shall be for Boys and Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: *Provided further*, That funds may also be used to defray the costs

of indemnification insurance for law enforcement officers: *Provided further*, That \$20,000,000 shall be available to carry out section 102(2) of H.R. 728; of which \$420,000,000 shall be for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; of which \$686,500,000 shall be for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the 1994 Act, of which \$165,000,000 shall be available for payments to States for incarceration of criminal aliens, of which \$25,000,000 shall be available for the Cooperative Agreement Program, and of which \$34,000,000 shall be reserved by the Attorney General for fiscal year 2000 under section 20109(a) of subtitle A of title II of the 1994 Act; and of which \$5,000,000 shall be for the Tribal Courts Initiative.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW  
ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the “Justice Assistance” account) authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), as amended (“the 1994 Act”); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (“the 1968 Act”); and the Victims of Child Abuse Act of 1990, as amended (“the 1990 Act”), \$1,194,450,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which \$552,000,000 shall be for grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the 1968 Act, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which \$52,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; of which \$10,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; of which \$2,000,000 shall be for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; of which \$206,750,000 shall be for Grants to Combat Violence Against Women, to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act, including \$28,000,000 which shall be used exclusively for the purpose of strengthening civil legal assistance programs for victims of domestic violence: *Provided*, That, of these funds, \$5,200,000 shall be provided to the National Institute of Justice for research and evaluation of violence against women, \$1,196,000 shall be provided to the Office of the United States Attorney for the District of Columbia for domestic violence programs in D.C. Superior Court, \$10,000,000 which shall be used exclusively for violence on college campuses, and \$10,000,000 shall be available to the Office of Juvenile Justice and Delinquency Prevention for the Safe Start Program, to be administered as authorized by part C of the Juvenile Justice and Delinquency Act of 1974, as amended;

of which \$34,000,000 shall be for Grants to Encourage Arrest Policies to States, units of local government, and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; of which \$25,000,000 shall be for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; of which \$5,000,000 shall be for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the 1994 Act, and for local demonstration projects; of which \$1,000,000 shall be for grants for televised testimony, as authorized by section 1001(a)(7) of the 1968 Act; of which \$63,000,000 shall be for grants for residential substance abuse treatment for State prisoners, as authorized by section 1001(a)(17) of the 1968 Act; of which \$900,000 shall be for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(c) of the 1994 Act; of which \$1,300,000 shall be for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; of which \$40,000,000 shall be for Drug Courts, as authorized by title V of the 1994 Act; of which \$1,500,000 shall be for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; of which \$2,000,000 shall be for public awareness programs addressing marketing scams aimed at senior citizens, as authorized by section 250005(3) of the 1994 Act; and of which \$250,000,000 shall be for Juvenile Accountability Incentive Block Grants, except that such funds shall be subject to the same terms and conditions as set forth in the provisions under this heading for this program in Public Law 105-119, but all references in such provisions to 1998 shall be deemed to refer instead to 2000: *Provided further*, That funds made available in fiscal year 2000 under subpart 1 of part E of title I of the 1968 Act may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions and for drug testing initiatives: *Provided further*, That, if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

#### WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, \$33,500,000, to remain available until expended, for inter-governmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the

Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

#### COMMUNITY ORIENTED POLICING SERVICES

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 (“the 1994 Act”) (including administrative costs), \$595,000,000, to remain available until expended, including \$45,000,000 which shall be derived from the Violent Crime Reduction Trust Fund; of which \$130,000,000 shall be available to the Office of Justice programs to carry out section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601), of which \$35,000,000 is for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993, of which \$15,000,000 is for the National Institute of Justice to develop school safety technologies, and of which \$30,000,000 shall be for State and local DNA laboratories as authorized by section 1001(a)(22) of the 1968 Act, as well as for improvements to the State and local forensic laboratory general forensic science capabilities and to reduce their DNA convicted offender database sample backlog; of which \$419,325,000 is for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act, of which \$180,000,000 shall be available for school resource officers; of which \$35,675,000 shall be used for policing initiatives to combat methamphetamine production and trafficking and to enhance policing initiatives in drug “hot spots”; and of which \$10,000,000 shall be used for the Community Prosecutors program: *Provided*, That of the amount provided for Public Safety and Community Policing Grants, not to exceed \$29,825,000 shall be expended for program management and administration: *Provided further*, That of the unobligated balances available in this program, \$210,000,000 shall be used for innovative community policing programs, of which \$100,000,000 shall be used for a law enforcement technology program, \$25,000,000 shall be used for the Matching Grant Program for Law Enforcement Armor Vests pursuant to section 2501 of part Y of the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”), as amended, \$30,000,000 shall be used for Police Corps education, training, and service as set forth in sections 200101–200113 of the 1994 Act, \$40,000,000 shall be available to improve tribal law enforcement including equipment and training, and \$15,000,000 shall be used to combat violence in schools.

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, (“the Act”), including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$269,097,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) notwithstanding any other provision of law, \$6,847,000 shall be available for expenses authorized by part A of title II of the Act, \$89,000,000 shall be available for expenses authorized by part B of title II of the Act, and

\$42,750,000 shall be available for expenses authorized by part C of title II of the Act: *Provided*, That \$26,500,000 of the amounts provided for part B of title II of the Act, as amended, is for the purpose of providing additional formula grants under part B to States that provide assurances to the Administrator that the State has in effect (or will have in effect no later than 1 year after date of application) policies and programs, that ensure that juveniles are subject to accountability-based sanctions for every act for which they are adjudicated delinquent; (2) \$12,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) \$13,500,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) \$95,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs; of which \$12,500,000 shall be for delinquency prevention, control, and system improvement programs for tribal youth; of which \$25,000,000 shall be available for grants of \$360,000 to each State and \$6,640,000 shall be available for discretionary grants to States, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training; and of which \$15,000,000 shall be available for the Safe Schools Initiative: *Provided further*, That upon the enactment of reauthorization legislation for Juvenile Justice Programs under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, funding provisions in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect: *Provided further*, That of amounts made available under the Juvenile Justice Programs of the Office of Justice Programs to carry out part B (relating to Federal Assistance for State and Local Programs), subpart II of part C (relating to Special Emphasis Prevention and Treatment Programs), part D (relating to Gang-Free Schools and Communities and Community-Based Gang Intervention), part E (relating to State Challenge Activities), and part G (relating to Mentoring) of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, and to carry out the At-Risk Children's Program under title V of that Act, not more than 10 percent of each such amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized under the appropriate part or title, and not more than 2 percent of each such amount may be used for training and technical assistance activities designed to benefit the programs or activities authorized under that part or title.

In addition, for grants, contracts, cooperative agreements, and other assistance, \$11,000,000 to remain available until expended, for developing, testing, and demonstrating programs designed to reduce drug use among juveniles.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$7,000,000, to remain available until expended, as authorized by section 214B of the Act.



## PUBLIC SAFETY OFFICERS BENEFITS

To remain available until expended, for payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340).

## GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Authorities contained in the Department of Justice Appropriation Authorization Act, Fiscal Year 1980 (Public Law 96-132; 93 Stat. 1040 (1979)), as amended, shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed \$10,000,000 of the funds made available in this Act may be used to establish and publicize a program under which publicly advertised, extraordinary rewards may be paid, which shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of \$100,000 or more, up to a maximum of \$2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 108. (a) Notwithstanding any other provision of law, for fiscal year 2000, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office, except for grants made under the provisions of sections 201, 202, 301, and 302 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; and sections 204(b)(3), 241(e)(1), 243(a)(1), 243(a)(14) and 287A(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

(b) Notwithstanding any other provision of law, effective August 1, 2000, all functions of the Director of the Bureau of Justice Assistance, other than those enumerated in the Omnibus Crime Control and Safe Streets Act, as amended, 42 U.S.C. 3742(3) through (6), are transferred to the Assistant Attorney General for the Office of Justice Programs.

SEC. 109. Sections 115 and 127 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277) shall apply to fiscal year 2000 and thereafter.

SEC. 110. Hereafter, for payments of judgments against the United States and compromise settlements of claims in suits against the United States arising from the Financial Institutions Reform, Recovery and Enforcement Act and its implementation, such sums as may be necessary, to remain available until expended: *Provided*, That the foregoing authority is available solely for payment of judgments and compromise settlements: *Provided further*, That payment of litigation expenses is available under existing authority and will continue to be made available as set forth in the Memorandum of Understanding between the Federal Deposit Insurance Corporation and the Department of Justice, dated October 2, 1998.

SEC. 111. Section 507 of title 28, United States Code, is amended by adding a new subsection (c) as follows:

“(c) Notwithstanding the provisions of section 901 of title 31, United States Code, the Assistant Attorney General for Administration shall be the Chief Financial Officer of the Department of Justice.”.

SEC. 112. Section 3024 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106-31) shall apply for fiscal year 2000.

SEC. 113. Effective 30 days after the enactment of this Act, section 1930(a)(1) of title 28, United States Code, is amended in paragraph (1) by striking “\$130” and inserting “\$155”; section 589a of title 28, United States Code, is amended in subsection (b)(1) by striking “23.08 percent” and inserting “27.42 percent”; and section 406(b) of Public Law 101-162 (103 Stat. 1016), as amended (28 U.S.C. 1931 note), is further amended by striking “30.76 percent” and inserting “33.87 percent”.

SEC. 114. Section 4006 of title 18, United States Code, is amended—

(1) by striking “The Attorney General” and inserting the following: “(a) IN GENERAL.—The Attorney General”; and

(2) by adding at the end the following:

“(b) HEALTH CARE ITEMS AND SERVICES.—

“(1) IN GENERAL.—Payment for costs incurred for the provision of health care items and services for individuals in the custody of the United States Marshals Service and the Immigration and Naturalization Service shall not exceed the lesser of the amount that would be paid for the provision of similar health care items and services under—

“(A) the Medicare program under title XVIII of the Social Security Act; or

“(B) the Medicaid program under title XIX of such Act of the State in which the services were provided.

“(2) FULL AND FINAL PAYMENT.—Any payment for a health care item or service made pursuant to this subsection, shall be deemed to be full and final payment.”.

SEC. 115. (a) None of the funds made available by this or any other Act may be used to pay premium pay under title 5, United States Code, sections 5542–5549, to any individual employed as an attorney, including an Assistant United States Attorney, in the Department of Justice for any work performed on or after the date of the enactment of this Act.

(b) Notwithstanding any other provision of law, neither the United States nor any individual or entity acting on its behalf shall be liable for premium pay under title 5, United States Code, sections 5542–5549, for any work performed on or after the date of the enactment of this Act by any individual employed as an attorney in the Department of Justice, including an Assistant United States Attorney.

SEC. 116. Section 113 of the Department of Justice Appropriations Act, 1999 (section 101(b) of division A of Public Law 105–277), as amended by section 3028 of the Emergency Supplemental Appropriations Act, 1999 (Public Law 106–31), is further amended by striking the first comma and inserting “for fiscal year 2000 and hereafter,”.

SEC. 117. Section 203(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(2)(B)) is amended to read as follows:

“(B)(i) Subject to clause (ii), the Attorney General may, when the Attorney General deems it to be in the national interest, waive the requirements of subparagraph (A) that an alien’s services in the sciences, arts, professions, or business be sought by an employer in the United States.

“(ii)(I) The Attorney General shall grant a national interest waiver pursuant to clause (i) on behalf of any alien physician with respect to whom a petition for preference classification has been filed under subparagraph (A) if—

“(aa) the alien physician agrees to work full time as a physician in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs; and

“(bb) a Federal agency or a department of public health in any State has previously determined that the alien physician’s work in such an area or at such facility was in the public interest.

“(II) No permanent resident visa may be issued to an alien physician described in subclause (I) by the Secretary of State under section 204(b), and the Attorney General may not adjust the status of such an alien physician from that of a nonimmigrant alien to that of a permanent resident alien under section 245, until such time as the alien has worked full time as a physician for an aggregate of 5 years (not including the time served in the status of an alien described in section 101(a)(15)(J)), in an area or areas designated by the Secretary of Health and Human Services as having a shortage of health care professionals or at a health care facility under the jurisdiction of the Secretary of Veterans Affairs.

“(III) Nothing in this subparagraph may be construed to prevent the filing of a petition with the Attorney General for classification under section 204(a), or the filing of an application for adjustment of status under section 245, by an alien physician described in subclause (I) prior to the date by which such alien physician has completed the service described in subclause (II).

“(IV) The requirements of this subsection do not affect waivers on behalf of alien physicians approved under section 203(b)(2)(B) before the enactment date of this subsection. In the case of a physician for whom an application for a waiver was filed under section 203(b)(2)(B) prior to November 1, 1998, the Attorney General shall grant a national interest waiver pursuant to section 203(b)(2)(B) except that the alien is required to have worked full time as a physician for an aggregate of 3 years (not including time served in the status of an alien described in section 101(a)(15)(J)) before a visa can be issued to the alien under section 204(b) or the status of the alien is adjusted to permanent resident under section 245.”

SEC. 118. Section 286(q)(1)(A) of the Immigration and Nationality Act of 1953 (8 U.S.C. 1356(q)(1)(A)), as amended, is further amended—

- (1) by striking clause (ii);
- (2) by redesignating clause (iii) as (ii); and
- (3) by striking “, until September 30, 2000,” in clause (iv) and redesignating that clause as (iii).

SEC. 119. Section 1402(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)) is amended—

- (1) by striking paragraph (5);
- (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (3) by adding a new paragraph (3), as follows:

“(3) Of the sums remaining in the Fund in any particular fiscal year after compliance with paragraph (2), such sums as may be necessary shall be available for the United States Attorneys Offices to improve services for the benefit of crime victims in the Federal criminal justice system.”

SEC. 120. Public Law 103–322, the Violent Crime Control and Law Enforcement Act of 1994, subtitle C, section 210304, Index to Facilitate Law Enforcement Exchange of DNA Identification Information (42 U.S.C. 14132), is amended as follows:

(1) in subsection (a)(2), by striking “and”;

(2) in subsection (a)(3), by striking the period and inserting “, and” after “remains”; and

(3) by adding after subsection (a)(3) the following new subsection:

“(4) analyses of DNA samples voluntarily contributed from relatives of missing persons.”.

SEC. 121. (a) Subsection (b)(1) of section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by inserting after “such facts or circumstances” the following: “to the Cyber Tip Line at the National Center for Missing and Exploited Children, which shall forward that report”.

(b) Subsection (b)(2) of that section is amended by striking “made” and inserting “forwarded”.

This title may be cited as the “Department of Justice Appropriations Act, 2000”.

## TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

### TRADE AND INFRASTRUCTURE DEVELOPMENT

#### RELATED AGENCIES

##### OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

###### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, \$25,635,000, of which \$1,000,000 shall remain available until expended: *Provided*, That not to exceed \$98,000 shall be available for official reception and representation expenses.

##### INTERNATIONAL TRADE COMMISSION

###### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, and not to exceed \$2,500 for official reception and representation expenses, \$44,495,000, to remain available until expended.

#### DEPARTMENT OF COMMERCE

##### INTERNATIONAL TRADE ADMINISTRATION

###### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports

of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment, \$311,503,000, to remain available until expended, of which \$3,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That of the \$313,503,000 provided for in direct obligations (of which \$308,503,000 is appropriated from the general fund, \$3,000,000 is derived from fee collections, and \$2,000,000 is derived from unobligated balances and deobligations from prior years), \$62,376,000 shall be for Trade Development, \$19,755,000 shall be for Market Access and Compliance, \$32,473,000 shall be for the Import Administration, \$186,693,000 shall be for the United States and Foreign Commercial Service, and \$12,206,000 shall be for Executive Direction and Administration: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

#### EXPORT ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed \$15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$54,038,000, to remain available until expended, of which \$1,877,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions

of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments: *Provided further*, That no funds may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China, unless, at least 15 days in advance, the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of such proposed action.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, and for trade adjustment assistance, \$361,879,000 to be made available until expended.

##### SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, \$26,500,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$27,314,000.

#### ECONOMIC AND INFORMATION INFRASTRUCTURE

##### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$49,499,000, to remain available until September 30, 2001.

## BUREAU OF THE CENSUS

## SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$140,000,000.

## PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to conduct the decennial census, \$4,476,253,000 to remain available until expended: of which \$20,240,000 is for Program Development and Management; of which \$194,623,000 is for Data Content and Products; of which \$3,449,952,000 is for Field Data Collection and Support Systems; of which \$43,663,000 is for Address List Development; of which \$477,379,000 is for Automated Data Processing and Telecommunications Support; of which \$15,988,000 is for Testing and Evaluation; of which \$71,416,000 is for activities related to Puerto Rico, the Virgin Islands and Pacific Areas; of which \$199,492,000 is for Marketing, Communications and Partnerships activities; and of which \$3,500,000 is for the Census Monitoring Board, as authorized by section 210 of Public Law 105-119: *Provided*, That the entire amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That for purposes of reprogramming among the amounts set forth in the preceding part of this paragraph, the notification requirements of section 605 shall be 3 days, and the reprogramming obligation or expenditure threshold designated in section 605(b) shall be \$1,000,000 or 10 percent, whichever is less.

In addition, for expenses to collect and publish statistics for other periodic censuses and programs provided for by law, \$142,320,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION  
ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), \$10,975,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, and operations, and related services and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That hereafter, notwithstanding any other provision of law, NTIA shall not authorize spectrum use or provide any spectrum functions pursuant to the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 902-903, to any Federal entity without reimbursement as required by NTIA



for such spectrum management costs, and Federal entities withholding payment of such cost shall not use spectrum: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND  
CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$26,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$1,800,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year: *Provided further*, That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communication Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Telecommunications Facilities, Planning and Construction funds.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, \$15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed \$3,000,000 shall be available for program administration and other support activities as authorized by section 391: *Provided further*, That, of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That, notwithstanding the requirements of sections 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety, or other social services: *Provided further*, That notwithstanding any other provision of law, no entity that receives telecommunications services at preferential rates under section 254(h) of the Act (47 U.S.C. 254(h)) or receives assistance under the regional information sharing systems grant program of the Department of Justice under part M of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) may use funds under a grant under this heading to cover any costs of the entity that would otherwise be covered by such preferential rates or such assistance, as the case may be.

## PATENT AND TRADEMARK OFFICE

## SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks, \$755,000,000, to remain available until expended: *Provided*, That of this amount, \$755,000,000 shall be derived from offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, and shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at \$0: *Provided further*, That, during fiscal year 2000, should the total amount of offsetting fee collections be less than \$755,000,000, the total amounts available to the Patent and Trademark Office shall be reduced accordingly: *Provided further*, That any amount received in excess of \$755,000,000 in fiscal year 2000 shall remain available until expended: *Provided further*, That of the amount in excess of \$755,000,000 referred to in the previous proviso, \$229,000,000 shall not be available for obligation until October 1, 2000: *Provided further*, That not to exceed \$116,000,000 from fees collected in fiscal year 1999 shall be made available for obligation in fiscal year 2000.

## SCIENCE AND TECHNOLOGY

## TECHNOLOGY ADMINISTRATION

## UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

## SALARIES AND EXPENSES

For necessary expenses for the Undersecretary for Technology/Office of Technology Policy, \$7,972,000.

## NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

## SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, \$283,132,000, to remain available until expended, of which not to exceed \$282,000 may be transferred to the “Working Capital Fund”.

## INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, \$104,836,000, to remain available until expended.

In addition, for necessary expenses of the Advanced Technology Program of the National Institute of Standards and Technology, \$142,600,000, to remain available until expended, of which not to exceed \$50,700,000 shall be available for the award of new grants, and of which not to exceed \$500,000 may be transferred to the “Working Capital Fund”.

## CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c-278e, \$108,414,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, \$84,916,000 shall be available for obligation and expenditure only after submission of a plan for the expenditure of these funds, in accordance with section 605 of this Act.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities as authorized by 33 U.S.C. 883i, \$1,688,189,000, to remain available until expended: *Provided*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, \$68,000,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$2,000,000: *Provided further*, That not to exceed \$31,439,000 shall be expended for Executive Direction and Administration, which consists of the Offices of the Undersecretary, the Executive Secretariat, Policy and Strategic Planning, International Affairs, Legislative Affairs, Public Affairs, Sustainable Development, the Chief Scientist, and the General Counsel: *Provided further*, That the aforementioned offices, excluding the Office of the General Counsel, shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or nonreimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis above the level of 33 personnel: *Provided further*, That no general administrative charge shall be applied against any assigned activity included in this Act and, further, that any direct administrative expenses applied against assigned activities shall be limited to 5 percent of the funds provided for that assigned activity: *Provided further*, That of the amount made available under this heading for the National Marine Fisheries Services Pacific Salmon Treaty Program, \$10,000,000 is appropriated for a Southern Boundary and Transboundary Rivers Restoration Fund, subject to express authorization.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for medical care of retired personnel and their

dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$596,067,000, to remain available until expended: *Provided*, That unexpended balances of amounts previously made available in the “Operations, Research, and Facilities” account for activities funded under this heading may be transferred to and merged with this account, to remain available until expended for the purposes for which the funds were originally appropriated.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations and the implementation of the 1999 Pacific Salmon Treaty Agreement between the United States and Canada, \$58,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed \$4,000,000, for purposes set forth in sections 308(b)(2)(A), 308(b)(2)(B)(v), and 315(e) of such Act.

PROMOTE AND DEVELOP FISHERY PRODUCTS AND RESEARCH  
PERTAINING TO AMERICAN FISHERIES

FISHERIES PROMOTIONAL FUND

(RESCISSION)

All unobligated balances available in the Fisheries Promotional Fund are rescinded: *Provided*, That all obligated balances are transferred to the “Operations, Research, and Facilities” account.

FISHERMEN’S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$953,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96-339), the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (Public Law 100-627), and the American Fisheries Promotion Act (Public Law 96-561), to be derived from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed \$189,000, to remain available until expended.

## FISHERIES FINANCE PROGRAM ACCOUNT

For the cost of direct loans, \$338,000, as authorized by the Merchant Marine Act of 1936, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That none of the funds made available under this heading may be used for direct loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

## GENERAL ADMINISTRATION

## SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed \$3,000 for official entertainment, \$31,500,000.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1-11, as amended by Public Law 100-504), \$20,000,000.

## GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefore, as authorized by law (5 U.S.C. 5901-5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce, shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses authorized by section 8501 of title 5, United States Code, for services performed by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the decennial censuses of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to

this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, or any portion thereof, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: *Provided*, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: *Provided further*, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce, or any portion thereof, to cover the costs of actions relating to the abolishment, reorganization, or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: *Provided*, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 207. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 208. The Secretary of Commerce may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

SEC. 209. The Secretary of Commerce may use the Commerce franchise fund for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services, pursuant to section 403 of Public Law 103-356: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital shall be used to capitalize such fund: *Provided further*, That such fund shall be paid in advance from funds available to the department and other Federal agencies for which such centralized services

are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 2000 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment, and for the improvement and implementation of department financial management, ADP, and other support systems: *Provided further*, That such amounts retained in the fund for fiscal year 2000 and each fiscal year thereafter shall be available for obligation and expenditure only in accordance with section 605 of this Act: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury: *Provided further*, That such franchise fund pilot program shall terminate pursuant to section 403(f) of Public Law 103–356.

SEC. 210. Section 302(a)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)(A)) is amended—

(1) by striking “17” and inserting “18”; and

(2) by striking “11” and inserting “12”.

SEC. 211. Notwithstanding any other provision of law, of the amounts made available elsewhere in this title to the “National Institute of Standards and Technology, Construction of Research Facilities”, \$2,000,000 is appropriated to the Institute at Saint Anselm College, \$700,000 is appropriated to the New Hampshire State Library, and \$9,000,000 is appropriated to fund a cooperative agreement with the Medical University of South Carolina.

This title may be cited as the “Department of Commerce and Related Agencies Appropriations Act, 2000”.

### TITLE III—THE JUDICIARY

#### SUPREME COURT OF THE UNITED STATES

##### SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$35,492,000.

##### CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–

13b), \$8,002,000, of which \$5,101,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$16,797,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, \$11,957,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$2,958,138,000 (including the purchase of firearms and ammunition); of which not to exceed \$13,454,000 shall remain available until expended for space alteration projects; and of which not to exceed \$10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects.

In addition, for activities of the Federal Judiciary as authorized by law, \$156,539,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$2,515,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended; the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant



has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), \$358,848,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i).

In addition, for activities of the Federal Judiciary as authorized by law, \$26,247,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 19001(a) of Public Law 103–322, and sections 818 and 823 of Public Law 104–132.

#### FEEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), \$60,918,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

#### COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), \$193,028,000, of which not to exceed \$10,000,000 shall remain available until expended for security systems, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

#### ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

##### SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$55,000,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

## FEDERAL JUDICIAL CENTER

## SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$18,000,000; of which \$1,800,000 shall remain available through September 30, 2001, to provide education and training to Federal court personnel; and of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## JUDICIAL RETIREMENT FUNDS

## PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$29,500,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$8,000,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$2,200,000.

## UNITED STATES SENTENCING COMMISSION

## SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$8,500,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

## GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Pursuant to section 140 of Public Law 97-92, Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with 28 U.S.C.

461: *Provided*, That \$9,611,000 is appropriated for salary adjustments pursuant to this section and such funds shall be transferred to and merged with appropriations in title III of this Act.

SEC. 305. Section 604(a)(5) of title 28, United States Code, is amended by adding before the semicolon at the end thereof the following: “, and, notwithstanding any other provision of law, pay on behalf of Justices and judges of the United States appointed to hold office during good behavior, aged 65 or over, any increases in the cost of Federal Employees’ Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments, as authorized by the Judicial Conference of the United States”.

SEC. 306. The second paragraph of section 112(c) of title 28, United States Code, is amended to read “Court for the Eastern District shall be held at Brooklyn, Hauppauge, Hempstead (including the village of Uniondale), and Central Islip.”.

SEC. 307. Pursuant to the requirements of section 156(d) of title 28, United States Code, Congress hereby approves the consolidation of the Office of the Bankruptcy Clerk with the Office of the District Clerk of Court in the Southern District of West Virginia.

SEC. 308. (a) IN GENERAL.—Section 3006A(d)(4)(D)(vi) of title 18, United States Code, is amended by adding after the word “require” the following: “, except that the amount of the fees shall not be considered a reason justifying any limited disclosure under section 3006A(d)(4) of title 18, United States Code”.

(b) EFFECTIVE DATE.—This section shall apply to all disclosures made under section 3006A(d) of title 18, United States Code, related to any criminal trial or appeal involving a sentence of death where the underlying alleged criminal conduct took place on or after April 19, 1995.

SEC. 309. (a) The President shall appoint, by and with the advice and consent of the Senate—

(1) three additional district judges for the district of Arizona;

(2) four additional district judges for the middle district of Florida; and

(3) two additional district judges for the district of Nevada.

(b) In order that the table contained in section 133 of title 28, United States Code, will reflect the changes in the total number of permanent district judgeships authorized as a result of subsection (a) of this section—

(1) the item relating to Arizona in such table is amended to read as follows:

“Arizona ..... 11”;

(2) the item relating to Florida in such table is amended to read as follows:

“Florida:

Northern .....	4
Middle .....	15
Southern .....	16”;

and

(3) the item relating to Nevada in such table is amended to read as follows:

“Nevada ..... 6”.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including

such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

This title may be cited as “The Judiciary Appropriations Act, 2000”.

#### TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

##### DEPARTMENT OF STATE

##### ADMINISTRATION OF FOREIGN AFFAIRS

##### DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the United States Information and Educational Exchange Act of 1948, as amended, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed \$700,000 of this appropriation), as authorized by section 801 of such Act; expenses authorized by section 9 of the Act of August 31, 1964, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; arms control, nonproliferation and disarmament activities as authorized by the Arms Control and Disarmament Act of September 26, 1961, as amended; acquisition by exchange or purchase of passenger motor vehicles as authorized by law; and for expenses of general administration, \$2,569,825,000: *Provided*, That, of the amount made available under this heading, not to exceed \$4,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards: *Provided further*, That, of the amount made available under this heading, not to exceed \$4,500,000 may be transferred to, and merged with, funds in the “International Broadcasting Operations” appropriations account only to avoid reductions in force at the Voice of America, subject to the reprogramming procedures described in section 605 of this Act: *Provided further*, That, in fiscal year 2000, all receipts collected from individuals for assistance in the preparation and filing of an affidavit of support pursuant to section 213A of the Immigration and Nationality Act shall be deposited into this account as an offsetting collection and shall remain available until expended: *Provided further*, That of the amount made available under this heading, \$236,291,000 shall be available only for public diplomacy international information programs: *Provided further*, That of the amount made available under this heading, \$500,000 shall be available only for the National Law Center for Inter-American Free Trade: *Provided further*, That of the amount made available under this heading, \$2,500,000 shall be available only for overseas continuing language education: *Provided further*, That of the amount made available under this heading, not to exceed \$1,162,000 shall be available for transfer to the Presidential Advisory Commission on Holocaust Assets in the United States: *Provided further*, That any amount transferred pursuant to the previous proviso shall not result in a total amount

transferred to the Commission from all Federal sources that exceeds the authorized amount: *Provided further*, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3), of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, fees may be collected during fiscal years 2000 and 2001, under the authority of section 140(a)(1) of that Act: *Provided further*, That all fees collected under the preceding proviso shall be deposited in fiscal years 2000 and 2001 as an offsetting collection to appropriations made under this heading to recover costs as set forth under section 140(a)(2) of that Act and shall remain available until expended: *Provided further*, That of the amount made available under this heading, \$10,000,000 is appropriated for a Northern Boundary and Transboundary Rivers Restoration Fund: *Provided further*, That of the amount made available under this heading, not less than \$9,000,000 shall be available for the Office of Defense Trade Controls.

In addition, not to exceed \$1,252,000 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, as amended; in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section; in addition, as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs, and from fees from educational advising and counseling, and exchange visitor programs; and, in addition, not to exceed \$15,000, which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

In addition, for the costs of worldwide security upgrades, \$254,000,000, to remain available until expended.

#### CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$80,000,000, to remain available until expended, as authorized in Public Law 103-236: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$27,495,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980, as amended (Public Law 96-465), as it relates to post inspections.

#### EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977, as amended (91 Stat. 1636), \$205,000,000, to remain available until expended as authorized by section 105

of such Act of 1961 (22 U.S.C. 2455): *Provided*, That not to exceed \$800,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching and educational advising and counseling programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e).

#### REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), \$5,850,000.

#### PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, \$8,100,000, to remain available until September 30, 2001.

#### SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292-300), preserving, maintaining, repairing, and planning for, buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Main State Building, and carrying out the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), \$428,561,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$25,000 may be used for representation as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, \$313,617,000, to remain available until expended.

#### EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), and as authorized by section 804(3) of the United States Information and Educational Exchange Act of 1948, as amended, \$5,500,000, to remain available until expended as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)), of which not to exceed \$1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

## REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$593,000, as authorized by section 4 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, \$607,000, which may be transferred to and merged with the Diplomatic and Consular Programs account under Administration of Foreign Affairs.

## PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8, \$15,375,000.

## PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$128,541,000.

## INTERNATIONAL ORGANIZATIONS AND CONFERENCES

## CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$885,203,000: *Provided*, That any payment of arrearages under this title shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further*, That funds appropriated under this paragraph may be obligated and expended to pay the full United States assessment to the civil budget of the North Atlantic Treaty Organization.

## CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$500,000,000, of which not to exceed \$20,000,000 shall remain available until September 30, 2001: *Provided*, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable): (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that

will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That none of the funds made available under this heading are available to pay the United States share of the cost of court monitoring that is part of any United Nations peacekeeping mission.

#### ARREARAGE PAYMENTS

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peacekeeping activities, \$244,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: *Provided further*, That, notwithstanding the preceding proviso, an additional amount, not to exceed \$107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of the enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations.

#### INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

##### INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

#### SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$19,551,000.



## CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$5,939,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

## AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182, \$5,733,000, of which not to exceed \$9,000 shall be available for representation expenses incurred by the International Joint Commission.

## INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$15,549,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

## OTHER

## PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, \$8,250,000, to remain available until expended, as authorized by section 24(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(c)).

## EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2000, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

## ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2000, to remain available until expended.

## EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, \$12,500,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

## NORTH/SOUTH CENTER

To enable the Secretary of State to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, \$1,750,000, to remain available until expended.

## NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, \$31,000,000 to remain available until expended.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

## INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the Broadcasting Board of Governors, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, Reorganization Plan No. 2 of 1977, as amended, and the Foreign Affairs Reform and Restructuring Act of 1998, to carry out international communication activities, \$388,421,000, of which not to exceed \$16,000 may be used for official receptions within the United States as authorized by section 804(3) of such Act of 1948 (22 U.S.C. 1747(3)), not to exceed \$35,000 may be used for representation abroad as authorized by section 302 of such Act of 1948 (22 U.S.C. 1452) and section 905 of the Foreign Service Act of 1980 (22 U.S.C. 4085), and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

## BROADCASTING TO CUBA

For expenses necessary to enable the Broadcasting Board of Governors to carry out the Radio Broadcasting to Cuba Act, as

amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, \$22,095,000, to remain available until expended: *Provided*, That funds may be used to purchase or lease, maintain, and operate such aircraft (including aerostats) as may be required to house and operate necessary television broadcasting equipment.

#### BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by section 801 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1471), \$11,258,000, to remain available until expended, as authorized by section 704(a) of such Act of 1948 (22 U.S.C. 1477b(a)).

#### GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. The Secretary of State is authorized to administer summer travel and work programs without regard to preplacement requirements.

SEC. 404. Beginning in fiscal year 2000 and thereafter, section 410(a) of the Department of State and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, shall be in effect.

SEC. 405. None of the funds made available in this Act may be used by the Department of State or the Broadcasting Board of Governors to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

SEC. 406. None of the funds appropriated or otherwise made available in this Act for the United Nations may be used by the

United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet.

SEC. 407. Funds appropriated by this Act for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 309(g) of the International Broadcasting Act of 1994, and section 15 of the State Department Basic Authorities Act of 1956.

This title may be cited as the “Department of State and Related Agency Appropriations Act, 2000”.

## TITLE V—RELATED AGENCIES

### DEPARTMENT OF TRANSPORTATION

#### MARITIME ADMINISTRATION

##### MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$96,200,000, to remain available until expended.

##### OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, \$72,073,000.

##### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act, 1936, \$6,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed \$3,809,000, which shall be transferred to and merged with the appropriation for Operations and Training.

##### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act.

PUBLIC LAW 106–113—APPENDIX A 113 STAT. 1501A–47

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE  
ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, \$490,000, as authorized by section 1303 of Public Law 99–83.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$8,900,000: *Provided*, That not to exceed \$50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

SALARIES AND EXPENSES

For the necessary expenses of the Advisory Commission on Electronic Commerce, as authorized by Public Law 105–277, \$1,400,000.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, \$1,182,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); non-monetary awards to private citizens; and not to exceed \$29,000,000 for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, \$282,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,500 from available funds.

## FEDERAL COMMUNICATIONS COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$600,000 for land and structure; not to exceed \$500,000 for improvement and care of grounds and repair to buildings; not to exceed \$4,000 for official reception and representation expenses; purchase (not to exceed 16) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$210,000,000, of which not to exceed \$300,000 shall remain available until September 30, 2001, for research and policy studies: *Provided*, That \$185,754,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2000 so as to result in a final fiscal year 2000 appropriation estimated at \$24,246,000: *Provided further*, That any offsetting collections received in excess of \$185,754,000 in fiscal year 2000 shall remain available until expended, but shall not be available for obligation until October 1, 2000.

## FEDERAL MARITIME COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, \$14,150,000: *Provided*, That not to exceed \$2,000 shall be available for official reception and representation expenses.

## FEDERAL TRADE COMMISSION

## SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$104,024,000: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: *Provided further*, That, notwithstanding section 3302(b) of title 31, United States Code, not to exceed \$104,024,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced

as such offsetting collections are received during fiscal year 2000, so as to result in a final fiscal year 2000 appropriation from the general fund estimated at not more than \$0, to remain available until expended: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2282–2285).

#### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$305,000,000, of which \$289,000,000 is for basic field programs and required independent audits; \$2,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$8,900,000 is for management and administration; and \$5,000,000 is for client self-help and information technology.

##### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 1999 and 2000, respectively.

#### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, \$1,270,000.

#### SECURITIES AND EXCHANGE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,000 for official reception and representation expenses, \$173,800,000 from fees collected in fiscal year 2000 to remain available until expended, and from fees collected in fiscal year 1998, \$194,000,000, to remain available until expended; of which not to exceed \$10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental

and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b)(4) of the Securities Act of 1933 (15 U.S.C. 77f(b)(4)) and 31(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78ee(d)) shall be credited to this account as offsetting collections.

#### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 105-135, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$282,300,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations: *Provided further*, That \$84,500,000 shall be available to fund grants for performance in fiscal year 2000 or fiscal year 2001 as authorized by section 21 of the Small Business Act, as amended.

In addition, for the costs of programs related to the New Markets Venture Capital program, \$10,500,000, of which \$1,500,000 shall be for BusinessLINC, and of which \$9,000,000 shall be for technical assistance: *Provided*, That the funds appropriated under this paragraph shall not be available for obligation until the New Markets Venture Capital program is authorized by subsequent legislation.

##### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), \$11,000,000.

##### BUSINESS LOANS PROGRAM ACCOUNT

For the cost of guaranteed loans, \$137,800,000, as authorized by 15 U.S.C. 631 note or subsequently authorized for the New Markets Venture Capital program, of which \$45,000,000 shall remain available until September 30, 2001: *Provided*, That of the total provided, \$6,000,000 shall be available only for the cost of guaranteed loans under the New Markets Venture Capital program and shall become available for obligation only upon authorization of such program by the enactment of subsequent legislation in



fiscal year 2000: *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during fiscal year 2000, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(e)(1)(B)(ii) of the Small Business Act, as amended: *Provided further*, That during fiscal year 2000, commitments for general business loans authorized under section 7(a) of the Small Business Act, as amended, shall not exceed \$10,000,000,000 without prior notification of the Committees on Appropriations of the House of Representatives and Senate in accordance with section 605 of this Act: *Provided further*, That during fiscal year 2000, commitments to guarantee loans under section 303(b) of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of guarantees of debentures authorized under section 20(e)(1)(C)(ii) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$129,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

#### DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, \$140,400,000 to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct loan program, \$136,000,000, which may be transferred to and merged with appropriations for Salaries and Expenses, of which \$500,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan program and shall be transferred to and merged with appropriations for the Office of Inspector General: *Provided*, That any amount in excess of \$20,000,000 to be transferred to and merged with appropriations for Salaries and Expenses for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## STATE JUSTICE INSTITUTE

## SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Authorization Act of 1992 (Public Law 102-572; 106 Stat. 4515-4516), \$6,850,000, to remain available until expended: *Provided*, That not to exceed \$2,500 shall be available for official reception and representation expenses.

## TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions, or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change

in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds: (1) that the United Nations undertaking is a peace-keeping mission; (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) that the President’s military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 610. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) The requirements in subparagraphs (A) and (B) of section 609 of that Act shall continue to apply during fiscal year 2000.

SEC. 611. Notwithstanding any other provision of law, not more than 20 percent of the amount allocated to any account

from an appropriation made by this Act that is available for obligation only in the current fiscal year may be obligated during the last 2 months of the fiscal year unless the Committees on Appropriations of the House of Representatives and the Senate are notified prior to such obligation in accordance with section 605 of this Act: *Provided*, That this section shall not apply to the obligation of funds under grant programs.

SEC. 612. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

- (1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;
- (2) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;
- (3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;
- (4) possession of in-cell coffee pots, hot plates or heating elements; or
- (5) the use or possession of any electric or electronic musical instrument.

SEC. 613. None of the funds made available in title II for the National Oceanic and Atmospheric Administration (NOAA) under the headings “Operations, Research, and Facilities” and “Procurement, Acquisition and Construction” may be used to implement sections 603, 604, and 605 of Public Law 102-567: *Provided*, That NOAA may develop a modernization plan for its fisheries research vessels that takes fully into account opportunities for contracting for fisheries surveys.

SEC. 614. Any costs incurred by a department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 615. None of the funds made available in this Act to the Federal Bureau of Prisons may be used to distribute or make available any commercially published information or material to a prisoner when it is made known to the Federal official having authority to obligate or expend such funds that such information or material is sexually explicit or features nudity.

SEC. 616. Of the funds appropriated in this Act under the heading “Office of Justice Programs—State and Local Law Enforcement Assistance”, not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grant shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus

Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

SEC. 617. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 618. (a) None of the funds appropriated or otherwise made available by this Act shall be expended for any purpose for which appropriations are prohibited by section 616 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999.

(b) Subsection (a)(1) of section 616 of that Act is amended—

(1) by striking “and” after “Gonzalez”; and

(2) by inserting before the semicolon at the end of the subsection, “, Jean-Yvon Toussaint, and Jimmy Lalanne”.

(c) The requirements in subsections (b) and (c) of section 616 of that Act shall continue to apply during fiscal year 2000.

SEC. 619. None of the funds appropriated pursuant to this Act or any other provision of law may be used for: (1) the implementation of any tax or fee in connection with the implementation of 18 U.S.C. 922(t); and (2) any system to implement 18 U.S.C. 922(t) that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from owning a firearm.

SEC. 620. Notwithstanding any other provision of law, amounts deposited in the Fund established under 42 U.S.C. 10601 in fiscal year 1999 in excess of \$500,000,000 shall not be available for obligation until October 1, 2000.

SEC. 621. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 622. For an additional amount for “Small Business Administration, Salaries and Expenses”, \$30,000,000, of which \$2,500,000 shall be available for a grant to the NTTC at Wheeling Jesuit University to continue the outreach program to assist small business development; \$2,000,000 shall be available for a grant for Western Carolina University to develop a facility to assist in small business and rural economic development; \$3,000,000 shall be available for a grant to the Bronx Museum of the Arts, New York, to develop a facility; \$750,000 shall be available for a grant to Soundview Community in Action for a technology access and

business improvement project; \$2,500,000 shall be available for a grant for the City of Hazard, Kentucky for a Center for Rural Law Enforcement Technology and Training; \$1,000,000 shall be available for a grant to the State University of New York to develop a facility and operate the Institute of Entrepreneurship for small business and workforce development; \$1,000,000 shall be available for a grant for Pikeville College, School of Osteopathic Medicine for a telemedicine and medical education network; \$1,000,000 shall be available for a grant to Operation Hope in Maywood, California for a business incubator project; \$1,900,000 shall be available for a grant to the Southern Kentucky Tourism Development Association to develop a facility for regional tourism promotion; \$1,000,000 shall be available for a grant to the Southern Kentucky Economic Development Corporation to support a science and technology business loan fund; \$500,000 shall be available for a grant for the Moundsville Economic Development Council to work in conjunction with the Office of Law Enforcement Technology Commercialization for the establishment of the National Corrections and Law Enforcement Training and Technology Center, and for infrastructure improvements associated with this initiative; \$8,550,000 shall be available for a grant to Somerset Community College to develop a facility to support workforce development and skills training; \$200,000 shall be available for a grant for the Vandalia Heritage Foundation to fulfill its charter purposes; \$2,000,000 shall be available for a grant for the Illinois Coalition to establish and operate a national demonstration project in the DuPage County Research Park providing one-stop access for technology startup businesses; \$200,000 shall be available for a grant to Rural Enterprises, Inc., in Durant, Oklahoma to support a resource center for rural businesses; \$500,000 shall be available for a grant for the City of Chicago to establish and operate a program for technology-based business growth; \$500,000 shall be available for a grant for the Illinois Department of Commerce and Community Affairs to develop strategic plans for technology-based business growth; \$200,000 shall be available for a grant to the Long Island Bay Shore Aquarium to develop a facility; \$150,000 shall be available for a grant to Miami-Dade Community College for an Entrepreneurial Education Center; \$300,000 shall be available for a grant for the Western Massachusetts Enterprise Fund for a microenterprise loan program; and \$250,000 shall be available for a grant for the Johnstown Area Regional Industries Center to develop a small business incubator facility.

SEC. 623. (a) NORTHERN FUND AND SOUTHERN FUND.—

(1) As provided in the June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985 (hereafter referred to as the “1999 Pacific Salmon Treaty Agreement”) there are hereby established a Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund (hereafter referred to as the “Northern Fund”) and a Southern Boundary Restoration and Enhancement Fund (hereafter referred to as the “Southern Fund”) to be held by the Pacific Salmon Commission. The Northern Fund and Southern Fund shall be invested in interest bearing accounts, bonds, securities, or other investments in order to achieve the highest annual yield consistent with protecting the principal of each Fund. The Northern Fund and

Southern Fund shall each receive \$10,000,000, of the amounts authorized by this section. Income from investments made pursuant to this paragraph shall be available until expended, without appropriation or fiscal year limitation, for programs and activities relating to salmon restoration and enhancement, salmon research, the conservation of salmon habitat, and implementation of the Pacific Salmon Treaty and related agreements. Amounts provided by grants under this subsection may be held in interest bearing accounts prior to the disbursement of such funds for program purposes, and any interest earned may be retained for program purposes without further appropriation. The Northern Fund and Southern Fund are subject to the laws governing Federal appropriations and funds and to unrestricted circulars of the Office of Management and Budget. Recipients of amounts from either Fund shall keep separate accounts and such records as are reasonably necessary to disclose the use of the funds as well as to facilitate effective audits.

(2) FUND MANAGEMENT.—

(A) As provided in the 1999 Pacific Salmon Treaty Agreement, amounts made available from the Northern Fund pursuant to paragraph (1) shall be administered by a Northern Fund Committee, which shall be comprised of three representatives of the Government of Canada, and three representatives of the United States. The three United States representatives shall be the United States Commissioner and Alternate Commissioner appointed (or designated) from a list submitted by the Governor of Alaska for appointment to the Pacific Salmon Commission and the Regional Administrator of the National Marine Fisheries Service for the Alaska Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area from Cape Caution, Canada to Cape Suckling, Alaska may be approved for funding by the Northern Fund Committee.

(B) As provided in the 1999 Pacific Salmon Treaty Agreement, amounts made available from the Southern Fund pursuant to paragraph (1) shall be administered by a Southern Fund Committee, which shall be comprised of three representatives of Canada and three representatives of the United States. The United States representatives shall be appointed by the Secretary of Commerce: one shall be selected from a list of three qualified individuals submitted by the Governors of the States of Washington and Oregon; one shall be selected from a list of three qualified individuals submitted by the treaty Indian tribes (as defined by the Secretary of Commerce); and one shall be the Regional Administrator of the National Marine Fisheries Service for the Northwest Region. Only programs and activities consistent with the purposes in paragraph (1) which affect the geographic area south of Cape Caution, Canada may be approved for funding by the Southern Fund Committee.

(b) PACIFIC SALMON TREATY IMPLEMENTATION.—(1) None of the funds authorized by this section for implementation of the 1999 Pacific Salmon Treaty Agreement shall be made available

until each of the following conditions to the 1999 Pacific Salmon Treaty Agreement has been fulfilled—

(A) stipulations are revised and court orders requested as set forth in the letter of understanding of the United States negotiators dated June 22, 1999. If such orders are not requested by December 31, 1999, this condition shall be considered unfulfilled; and

(B) a determination is made that—

(i) the entry by the United States into the 1999 Pacific Salmon Treaty Agreement;

(ii) the conduct of the Alaskan fisheries pursuant to the 1999 Pacific Salmon Treaty Agreement, without further clarification or modification of the management regimes contained therein; and

(iii) the decision by the North Pacific Fisheries Management Council to continue to defer its management authority over salmon to the State of Alaska are not likely to cause jeopardy to, or adversely modify designated critical habitat of, any salmonid species listed under Public Law 93-205, as amended, in any fishery subject to the Pacific Salmon Treaty.

(2) If the requests for orders in subparagraph (1)(A) are withdrawn after December 31, 1999, or if such orders are not entered by March 1, 2000, amounts in the Northern Fund and the Southern Fund shall be transferred to the general fund of the United States Treasury.

(3) During the term of the 1999 Pacific Salmon Treaty Agreement, the Secretary of Commerce shall determine whether Southern United States fisheries are likely to cause jeopardy to, or adversely modify designated critical habitat of, any salmonid species listed under Public Law 93-205, as amended, before the Secretary of Commerce may initiate or reinstitute consultation on Alaska fisheries under such Act.

(4) During the term of the 1999 Pacific Salmon Treaty Agreement, the Secretary of Commerce may not initiate or reinstitute consultation on Alaska fisheries under section 7 of Public Law 93-205, as amended, until—

(A) the Pacific Salmon Commission has had a reasonable opportunity to implement the provisions of the 1999 Pacific Salmon Treaty Agreement, including the harvest responses pursuant to paragraph 9, chapter 3 of Annex IV to the Pacific Salmon Treaty; and

(B) he determines, in consultation with the United States Section of the Pacific Salmon Commission, that implementation actions under the 1999 Agreement will not return escapements as expeditiously as possible to maximum sustainable yield or other biologically-based escapement objectives agreed to by the Pacific Salmon Commission.

(5) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives of his intent to initiate or reinstitute consultation on Alaska fisheries.

(6)(A) For purposes of this section, “Alaska fisheries” means all directed Pacific salmon fisheries off the coast of Alaska that are subject to the Pacific Salmon Treaty.

(B) For purposes of this section, “Southern United States fisheries” means all directed Pacific salmon fisheries in Washington,



Oregon, and the Snake River basin of Idaho that are subject to the Pacific Salmon Treaty.

(c) IMPROVED SALMON MANAGEMENT.—Section 3(g) of Public Law 99-5, as amended, is amended—

(1) in paragraph (1) by striking “The” and inserting “Except as provided in paragraph (2), the”;

(2) by inserting after paragraph (1) the following new paragraph:

“(2) A decision of the United States Section with respect to any salmon fishery regime covered by chapter 1 or 2 (except paragraph 4 of chapter 2) of Annex IV to the Pacific Salmon Treaty of 1985 shall be taken upon the affirmative vote of the United States Commissioner appointed from the list submitted by the Governor of Alaska pursuant to subsection (a). A decision of the United States Section with respect to any salmon fishery regime covered by chapter 4, 5 (except paragraph 2(b) of chapter 5), or 6 of the Pacific Salmon Treaty of 1985 shall be taken upon the affirmative vote of both the United States Commissioner appointed from the list submitted by the Governors of Washington and Oregon pursuant to subsection (a) and the United States Commissioner appointed from the list submitted by the treaty Indian tribes of the State of Idaho, Oregon, or Washington pursuant to subsection (a). Before a decision of the United States Section is made under this paragraph, the voting Commissioner or Commissioners shall consult with the Commissioner who is an official of the United States Government under subsection (a)”;

(3) by renumbering the existing paragraphs.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) For capitalizing the Northern Fund and the Southern Fund, there is authorized to be appropriated in fiscal year 2000, \$20,000,000.

(2) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated in fiscal year 2000, \$50,000,000 to the States of California, Oregon, Washington, and Alaska. The State of Alaska may allocate a portion of any funds it receives under this subsection to eligible activities outside Alaska.

(3) For salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement and related agreements, there is authorized to be appropriated \$6,000,000 in fiscal year 2000 to the Pacific Coastal tribes (as defined by the Secretary of Commerce) and \$2,000,000 in fiscal year 2000 to the Columbia River tribes (as defined by the Secretary of Commerce).

Funds appropriated to the States under the authority of this section shall be subject to a 25 percent non-Federal match requirement. In addition, not more than 3 percent of such funds shall be available for administrative expenses, with the exception of funds used in the Washington State for the Forest and Fish Agreement.

SEC. 624. Funds made available under Public Law 105-277 for costs associated with implementation of the American Fisheries Act of 1998 (division C, title II, of Public Law 105-277) for vessel documentation activities shall remain available until expended.

SEC. 625. Effective as of October 1, 1999, section 635 of Public Law 106-58 is amended—

(1) in subsection (b)(2), by inserting “the carrier for” after “if”; and

(2) in subsection (c), by inserting “or otherwise provide for” after “to prescribe”.

SEC. 626. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 627. None of the funds appropriated in this Act shall be available for the purpose of granting either immigrant or non-immigrant visas, or both, consistent with the Secretary’s determination under section 243(d) of the Immigration and Nationality Act, to citizens, subjects, nationals, or residents of countries that the Attorney General has determined deny or unreasonably delay accepting the return of citizens, subjects, nationals, or residents under that section.

SEC. 628. None of the funds made available to the Department of Justice in this Act may be used for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 629. Beginning 60 days from the date of the enactment of this Act, none of the funds appropriated or otherwise made available by this Act may be made available for the participation by delegates of the United States to the Standing Consultative Commission unless the President certifies and so reports to the Committees on Appropriations that the United States Government is not implementing the Memorandum of Understanding Relating to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems of May 26, 1972, entered into in New York on September 26, 1997, by the United States, Russia, Kazakhstan, Belarus, and Ukraine, or until the Senate provides its advice and consent to the Memorandum of Understanding.

SEC. 630. None of the funds made available in this Act may be used for any activity in support of adding or maintaining any World Heritage Site in the United States on the List of World Heritage in Danger as maintained under the Convention Concerning the Protection of the World Cultural and Natural Heritage.

## TITLE VII—RESCISSIONS

### DEPARTMENT OF JUSTICE

#### DRUG ENFORCEMENT ADMINISTRATION

##### DRUG DIVERSION CONTROL FEE ACCOUNT

###### (RESCISSION)

Amounts otherwise available for obligation in fiscal year 2000 for the Drug Diversion Control Fee Account are reduced by \$35,000,000.

PUBLIC LAW 106–113—APPENDIX A 113 STAT. 1501A–61

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading,  
\$1,137,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the unobligated balances available under this heading,  
\$15,516,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the unobligated balances available under this heading,  
\$13,100,000 are rescinded.

This Act may be cited as the “Departments of Commerce,  
Justice, and State, the Judiciary, and Related Agencies Appropria-  
tions Act, 2000”.



**APPENDIX B—H.R. 3422**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

**TITLE I—EXPORT AND INVESTMENT ASSISTANCE****EXPORT-IMPORT BANK OF THE UNITED STATES**

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act that has detonated a nuclear explosive after the date of the enactment of this Act.

**SUBSIDY APPROPRIATION**

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$759,000,000 to remain available until September 30, 2003: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2018 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2000, 2001, 2002, and 2003: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

## ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs (to be computed on an accrual basis), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$25,000 for official reception and representation expenses for members of the Board of Directors, \$55,000,000: *Provided*, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2000.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

## NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$35,000,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

## PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$24,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961 to be derived by transfer from the Overseas Private Investment Corporation noncredit account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2000 and 2001: *Provided further*, That such sums shall remain available through fiscal year 2008 for the disbursement of direct and guaranteed loans obligated in fiscal year 2000, and through fiscal year 2009 for the disbursement of direct and guaranteed loans obligated in fiscal year 2001: *Provided further*, That in addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts

available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account: *Provided further*, That funds made available under this heading or in prior appropriations Acts that are available for the cost of financing under section 234 of the Foreign Assistance Act of 1961, shall be available for purposes of section 234(g) of such Act, to remain available until expended.

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$44,000,000, to remain available until September 30, 2001: *Provided*, That the Trade and Development Agency may receive reimbursements from corporations and other entities for the costs of grants for feasibility studies and other project planning services, to be deposited as an offsetting collection to this account and to be available for obligation until September 30, 2001, for necessary expenses under this paragraph: *Provided further*, That such reimbursements shall not cover, or be allocated against, direct or indirect administrative costs of the agency.

#### TITLE II—BILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2000, unless otherwise specified herein, as follows:

##### AGENCY FOR INTERNATIONAL DEVELOPMENT

##### CHILD SURVIVAL AND DISEASE PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, basic education, assistance to combat tropical and other diseases, and related activities, in addition to funds otherwise available for such purposes, \$715,000,000, to remain available until expended: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health and nutrition programs, and related education programs, which address the needs of mothers and children; (4) water and sanitation programs; (5) assistance for displaced and orphaned children; (6) programs for the prevention, treatment, and control of, and research on, tuberculosis, HIV/AIDS, polio, malaria and other diseases; and (7) up to \$98,000,000 for basic education programs for children: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance for health and child survival programs, except that funds may be made available for such assistance for ongoing health programs: *Provided further*, That \$35,000,000 shall be available only for the HIV/AIDS programs requested under this heading in House Document 106–101.

DEVELOPMENT ASSISTANCE  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of sections 103 through 106, and chapter 10 of part I of the Foreign Assistance Act of 1961, title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533) and the provisions of section 401 of the Foreign Assistance Act of 1969, \$1,228,000,000, to remain available until September 30, 2001: *Provided*, That of the amount appropriated under this heading, up to \$5,000,000 may be made available for and apportioned directly to the Inter-American Foundation: *Provided further*, That of the amount appropriated under this heading, up to \$14,400,000 may be made available for the African Development Foundation and shall be apportioned directly to that agency: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this heading may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions; and that in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph



(4) of this proviso, the Administrator shall submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That, notwithstanding section 109 of the Foreign Assistance Act of 1961, of the funds appropriated under this heading in this Act, and of the unobligated balances of funds previously appropriated under this heading, \$2,500,000 may be transferred to "International Organizations and Programs" for a contribution to the International Fund for Agricultural Development (IFAD): *Provided further*, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna (CITES): *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated under this heading not less than \$500,000 should be made available for support of the United States Telecommunications Training Institute: *Provided further*, That, of the funds appropriated by this Act for the Microenterprise Initiative (including any local currencies made available for the purposes of the Initiative), not less than one-half should be made available for programs providing loans of less than \$300 to very poor people, particularly women, or for institutional support of organizations primarily engaged in making such loans.

## CYPRUS

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than \$15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

## LEBANON

Of the funds appropriated under the headings "Development Assistance" and "Economic Support Fund", not less than

\$15,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon.

#### BURMA

Of the funds appropriated under the headings “Economic Support Fund”, “Child Survival and Disease Programs Fund” and “Development Assistance”, not less than \$6,500,000 shall be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: *Provided*, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: *Provided further*, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

#### PRIVATE AND VOLUNTARY ORGANIZATIONS

None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: *Provided*, That the Administrator of the Agency for International Development may, on a case-by-case basis, waive the restriction contained in this paragraph, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

#### INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, \$202,880,000, to remain available until expended: *Provided*, That the Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to providing assistance through the Office of Transition Initiatives for a country that did not receive such assistance in fiscal year 1999.

#### MICRO AND SMALL ENTERPRISE DEVELOPMENT PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, \$1,500,000, as authorized by section 108 of the Foreign Assistance Act of 1961, as amended: *Provided*, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That guarantees of loans made under this heading in support of microenterprise activities may guarantee up to 70 percent of the principal amount of any such loans notwithstanding section

108 of the Foreign Assistance Act of 1961. In addition, for administrative expenses to carry out programs under this heading, \$500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That funds made available under this heading shall remain available until September 30, 2001.

#### URBAN AND ENVIRONMENTAL CREDIT PROGRAM ACCOUNT

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of guaranteed loans authorized by sections 221 and 222 of the Foreign Assistance Act of 1961, \$1,500,000, to remain available until expended: *Provided*, That these funds are available to subsidize loan principal, 100 percent of which shall be guaranteed, pursuant to the authority of such sections. In addition, for administrative expenses to carry out guaranteed loan programs, \$5,000,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the Agency for International Development: *Provided further*, That commitments to guarantee loans under this heading may be entered into notwithstanding the second and third sentences of section 222(a) of the Foreign Assistance Act of 1961.

#### DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT

For the cost of direct loans and loan guarantees, up to \$3,000,000 to be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, as amended, and funds appropriated by this Act under the heading, "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES", to remain available until expended, as authorized by section 635 of the Foreign Assistance Act of 1961: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That for administrative expenses to carry out the direct and guaranteed loan programs, up to \$500,000 of this amount may be transferred to and merged with the appropriation for "Operating Expenses of the Agency for International Development": *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading.

#### PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, \$43,837,000.

#### OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, \$520,000,000: *Provided*, That, none of the funds appropriated

under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed \$1,000,000.

OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL  
DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, \$25,000,000, to remain available until September 30, 2001, which sum shall be available for the Office of the Inspector General of the Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, \$2,345,500,000, to remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, not less than \$960,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: *Provided further*, That not less than \$735,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than \$200,000,000 shall be provided as Commodity Import Program assistance: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement at least equivalent to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than \$150,000,000 should be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not less than \$25,000,000 should be made available for assistance for East Timor: *Provided further*, That notwithstanding any other provision of law, not to exceed \$11,000,000 may be used to support victims of and programs related to the Holocaust: *Provided further*, That notwithstanding any other provision of law, of the funds appropriated under this heading, \$1,000,000 shall be made available to nongovernmental organizations located outside of the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in that country.

## INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$19,600,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2001.

## ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, \$535,000,000, to remain available until September 30, 2001, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: *Provided*, That of the funds appropriated under this heading not less than \$150,000,000 should be made available for assistance for Kosova: *Provided further*, That of the funds made available under this heading and the headings “International Narcotics Control and Law Enforcement” and “Economic Support Fund”, not to exceed \$130,000,000 shall be made available for Bosnia and Herzegovina: *Provided further*, That none of the funds made available under this heading for Kosova shall be made available until the Secretary of State certifies that the resources pledged by the United States at the upcoming Kosova donors conference shall not exceed 15 percent of the total resources pledged by all donors: *Provided further*, That none of the funds made available under this heading for Kosova shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund’s disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) None of the funds appropriated under this heading may be made available for new housing construction or repair or reconstruction of existing housing in Bosnia and Herzegovina unless directly related to the efforts of United States troops to promote peace in said country.

(e) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used

by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(f) The provisions of section 532 of this Act shall apply to funds made available under subsection (e) and to funds appropriated under this heading.

(g) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

#### ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, \$839,000,000, to remain available until September 30, 2001: *Provided*, That the provisions of such chapter shall apply to funds appropriated by this paragraph: *Provided further*, That such sums as may be necessary may be transferred to the Export-Import Bank of the United States for the cost of any financing under the Export-Import Bank Act of 1945 for activities for the Independent States: *Provided further*, That of the funds made available for the Southern Caucasus region, 15 percent should be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: *Provided further*, That of the amounts appropriated under this heading not less than \$20,000,000 shall be made available solely for the Russian Far East: *Provided further*, That of the funds made available under this heading \$10,000,000 shall be made available for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.).

(b) Of the funds appropriated under this heading, not less than \$180,000,000 should be made available for assistance for Ukraine.

(c) Of the funds appropriated under this heading, not less than 12.92 percent shall be made available for assistance for Georgia.

(d) Of the funds appropriated under this heading, not less than 12.2 percent shall be made available for assistance for Armenia.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 9 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States national lab in administering said project.

(g) Not more than 25 percent of the funds appropriated under this heading may be made available for assistance for any country in the region. Activities authorized under title V (nonproliferation and disarmament programs and activities) of the FREEDOM Support Act shall not be counted against the 25 percent limitation.

(h) Of the funds appropriated under title II of this Act not less than \$12,000,000 should be made available for assistance for Mongolia of which not less than \$6,000,000 should be made available from funds appropriated under this heading: *Provided*, That funds made available for assistance for Mongolia may be made available in accordance with the purposes and utilizing the authorities provided in chapter 11 of part I of the Foreign Assistance Act of 1961.

(i)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 50 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases and child survival activities; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(j) None of the funds appropriated under this heading may be made available for the Government of the Russian Federation, until the Secretary of State certifies to the Committees on Appropriations that: (1) Russian armed and peacekeeping forces deployed in Kosova have not established a separate sector of operational control; and (2) any Russian armed forces deployed in Kosova are operating under NATO unified command and control arrangements.

(k) Of the funds appropriated under this title, not less than \$14,700,000 shall be made available for maternal and neo-natal health activities in the independent states of the former Soviet

Union, of which at least 60 percent should be made available for the preventive care and treatment of mothers and infants in Russia.

#### INDEPENDENT AGENCY

##### PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), \$245,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That funds appropriated under this heading shall remain available until September 30, 2001.

#### DEPARTMENT OF STATE

##### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$305,000,000, of which \$21,000,000 shall become available for obligation on September 30, 2000, and remain available until expended: *Provided*, That of this amount not less than \$10,000,000 should be made available for Law Enforcement Training and Demand Reduction: *Provided further*, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That during fiscal year 2000, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to any funds previously made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere, not less than \$5,000,000 shall be made available to establish and operate the International Law Enforcement Academy for the Western Hemisphere at the deBremmond Training Center in Roswell, New Mexico.

##### MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$625,000,000, of which \$21,000,000 shall become available for obligation on September 30, 2000, and remain available until



expended: *Provided*, That not more than \$13,800,000 shall be available for administrative expenses: *Provided further*, That not less than \$60,000,000 shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE  
FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), \$12,500,000, to remain available until expended: *Provided*, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED  
PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, \$216,600,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, section 504 of the FREEDOM Support Act for the Nonproliferation and Disarmament Fund, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That the Secretary of State shall inform the Committees on Appropriations at least 20 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided further*, That of this amount not to exceed \$15,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, \$40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$500,000, in addition to funds otherwise available for such purposes,

may be used for administrative expenses related to the operation and management of the demining program.

#### DEPARTMENT OF THE TREASURY

##### INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), \$1,500,000, to remain available until expended, which shall be available notwithstanding and other provision of law.

##### DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961 (including up to \$1,000,000 for necessary expenses for the administration of activities carried out under these parts), and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), \$123,000,000, to remain available until expended: *Provided*, That of this amount, not less than \$13,000,000 shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided*, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated hereunder or previously appropriated under this heading: *Provided further*, That the authority provided by section 572 of Public Law 100-461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

##### UNITED STATES COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM

For the United States Community Adjustment and Investment Program authorized by section 543 of the North American Free Trade Agreement Implementation Act, \$10,000,000, to remain available until September 30, 2001: *Provided*, That the Secretary may transfer such funds to the North American Development Bank and/or to one or more Federal agencies for the purpose of enabling the Bank or such Federal agencies to assist in carrying out the program by providing technical assistance, grants, loans, loan guarantees, and other financial subsidies endorsed by the inter-agency finance committee established by section 7 of Executive Order No. 12916: *Provided further*, That no portion of such funds may be transferred to the Bank unless the Secretary shall have

first entered into an agreement with the Bank that provides that any such funds may not be used for the Bank's administrative expenses: *Provided further*, That any funds transferred to the Bank under this heading will be in addition to the 10 percent of the paid-in capital paid to the Bank by the United States referred to in section 543 of the Act: *Provided further*, That any funds transferred to any Federal agency under this heading will be in addition to amounts otherwise provided to such agency: *Provided further*, That any funds transferred to an agency under this heading shall be subject to the same terms and conditions as the account to which transferred.

### TITLE III—MILITARY ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$50,000,000, of which up to \$1,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for grant financed military education and training for Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading may be made available to support grant financed military education and training at the School of the Americas unless the Secretary of Defense certifies that the instruction and training provided by the School of the Americas is fully consistent with training and doctrine, particularly with respect to the observance of human rights, provided by the Department of Defense to United States military students at Department of Defense institutions whose primary purpose is to train United States military personnel: *Provided further*, That the Secretary of Defense shall submit to the Committees on Appropriations, no later than January 15, 2000, a report detailing the training activities of the School of the Americas and a general assessment regarding the performance of its graduates during 1997 and 1998.

##### FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$3,420,000,000: *Provided*, That of the funds appropriated under this heading, not less than \$1,920,000,000 shall be available for grants only for Israel, and not less than \$1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 1999, whichever is later: *Provided further*, That to the extent that the Government of Israel requests that funds be used for

such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, not less than \$75,000,000 should be available for assistance for Jordan: *Provided further*, That of the funds appropriated by this paragraph, not less than \$7,000,000 shall be made available for assistance for Tunisia: *Provided further*, That during fiscal year 2000, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than \$4,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: *Provided further*, That of the funds appropriated by this paragraph up to \$1,000,000 should be made available for assistance for Ecuador and shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: *Provided further*, That only those countries for which assistance was justified for the “Foreign Military Sales Financing Program” in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$30,495,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor

vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than \$330,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2000 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall report to the Committees on Appropriations regarding the appropriate host institution to support and advance the efforts of the Defense Institute for International and Legal Studies in both legal and political education: *Provided further*, That none of the funds made available under this heading shall be available for any non-NATO country participating in the Partnership for Peace Program except through the regular notification procedures of the Committees on Appropriations.

#### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$153,000,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

### TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

#### FUNDS APPROPRIATED TO THE PRESIDENT

##### INTERNATIONAL FINANCIAL INSTITUTIONS

##### GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$35,800,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

##### CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$775,000,000, to remain available until expended.

##### CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, \$4,000,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

##### LIMITATION ON CALLABLE CAPITAL

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation

for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$20,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, \$16,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury, for the United States share of the paid-in share portion of the increase in capital stock, \$25,610,667.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Inter-American Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$1,503,718,910.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock, \$13,728,263, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$672,745,205.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asia Development Bank Act, as amended, \$77,000,000, to remain available until expended, for contributions previously due.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, \$4,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed \$64,000,000.

## CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, \$128,000,000, to remain available until expended.

## CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, \$35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

## LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed \$123,237,803.

## INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$183,000,000: *Provided*, That none of the funds appropriated under this heading shall be made available for the United Nations Fund for Science and Technology: *Provided further*, That not less than \$5,000,000 should be made available to the World Food Program: *Provided further*, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

## TITLE V—GENERAL PROVISIONS

## OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled “International Disaster Assistance”, and “United States Emergency Refugee and Migration Assistance Fund”, not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

## PROHIBITION OF BILATERAL FUNDING FOR INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 502. Notwithstanding section 614 of the Foreign Assistance Act of 1961, none of the funds contained in title II of this Act may be used to carry out the provisions of section 209(d) of the Foreign Assistance Act of 1961: *Provided*, That none of the funds appropriated by title II of this Act may be transferred by the Agency for International Development directly to an international financial institution (as defined in section 533 of this Act) for the purpose of repaying a foreign country’s loan obligations to such institution.

## LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed \$126,500 shall be for official residence expenses of the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

## LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed \$5,000 shall be for entertainment expenses of the Agency for International Development during the current fiscal year.

## LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed \$95,000 shall be available for representation allowances for the Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading “Foreign Military Financing Program”, not to exceed \$2,000 shall be available for entertainment expenses and not to exceed \$50,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading “International Military Education and Training”, not to exceed \$50,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed \$2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of \$4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading “Trade and Development Agency”, not to exceed \$2,000 shall be available for representation and entertainment allowances.

## PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for “Nonproliferation, Anti-terrorism, Demining and Related Programs”) pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

## PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall



include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

#### MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

#### TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

#### DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. (a) Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961 for the same general purpose as any of the headings under title II of this Act are, if deobligated, hereby continued available for the same period as the respective appropriations under such headings or until September 30, 2000, whichever is later, and for the same general purpose, and for countries within the same region as originally obligated: *Provided*, That the Appropriations Committees of both Houses of the Congress are notified 15 days in advance of the reobligation of such funds in accordance with regular notification procedures of the Committees on Appropriations.

(b) Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: *Provided*, That the authority of this subsection may not be used in fiscal year 2000.

#### AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, and 11 of part I, section 667, and chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available until expended if such funds are initially obligated before the expiration of their respective periods

of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended: *Provided further*, That the report required by section 653(a) of the Foreign Assistance Act of 1961 shall designate for each country, to the extent known at the time of submission of such report, those funds allocated for cash disbursement for balance of payment and economic policy reform purposes.

#### LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to such country by the United States pursuant to a program for which funds are appropriated under this Act: *Provided*, That this section and section 620(q) of the Foreign Assistance Act of 1961 shall not apply to funds made available for any narcotics-related assistance for Colombia, Bolivia, and Peru authorized by the Foreign Assistance Act of 1961 or the Arms Export Control Act.

#### COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

#### SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

#### NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for “Child Survival and Disease Programs Fund”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law Enforcement”, “Assistance for Eastern Europe and the Baltic States”, “Assistance for the Independent States of the Former Soviet Union”, “Economic Support Fund”, “Peacekeeping Operations”, “Operating Expenses of the Agency for International Development”, “Operating Expenses of the Agency for International Development Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring

notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

#### LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2001.

#### INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures. Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading “Assistance for the Independent States of the Former Soviet Union” shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the headings “Assistance for the New Independent States of the Former Soviet Union” and “Assistance for the Independent States of the Former Soviet Union”, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

#### PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations: *Provided*, That none of the funds made available under this Act may be used to lobby for or against abortion.

## EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2000, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

## SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Colombia, Haiti, Liberia, Pakistan, Panama, Serbia, Sudan, or the Democratic Republic of Congo except as provided through the regular notification procedures of the Committees on Appropriations.

## DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the Agency for International Development “program, project, and activity” shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

## CHILD SURVIVAL AND DISEASE PREVENTION ACTIVITIES

SEC. 522. Up to \$10,000,000 of the funds made available by this Act for assistance under the heading “Child Survival and Disease Programs Fund”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the Agency for International Development for the purpose of carrying out child survival, basic education, and infectious disease activities: *Provided*, That up to \$1,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, Acquired Immune Deficiency Syndrome

may be made available notwithstanding any provision of law that restricts assistance to foreign countries: *Provided further*, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs: *Provided further*, That funds appropriated by this Act that are made available for family planning activities may be made available notwithstanding section 512 of this Act and section 620(q) of the Foreign Assistance Act of 1961.

#### PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or the People's Republic of China, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

#### NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

#### AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

#### DEMOCRACY IN CHINA

SEC. 526. Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this Act for “Economic Support Fund” may be made available to provide general support and grants for nongovernmental organizations located outside the People's Republic of China that have as their primary purpose fostering democracy in that country, and for activities of nongovernmental organizations located outside the People's Republic of China to foster democracy in that country: *Provided*, That none of the funds made available for activities to foster democracy in the People's Republic of China may be made available for assistance to the government of that country, except that funds appropriated by this Act under the heading “Economic Support Fund” that are made available for the National Endowment for Democracy or its grantees may be made available for activities to foster democracy in that country notwithstanding this proviso and any other provision of law: *Provided further*, That funds made available pursuant to the authority of this section shall be subject

to the regular notification procedures of the Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law that restricts assistance to foreign countries, of the funds appropriated by this Act under the heading “Economic Support Fund”, \$1,000,000 shall be made available to the Robert F. Kennedy Memorial Center for Human Rights for a project to disseminate information and support research about the People’s Republic of China, and related activities.

#### PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Notwithstanding any other provision of law, funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

#### COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 528. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

#### COMPETITIVE INSURANCE

SEC. 529. All Agency for International Development contracts and solicitations, and subcontracts entered into under such contracts, shall include a clause requiring that United States insurance companies have a fair opportunity to bid for insurance when such insurance is necessary or appropriate.

#### STINGERS IN THE PERSIAN GULF REGION

SEC. 530. Except as provided in section 581 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, the United States may not sell or otherwise make available any Stingers to any country bordering the Persian Gulf



under the Arms Export Control Act or chapter 2 of part II of the Foreign Assistance Act of 1961.

#### DEBT-FOR-DEVELOPMENT

SEC. 531. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

#### SEPARATE ACCOUNTS

SEC. 532. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated;

and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapters 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established

pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapters 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

#### COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 533. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, “international financial institutions” are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary

Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 534. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

- (1) such assistance is in the national interest of the United States;
- (2) such assistance will directly benefit the needy people in that country; or
- (3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 535. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for “International Organizations and Programs” in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agricultural Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 536. None of the funds appropriated by this Act may be obligated or expended to provide—

- (a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States;
- (b) assistance for the purpose of establishing or developing in a foreign country any export processing zone or designated area in which the tax, tariff, labor, environment, and safety laws of that country do not apply, in part or in whole, to activities carried out within that zone or area, unless the President determines and certifies that such assistance is not likely to cause a loss of jobs within the United States; or

(c) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

## FUNDING PROHIBITION FOR SERBIA

SEC. 537. None of the funds appropriated by this Act may be made available for assistance for the Republic of Serbia: *Provided*, That this restriction shall not apply to assistance for Kosova or Montenegro, or to assistance to promote democratization: *Provided further*, That section 620(t) of the Foreign Assistance Act of 1961, as amended, shall not apply to Kosova or Montenegro.

## SPECIAL AUTHORITIES

SEC. 538. (a) Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, displaced Burmese, humanitarian assistance for Romania, and humanitarian assistance for the peoples of Kosova, may be made available notwithstanding any other provision of law: *Provided*, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) Funds appropriated by this Act to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and, subject to the regular notification procedures of the Committees on Appropriations, energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) The Agency for International Development may employ personal services contractors, notwithstanding any other provision of law, for the purpose of administering programs for the West Bank and Gaza.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

## POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 539. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the Arab League should immediately rescind its decision on the boycott and its members should develop normal relations with their neighbor Israel; and

(4) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel as a confidence-building measure;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress on the specific steps being taken by the President to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

#### ANTI-NARCOTICS ACTIVITIES

SEC. 540. Of the funds appropriated or otherwise made available by this Act for “Economic Support Fund”, assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

#### ELIGIBILITY FOR ASSISTANCE

SEC. 541. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Eastern Europe and the Baltic States”: *Provided*, That the President shall take into consideration, in any case in which a restriction on assistance

would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: *Provided further*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2000, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that violate internationally recognized human rights.

#### EARMARKS

SEC. 542. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act or, with respect to a country with which the United States has an agreement providing the United States with base rights or base access in that country, if the President determines that the recipient for which funds are earmarked has significantly reduced its military or economic cooperation with the United States since the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991; however, before exercising the authority of this subsection with regard to a base rights or base access country which has significantly reduced its military or economic cooperation with the United States, the President shall consult with, and shall provide a written policy justification to the Committees on Appropriations: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year

if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

#### CEILINGS AND EARMARKS

SEC. 543. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

#### PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 544. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

#### PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 545. (a) To the maximum extent possible, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

(b) It is the sense of the Congress that, to the greatest extent practicable, all agriculture commodities, equipment and products purchased with funds made available in this Act should be American-made.

(c) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (b) by the Congress.

(d) The Secretary of the Treasury shall report to Congress annually on the efforts of the heads of each Federal agency and the United States directors of international financial institutions (as referenced in section 514) in complying with this sense of the Congress.

#### PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 546. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

## CONSULTING SERVICES

SEC. 547. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order pursuant to existing law.

## PRIVATE VOLUNTARY ORGANIZATIONS—DOCUMENTATION

SEC. 548. None of the funds appropriated or made available pursuant to this Act shall be available to a private voluntary organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the Agency for International Development.

## PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 549. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 40(d) of the Arms Export Control Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

## WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 550. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the government of the District of Columbia.

(b) DEFINITION.—For purposes of this section, the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and



the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND  
GAZA

SEC. 551. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 552. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing the steps the United States Government is taking to collect information regarding allegations of genocide or other violations of international law in the former Yugoslavia and to furnish that information to the United Nations War Crimes Tribunal for the former Yugoslavia: *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 553. Notwithstanding any other provision of law, demining equipment available to the Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: *Provided*, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778

note) is amended by striking “During the five-year period beginning on October 23, 1992” and inserting “During the 11-year period beginning on October 23, 1992”.

#### RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 554. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

#### PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 555. None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Child Survival and Disease Programs Fund”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

- (1) alcoholic beverages; or
- (2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

#### COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES

SEC. 556. Direct costs associated with meeting a foreign customer’s additional or unique requirements will continue to be allowable under contracts under section 22(d) of the Arms Export Control Act. Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.

#### SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 557. (a) **AUTHORITY TO REDUCE DEBT.**—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

- (1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;
- (2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as “Paris Club Agreed Minutes”.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as “IDA-only” countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 558. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from

an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading “Debt Restructuring”.

#### ASSISTANCE FOR HAITI

SEC. 559. (a) POLICY.—In providing assistance to Haiti, the President should place a priority on the following areas:

(1) aggressive action to support the Haitian National Police, including support for efforts by the Inspector General to purge corrupt and politicized elements from the Haitian National Police;

(2) steps to ensure that any elections undertaken in Haiti with United States assistance are full, free, fair, transparent, and democratic;

(3) support for a program designed to develop an indigenous human rights monitoring capacity;

(4) steps to facilitate the continued privatization of state-owned enterprises;

(5) a sustainable agricultural development program; and

(6) establishment of an economic development fund for Haiti to provide long-term, low interest loans to United States investors and businesses that have a demonstrated commitment to, and expertise in, doing business in Haiti, in particular those businesses present in Haiti prior to the 1994 United Nations embargo.

(b) REPORT.—Beginning 6 months after the date of the enactment of this Act, and 6 months thereafter until September 30, 2001, the President shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives with regard to—

(1) the status of each of the governmental institutions envisioned in the 1987 Haitian Constitution, including an assessment of the extent to which officials in such institutions hold their positions on the basis of a regular, constitutional process;

(2) the status of the privatization (or placement under long-term private management or concession) of the major public entities, including a detailed assessment of the extent to which the Government of Haiti has completed all required incorporating documents, the transfer of assets, and the eviction of unauthorized occupants from such facilities;

(3) the status of efforts to re-sign and implement the lapsed bilateral Repatriation Agreement and an assessment of the extent to which the Government of Haiti has been cooperating with the United States in halting illegal emigration from Haiti;

(4) the status of the Government of Haiti's efforts to conduct thorough investigations of extrajudicial and political killings and—

(A) an assessment of the progress that has been made in bringing to justice the persons responsible for these extrajudicial or political killings in Haiti; and

(B) an assessment of the extent to which the Government of Haiti is cooperating with United States authorities and with United States-funded technical advisors to the Haitian National Police in such investigations;

(5) an assessment of actions taken by the Government of Haiti to remove and maintain the separation from the Haitian National Police, national palace and residential guard, ministerial guard, and any other public security entity or unit of Haiti those individuals who are credibly alleged to have engaged in or conspired to conceal gross violations of internationally recognized human rights;

(6) the status of steps being taken to secure the ratification of the maritime counter-narcotics agreements signed October 1997;

(7) an assessment of the extent to which domestic capacity to conduct free, fair, democratic, and administratively sound elections has been developed in Haiti; and

(8) an assessment of the extent to which Haiti's Minister of Justice has demonstrated a commitment to the professionalism of judicial personnel by consistently placing students graduated by the Judicial School in appropriate judicial positions and has made a commitment to share program costs associated with the Judicial School, and is achieving progress in making the judicial branch in Haiti independent from the executive branch.

(c) **EQUITABLE ALLOCATION OF FUNDS.**—Not more than 17 percent of the funds appropriated by this Act to carry out the provisions of sections 103 through 106 and chapter 4 of part II of the Foreign Assistance Act of 1961, that are made available for Latin America and the Caribbean region may be made available, through bilateral and Latin America and the Caribbean regional programs, to provide assistance for any country in such region.

#### REQUIREMENT FOR DISCLOSURE OF FOREIGN AID IN REPORT OF SECRETARY OF STATE

**SEC. 560. (a) FOREIGN AID REPORTING REQUIREMENT.**—In addition to the voting practices of a foreign country, the report required to be submitted to Congress under section 406(a) of the Foreign Relations Authorization Act, fiscal years 1990 and 1991 (22 U.S.C. 2414a), shall include a side-by-side comparison of individual countries' overall support for the United States at the United Nations and the amount of United States assistance provided to such country in fiscal year 1999.

(b) **UNITED STATES ASSISTANCE.**—For purposes of this section, the term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

#### RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

**SEC. 561. (a) PROHIBITION ON VOLUNTARY CONTRIBUTIONS FOR THE UNITED NATIONS.**—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

(b) **CERTIFICATION REQUIRED FOR DISBURSEMENT OF FUNDS.**—None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) unless the President certifies to the Congress 15 days in advance of such payment that the United Nations is not engaged in any effort to implement or impose any taxation on United States persons in order to raise revenue for the United Nations or any of its specialized agencies.

(c) **DEFINITIONS.**—As used in this section the term "United States person" refers to—

(1) a natural person who is a citizen or national of the United States; or

(2) a corporation, partnership, or other legal entity organized under the United States or any State, territory, possession, or district of the United States.

#### HAITI

SEC. 562. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the civilian-led Haitian National Police and Coast Guard: *Provided*, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

#### LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 563. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

#### LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 564. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

#### LIMITATIONS ON TRANSFER OF MILITARY EQUIPMENT TO EAST TIMOR

SEC. 565. In any agreement for the sale, transfer, or licensing of any lethal equipment or helicopter for Indonesia entered into by the United States pursuant to the authority of this Act or any other Act, the agreement shall state that the items will not be used in East Timor.

RESTRICTIONS ON ASSISTANCE TO COUNTRIES PROVIDING SANCTUARY  
TO INDICTED WAR CRIMINALS

SEC. 566. (a) BILATERAL ASSISTANCE.—None of the funds made available by this or any prior Act making appropriations for foreign operations, export financing and related programs, may be provided for any country, entity or municipality described in subsection (e).

(b) MULTILATERAL ASSISTANCE.—

(1) PROHIBITION.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to any country or entity described in subsection (e).

(2) NOTIFICATION.—Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (e), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services of the House of Representatives a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(3) DEFINITION.—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(c) EXCEPTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) shall not apply to the provision of—

(A) humanitarian assistance;

(B) democratization assistance;

(C) assistance for cross border physical infrastructure projects involving activities in both a sanctioned country, entity, or municipality and a nonsanctioned contiguous country, entity, or municipality, if the project is primarily located in and primarily benefits the nonsanctioned country, entity, or municipality and if the portion of the project located in the sanctioned country, entity, or municipality is necessary only to complete the project;

(D) small-scale assistance projects or activities requested by United States Armed Forces that promote good relations between such forces and the officials and citizens of the areas in the United States SFOR sector of Bosnia;

(E) implementation of the Brcko Arbitral Decision;

(F) lending by the international financial institutions to a country or entity to support common monetary and fiscal policies at the national level as contemplated by the Dayton Agreement;



(G) direct lending to a non-sanctioned entity, or lending passed on by the national government to a non-sanctioned entity; or

(H) assistance to the International Police Task Force for the training of a civilian police force.

(2) NOTIFICATION.—Every 60 days the Secretary of State, in consultation with the Administrator of the Agency for International Development, shall publish in the Federal Register and/or in a comparable publicly accessible document or Internet site, a listing and justification of any assistance that is obligated within that period of time for any country, entity, or municipality described in subsection (e), including a description of the purpose of the assistance, project and its location, by municipality.

(d) FURTHER LIMITATIONS.—Notwithstanding subsection (c)—

(1) no assistance may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs, in any country, entity, or municipality described in subsection (e), for a program, project, or activity in which a publicly indicted war criminal is known to have any financial or material interest; and

(2) no assistance (other than emergency foods or medical assistance or demining assistance) may be made available by this Act, or any prior Act making appropriations for foreign operations, export financing and related programs for any program, project, or activity in a community within any country, entity or municipality described in subsection (e) if competent authorities within that community are not complying with the provisions of Article IX and Annex 4, Article II, paragraph 8 of the Dayton Agreement relating to war crimes and the Tribunal.

(e) SANCTIONED COUNTRY, ENTITY, OR MUNICIPALITY.—A sanctioned country, entity, or municipality described in this section is one whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to apprehend and transfer to the Tribunal all persons who have been publicly indicted by the Tribunal.

(f) SPECIAL RULE.—Subject to subsection (d), subsections (a) and (b) shall not apply to the provision of assistance to an entity that is not a sanctioned entity, notwithstanding that such entity may be within a sanctioned country, if the Secretary of State determines and so reports to the appropriate congressional committees that providing assistance to that entity would promote peace and internationally recognized human rights by encouraging that entity to cooperate fully with the Tribunal.

(g) CURRENT RECORD OF WAR CRIMINALS AND SANCTIONED COUNTRIES, ENTITIES, AND MUNICIPALITIES.—

(1) IN GENERAL.—The Secretary of State shall establish and maintain a current record of the location, including the municipality, if known, of publicly indicted war criminals and a current record of sanctioned countries, entities, and municipalities.

(2) INFORMATION OF THE DCI AND THE SECRETARY OF DEFENSE.—The Director of Central Intelligence and the Secretary of Defense should collect and provide to the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals.

(3) INFORMATION OF THE TRIBUNAL.—The Secretary of State shall request that the Tribunal and other international organizations and governments provide the Secretary of State information concerning the location, including the municipality, of publicly indicted war criminals and concerning country, entity and municipality authorities known to have obstructed the work of the Tribunal.

(4) REPORT.—Beginning 30 days after the date of the enactment of this Act, and not later than September 1 each year thereafter, the Secretary of State shall submit a report in classified and unclassified form to the appropriate congressional committees on the location, including the municipality, if known, of publicly indicted war criminals, on country, entity and municipality authorities known to have obstructed the work of the Tribunal, and on sanctioned countries, entities, and municipalities.

(5) INFORMATION TO CONGRESS.—Upon the request of the chairman or ranking minority member of any of the appropriate congressional committees, the Secretary of State shall make available to that committee the information recorded under paragraph (1) in a report submitted to the committee in classified and unclassified form.

(h) WAIVER.—

(1) IN GENERAL.—The Secretary of State may waive the application of subsection (a) or subsection (b) with respect to specified bilateral programs or international financial institution projects or programs in a sanctioned country, entity, or municipality upon providing a written determination to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal.

(2) REPORT.—Not later than 15 days after the date of any written determination under paragraph (1) the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives regarding the status of efforts to secure the voluntary surrender or apprehension and transfer of persons indicted by the Tribunal, in accordance with the Dayton Agreement, and outlining obstacles to achieving this goal.

(3) ASSISTANCE PROGRAMS AND PROJECTS AFFECTED.—Any waiver made pursuant to this subsection shall be effective only with respect to a specified bilateral program or multilateral assistance project or program identified in the determination of the Secretary of State to Congress.

(i) TERMINATION OF SANCTIONS.—The sanctions imposed pursuant to subsections (a) and (b) with respect to a country or entity shall cease to apply only if the Secretary of State determines and certifies to Congress that the authorities of that country, entity, or municipality have apprehended and transferred to the Tribunal all persons who have been publicly indicted by the Tribunal.

(j) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term “country” means Bosnia-Herzegovina, Croatia, and Serbia.

(2) ENTITY.—The term “entity” refers to the Federation of Bosnia and Herzegovina, Kosova, Montenegro, and the Republika Srpska.

(3) DAYTON AGREEMENT.—The term “Dayton Agreement” means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

(4) TRIBUNAL.—The term “Tribunal” means the International Criminal Tribunal for the Former Yugoslavia.

(k) ROLE OF HUMAN RIGHTS ORGANIZATIONS AND GOVERNMENT AGENCIES.—In carrying out this section, the Secretary of State, the Administrator of the Agency for International Development, and the executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (e).

TO PROHIBIT FOREIGN ASSISTANCE TO THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD IT ENACT LAWS WHICH WOULD DISCRIMINATE AGAINST MINORITY RELIGIOUS FAITHS IN THE RUSSIAN FEDERATION

SEC. 567. None of the funds appropriated under this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations and the Committee on Foreign Relations of the Senate that the Government of the Russian Federation has implemented no statute, executive order, regulation or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party.

#### GREENHOUSE GAS EMISSIONS

SEC. 568. (a) Funds made available in this Act to support programs or activities the primary purpose of which is promoting or assisting country participation in the Kyoto Protocol to the Framework Convention on Climate Change (FCCC) shall only be made available subject to the regular notification procedures of the Committees on Appropriations.

(b) The President shall provide a detailed account of all Federal agency obligations and expenditures for climate change programs and activities, domestic and international obligations for such activities in fiscal year 2000, and any plan for programs thereafter related to the implementation or the furtherance of protocols pursuant to, or related to negotiations to amend the FCCC in conjunction with the President’s submission of the Budget of the United States Government for Fiscal Year 2001: *Provided*, That such report shall include an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President’s Budget Appendix: *Provided*

*further*, That such report shall identify with regard to the Agency for International Development, obligations and expenditures by country or central program and activity.

EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES

SEC. 569. Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking “1996 and 1997” and inserting “1999 and 2000”.

AID TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF CONGO

SEC. 570. None of the funds appropriated or otherwise made available by this Act may be provided to the Central Government of the Democratic Republic of Congo.

ASSISTANCE FOR THE MIDDLE EAST

SEC. 571. Of the funds appropriated in titles II and III of this Act under the headings “Economic Support Fund”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peacekeeping Operations”, for refugees resettling in Israel under the heading “Migration and Refugee Assistance”, and for assistance for Israel to carry out provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs”, not more than a total of \$5,321,150,000 may be made available for Israel, Egypt, Jordan, Lebanon, the West Bank and Gaza, the Israel-Lebanon Monitoring Group, the Multinational Force and Observers, the Middle East Regional Democracy Fund, Middle East Regional Cooperation, and Middle East Multilateral Working Groups: *Provided*, That any funds that were appropriated under such headings in prior fiscal years and that were at the time of the enactment of this Act obligated or allocated for other recipients may not during fiscal year 2000 be made available for activities that, if funded under this Act, would be required to count against this ceiling: *Provided further*, That funds may be made available notwithstanding the requirements of this section if the President determines and certifies to the Committees on Appropriations that it is important to the national security interest of the United States to do so and any such additional funds shall only be provided through the regular notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 572. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 573. (a) The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to

oppose loans to the Central Government of Cambodia, except loans to support basic human needs.

(b) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia.

#### CUSTOMS ASSISTANCE

SEC. 574. Section 660(b) of the Foreign Assistance Act of 1961 is amended by—

(1) striking the period at the end of paragraph (6) and inserting a semicolon; and

(2) adding the following new paragraph:

“(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures.”.

#### FOREIGN MILITARY TRAINING REPORT

SEC. 575. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2000, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 1999 and 2000, including those proposed for fiscal year 2000. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

#### KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 576. (a) Of the funds made available under the heading “Nonproliferation, Anti-terrorism, Demining and Related Programs”, not to exceed \$35,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as “KEDO”), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Of the funds made available for KEDO, up to \$15,000,000 may be made available prior to June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint

Declaration on Denuclearization of the Korean Peninsula in which the Government of North Korea has committed not to test, manufacture, produce, receive, possess, store, deploy, or use nuclear weapons, and not to possess nuclear reprocessing or uranium enrichment facilities;

(2) the parties to the Agreed Framework have taken and continue to take demonstrable steps to pursue the North-South dialogue;

(3) North Korea is complying with all provisions of the Agreed Framework;

(4) North Korea has not diverted assistance provided by the United States for purposes for which it was not intended; and

(5) North Korea is not seeking to develop or acquire the capability to enrich uranium, or any additional capability to reprocess spent nuclear fuel.

(c) Of the funds made available for KEDO, up to \$20,000,000 may be made available on or after June 1, 2000, if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the effort to can and safely store all spent fuel from North Korea's graphite-moderated nuclear reactors has been successfully concluded;

(2) North Korea is complying with its obligations under the agreement regarding access to suspect underground construction;

(3) North Korea has terminated its nuclear weapons program, including all efforts to acquire, develop, test, produce, or deploy such weapons; and

(4) the United States has made and is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(d) The President may waive the certification requirements of subsections (b) and (c) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees prior to his exercise of such waiver. No funds may be obligated for KEDO until 30 days after submission to Congress of such waiver.

(e) The Secretary of State shall submit to the appropriate congressional committees a report (to be submitted with the annual presentation for appropriations) providing a full and detailed accounting of the fiscal year 2001 request for the United States contribution to KEDO, the expected operating budget of the KEDO, to include unpaid debt, proposed annual costs associated with heavy fuel oil purchases, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

#### AFRICAN DEVELOPMENT FOUNDATION

SEC. 577. Funds made available to grantees of the African Development Foundation may be invested pending expenditure for project purposes when authorized by the President of the Foundation: *Provided*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That this authority applies to interest earned both prior to and following

the enactment of this provision: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations in advance of exercising such waiver authority.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 578. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

VOLUNTARY SEPARATION INCENTIVES FOR EMPLOYEES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

SEC. 579. (a) DEFINITIONS.—For the purposes of this section—

(1) the term “agency” means the United States Agency for International Development;

(2) the term “Administrator” means the Administrator, United States Agency for International Development; and

(3) the term “employee” means an employee (as defined by section 2105 of title 5, United States Code) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the agency;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under the applicable retirement system referred to in subparagraph (A);

(C) an employee who is to be separated involuntarily for misconduct or unacceptable performance, and to whom specific notice has been given with respect to that separation;

(D) an employee who has previously received any voluntary separation incentive payment by the Government of the United States under this section or any other authority and has not repaid such payment;

(E) an employee covered by statutory reemployment rights who is on transfer to another organization; or

(F) any employee who, during the 24-month period preceding the date of separation, received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754 of such title 5, United States Code.

(b) AGENCY STRATEGIC PLAN.—

(1) IN GENERAL.—The Administrator, before obligating any resources for voluntary separation incentive payments under this section, shall submit to the Committees on Appropriations and the Office of Management and Budget a strategic plan outlining the intended use of such incentive payments and

a proposed organizational chart for the agency once such incentive payments have been completed.

(2) CONTENTS.—The agency's plan shall include—

(A) the positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

(B) the number and amounts of voluntary separation incentive payments to be offered;

(C) a description of how the agency will operate without the eliminated positions and functions; and

(D) the time period during which incentives may be paid.

(3) APPROVAL.—The Director of the Office of Management and Budget shall review the agency's plan and approve or disapprove the plan and may make appropriate modifications in the plan with respect to the coverage of incentives as described under paragraph (2)(A), and with respect to the matters described in paragraphs (2)(B) through (D).

(c) AUTHORITY TO PROVIDE VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—A voluntary separation incentive payment under this section may be paid by the agency to employees of such agency and only to the extent necessary to eliminate the positions and functions identified by the strategic plan.

(2) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment under this section—

(A) shall be paid in a lump sum after the employee's separation;

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

(C) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) an amount determined by the agency head not to exceed \$25,000;

(D) may not be made except in the case of any employee who voluntarily separates (whether by retirement or resignation) on or before December 31, 2000;

(E) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(F) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—

(1) IN GENERAL.—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the agency who is covered under subchapter III of chapter 83



or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) DEFINITION.—For the purpose of paragraph (1), the term “final basic pay”, with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

(e) EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.—

(1) An individual who has received a voluntary separation incentive payment under this section and accepts any employment for compensation with the Government of the United States, or who works for any agency of the Government of the United States through a personal services contract, within 5 years after the date of the separation on which the payment is based shall be required to pay, prior to the individual’s first day of employment, the entire amount of the incentive payment to the agency that paid the incentive payment.

(2) If the employment under paragraph (1) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment under paragraph (1) is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) If the employment under paragraph (1) is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant for the position.

(f) REDUCTION OF AGENCY EMPLOYMENT LEVELS.—

(1) IN GENERAL.—The total number of funded employee positions in the agency shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under this section. For the purposes of this subsection, positions shall be counted on a full-time-equivalent basis.

(2) ENFORCEMENT.—The President, through the Office of Management and Budget, shall monitor the agency and take any action necessary to ensure that the requirements of this subsection are met.

(g) REGULATIONS.—The Office of Personnel Management may prescribe such regulations as may be necessary to implement this section.

#### IRAQ OPPOSITION

SEC. 580. Notwithstanding any other provision of law, of the funds appropriated under the heading “Economic Support Fund”, \$10,000,000 shall be made available to support efforts to bring

about political transition in Iraq, of which not less than \$8,000,000 shall be made available only to Iraqi opposition groups designated under the Iraq Liberation Act (Public Law 105–338) for political, economic, humanitarian, and other activities of such groups, and not more than \$2,000,000 may be made available for groups and activities seeking the prosecution of Saddam Hussein and other Iraqi government officials for war crimes.

#### AGENCY FOR INTERNATIONAL DEVELOPMENT BUDGET SUBMISSION

SEC. 581. Beginning with the fiscal year 2001 budget, the Agency for International Development shall submit to the Committees on Appropriations a detailed budget for each fiscal year. The Agency shall submit to the Committees on Appropriations a proposed budget format no later than October 31, 1999, or 30 days after the enactment of this Act, whichever occurs later. The proposed format shall include how the Agency's budget submission will address: (1) estimated levels of obligations for the current fiscal year and actual levels for the two previous fiscal years; (2) the President's request for new budget authority and estimated carryover obligational authority for the budget year; (3) the disaggregation of budget data by program and activity for each bureau, field mission, and central office; and (4) staff levels identified by program.

#### AMERICAN CHURCHWOMEN IN EL SALVADOR

SEC. 582. (a) Information relevant to the December 2, 1980 murders of four American churchwomen in El Salvador shall be made public to the fullest extent possible.

(b) The Secretary of State and the Department of State are to be commended for fully releasing information regarding the murders.

(c) The President shall order all Federal agencies and departments that possess relevant information to make every effort to declassify and release to the victims' families relevant information as expeditiously as possible.

(d) In making determinations concerning the declassification and release of relevant information, the Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) Not later than 45 days after the date of the enactment of this Act, the Attorney General shall provide a report to the Committees on Appropriations describing in detail the circumstances under which individuals involved in the murders or the cover-up of the murders obtained residence in the United States.

#### KYOTO PROTOCOL

SEC. 583. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause

2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

ADDITIONAL REQUIREMENTS RELATING TO STOCKPILING OF DEFENSE  
ARTICLES FOR FOREIGN COUNTRIES

SEC. 584. (a) VALUE OF ADDITIONS TO STOCKPILES.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “\$50,000,000 for each of the fiscal years 1996 and 1997, \$60,000,000 for fiscal year 1998, and” and inserting before the period at the end, the following: “and \$60,000,000 for fiscal year 2000”.

(b) REQUIREMENTS RELATING TO THE REPUBLIC OF KOREA AND THAILAND.—Section 514(b)(2)(B) of such Act (22 U.S.C. 2321h(b)(2)(B)) is amended by striking “Of the amount specified in subparagraph (A) for each of the fiscal years 1996 and 1997, not more than \$40,000,000 may be made available for stockpiles in the Republic of Korea and not more than \$10,000,000 may be made available for stockpiles in Thailand. Of the amount specified in subparagraph (A) for fiscal year 1998, not more than \$40,000,000 may be made available for stockpiles in the Republic of Korea and not more than \$20,000,000 may be made available for stockpiles in Thailand.”; and at the end inserting the following sentence: “Of the amount specified in subparagraph (A) for fiscal year 2000, not more than \$40,000,000 may be made available for stockpiles in the Republic of Korea and not more than \$20,000,000 may be made available for stockpiles in Thailand.”.

RUSSIAN LEADERSHIP PROGRAM

SEC. 585. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking “fiscal year 1999” in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting “fiscal years 1999 and 2000”; and

(2) by striking “2000” in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting “2001”.

ABOLITION OF THE INTER-AMERICAN FOUNDATION

SEC. 586. (a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(2) FOUNDATION.—The term “Foundation” means the Inter-American Foundation.

(3) FUNCTION.—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal year 2000, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

(c) TERMINATION OF FUNCTIONS.—

(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or

other provisions of law, as of the day before the effective date of this section.

(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 6290f) is repealed upon the effective date specified in subsection (j).

(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section, as may be necessary to carry out the responsibilities of the Director under paragraph (1).

(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

(A) enter into contracts;

(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection

with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

(g) SAVINGS PROVISIONS.—

(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

(h) CONFORMING AMENDMENTS.—

(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

(A) by inserting “and” at the end of paragraph (2);

(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

(C) by striking paragraphs (4) and (5).

(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 is amended—

(A) in subsection (a)—

(i) by striking “provide for” and all that follows through “(2) utilization” and inserting “provide for the utilization”; and

(ii) by striking “member countries;” and all that follows through “paragraph (2)” and inserting “member countries.”;

(B) in subsection (b), by striking “transfer or”;

(C) by striking subsection (c);

(D) by redesignating subsection (d) as subsection (c);

and

(E) in subsection (c) (as so redesignated), by striking “transfer or”.

(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

(i) DEFINITION.—In this section, the term “appropriate congressional committees” means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).

#### WEST BANK AND GAZA PROGRAM

SEC. 587. For fiscal year 2000, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

#### HUMAN RIGHTS ASSISTANCE

SEC. 588. Of the funds made available under the heading “International Narcotics Control and Law Enforcement”, not less than \$500,000 should be provided to the Colombia Attorney General’s Human Rights Unit, not less than \$500,000 should be made available to support the activities of Colombian nongovernmental organizations involved in human rights monitoring, not less than \$250,000 should be provided to the United Nations High Commissioner for Human Rights to assist the Government of Colombia in strengthening its human rights policies and programs, not less than \$1,000,000 should be made available for personnel and other resources to enhance United States Embassy monitoring of assistance to the Colombian security forces and responding to reports of human rights violations, and not less than \$5,000,000 should

be made available for administration of justice programs including support for the Colombia Attorney General's Technical Investigations Unit.

## INDONESIA

SEC. 589. (a) Funds appropriated by this Act under the headings “International Military Education and Training” and “Foreign Military Financing Program” may be made available for Indonesia if the President determines and submits a report to the appropriate congressional committees that the Indonesian government and the Indonesian armed forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the International Force in East Timor (INTERFET) or its successor, the United Nations Transitional Authority in East Timor (UNTAET);

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor; and

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the Indonesian armed forces and militia groups responsible for human rights violations in Indonesia and East Timor.

## MAN AND THE BIOSPHERE

SEC. 590. None of the funds appropriated or otherwise made available by this Act may be provided for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund for programs in the United States.

## IMMUNITY OF FEDERAL REPUBLIC OF YUGOSLAVIA

SEC. 591. (a) Subject to subsection (b), the Federal Republic of Yugoslavia shall be deemed to be a state sponsor of terrorism for the purposes of 28 U.S.C. 1605(a)(7).

(b) This section shall not apply to Montenegro or Kosova.

(c) This section shall become null and void when the President certifies in writing to the Congress that the Federal Republic of Yugoslavia (other than Montenegro and Kosova) has completed a democratic reform process that results in a newly elected government that respects the rights of ethnic minorities, is committed to the rule of law and respects the sovereignty of its neighbor states.

(d) The certification provided for in subsection (c) shall not affect the continuation of litigation commenced against the Federal Republic of Yugoslavia prior to its fulfillment of the conditions in subsection (c).

UNITED STATES ASSISTANCE POLICY FOR OPPOSITION-CONTROLLED  
AREAS OF SUDAN

SEC. 592. (a) Notwithstanding any other provision of law, the President, acting through appropriate Federal agencies, may provide food assistance to groups engaged in the protection of civilian populations from attacks by regular government of Sudan forces, associated militias, or other paramilitary groups supported by the Government of Sudan. Such assistance may only be provided in a way that: (1) does not endanger, compromise or otherwise reduce the United States' support for unilateral, multilateral or private humanitarian operations or the beneficiaries of those operations; or (2) compromise any ongoing or future people-to-people reconciliation efforts. Any such assistance shall be provided separate from and not in proximity to current humanitarian efforts, both within Operation Lifeline Sudan or outside of Operation Lifeline Sudan, or any other current or future humanitarian operations which serve noncombatants. In considering eligibility of potential recipients, the President shall determine that the group respects human rights, democratic principles, and the integrity of ongoing humanitarian operations, and cease such assistance if the determination can no longer be made.

(b) Not later than February 1, 2000, the President shall submit to the Committees on Appropriations a report on United States bilateral assistance to opposition-controlled areas of Sudan. Such report shall include—

(1) an accounting of United States bilateral assistance to opposition-controlled areas of Sudan, provided in fiscal years 1997, 1998, 1999, and proposed for fiscal year 2000, and the goals and objectives of such assistance;

(2) the policy implications and costs, including logistics and administrative costs, associated with providing humanitarian assistance, including food, directly to National Democratic Alliance participants and the Sudanese People's Liberation Movement operating outside of the United Nations' Operation Lifeline Sudan structure, and the United States agencies best suited to administer these activities; and

(3) the policy implications of increasing substantially the amount of development assistance for democracy promotion, civil administration, judiciary, and infrastructure support in opposition-controlled areas of Sudan and the obstacles to administering a development assistance program in this region.

## CONSULTATIONS ON ARMS SALES TO TAIWAN

SEC. 593. Consistent with the intent of Congress expressed in the enactment of section 3(b) of the Taiwan Relations Act, the Secretary of State shall consult with the appropriate committees and leadership of Congress to devise a mechanism to provide for congressional input prior to making any determination on the nature or quantity of defense articles and services to be made available to Taiwan.

## AUTHORIZATIONS

SEC. 594. The Secretary of the Treasury may, to fulfill commitments of the United States: (1) effect the United States participation in the fifth general capital increase of the African Development



Bank, the first general capital increase of the Multilateral Investment Guarantee Agency, and the first general capital increase of the Inter-American Investment Corporation; and (2) contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund and the twelfth replenishment of the International Development Association. The following amounts are authorized to be appropriated without fiscal year limitation for payment by the Secretary of the Treasury: \$40,847,011 for paid-in capital, and \$639,932,485 for callable capital, of the African Development Bank; \$29,870,087 for paid-in capital, and \$139,365,533 for callable capital, of the Multilateral Investment Guarantee Agency; \$125,180,000 for paid-in capital of the Inter-American Investment Corporation; \$300,000,000 for the African Development Fund; and \$2,410,000,000 for the International Development Association.

#### ASSISTANCE FOR COSTA RICA

SEC. 595. Of the funds appropriated by Public Law 106–31, under the heading “Central America and the Caribbean Emergency Disaster Recovery Fund”, \$8,000,000 shall be made available only for Costa Rica.

#### SILK ROAD STRATEGY ACT OF 1999

SEC. 596. (a) SHORT TITLE.—This section may be cited as the “Silk Road Strategy Act of 1999”.

(b) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end the following new chapter:

#### **“CHAPTER 12—SUPPORT FOR THE ECONOMIC AND POLITICAL INDEPENDENCE OF THE COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA**

##### **“SEC. 499. UNITED STATES ASSISTANCE TO PROMOTE RECONCILIATION AND RECOVERY FROM REGIONAL CONFLICTS.**

“(a) PURPOSE OF ASSISTANCE.—The purposes of assistance under this section include—

“(1) the creation of the basis for reconciliation between belligerents;

“(2) the promotion of economic development in areas of the countries of the South Caucasus and Central Asia impacted by civil conflict and war; and

“(3) the encouragement of broad regional cooperation among countries of the South Caucasus and Central Asia that have been destabilized by internal conflicts.

“(b) AUTHORIZATION FOR ASSISTANCE.—

“(1) IN GENERAL.—To carry out the purposes of subsection (a), the President is authorized to provide humanitarian assistance and economic reconstruction assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(2) DEFINITION OF HUMANITARIAN ASSISTANCE.—In this subsection, the term ‘humanitarian assistance’ means assistance to meet humanitarian needs, including needs for food, medicine, medical supplies and equipment, education, and clothing.

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (b) include—

“(1) providing for the humanitarian needs of victims of the conflicts;

“(2) facilitating the return of refugees and internally displaced persons to their homes; and

“(3) assisting in the reconstruction of residential and economic infrastructure destroyed by war.

**“SEC. 499A. ECONOMIC ASSISTANCE.**

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section is to foster economic growth and development, including the conditions necessary for regional economic cooperation, in the South Caucasus and Central Asia.

“(b) AUTHORIZATION FOR ASSISTANCE.—To carry out the purpose of subsection (a), the President is authorized to provide assistance for the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(c) ACTIVITIES SUPPORTED.—In addition to the activities described in section 498, activities supported by assistance under subsection (b) should support the development of the structures and means necessary for the growth of private sector economies based upon market principles.

**“SEC. 499B. DEVELOPMENT OF INFRASTRUCTURE.**

“(a) PURPOSE OF PROGRAMS.—The purposes of programs under this section include—

“(1) to develop the physical infrastructure necessary for regional cooperation among the countries of the South Caucasus and Central Asia; and

“(2) to encourage closer economic relations and to facilitate the removal of impediments to cross-border commerce among those countries and the United States and other developed nations.

“(b) AUTHORIZATION FOR PROGRAMS.—To carry out the purposes of subsection (a), the following types of programs for the countries of the South Caucasus and Central Asia may be used to support the activities described in subsection (c):

“(1) Activities by the Export-Import Bank to complete the review process for eligibility for financing under the Export-Import Bank Act of 1945.

“(2) The provision of insurance, reinsurance, financing, or other assistance by the Overseas Private Investment Corporation.

“(3) Assistance under section 661 of this Act (relating to the Trade and Development Agency).

“(c) ACTIVITIES SUPPORTED.—Activities that may be supported by programs under subsection (b) include promoting actively the participation of United States companies and investors in the planning, financing, and construction of infrastructure for communications, transportation, including air transportation, and energy and trade including highways, railroads, port facilities, shipping, banking, insurance, telecommunications networks, and gas and oil pipelines.

**“SEC. 499C. BORDER CONTROL ASSISTANCE.**

“(a) PURPOSE OF ASSISTANCE.—The purpose of assistance under this section includes the assistance of the countries of the South

Caucasus and Central Asia to secure their borders and implement effective controls necessary to prevent the trafficking of illegal narcotics and the proliferation of technology and materials related to weapons of mass destruction (as defined in section 2332a(c)(2) of title 18, United States Code), and to contain and inhibit transnational organized criminal activities.

“(b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out the purpose of subsection (a), the President is authorized to provide assistance to the countries of the South Caucasus and Central Asia to support the activities described in subsection (c).

“(c) **ACTIVITIES SUPPORTED.**—Activities that may be supported by assistance under subsection (b) include assisting those countries of the South Caucasus and Central Asia in developing capabilities to maintain national border guards, coast guard, and customs controls.

**“SEC. 499D. STRENGTHENING DEMOCRACY, TOLERANCE, AND THE DEVELOPMENT OF CIVIL SOCIETY.**

“(a) **PURPOSE OF ASSISTANCE.**—The purpose of assistance under this section is to promote institutions of democratic government and to create the conditions for the growth of pluralistic societies, including religious tolerance and respect for internationally recognized human rights.

“(b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out the purpose of subsection (a), the President is authorized to provide the following types of assistance to the countries of the South Caucasus and Central Asia:

“(1) Assistance for democracy building, including programs to strengthen parliamentary institutions and practices.

“(2) Assistance for the development of nongovernmental organizations.

“(3) Assistance for development of independent media.

“(4) Assistance for the development of the rule of law, a strong independent judiciary, and transparency in political practice and commercial transactions.

“(5) International exchanges and advanced professional training programs in skill areas central to the development of civil society.

“(6) Assistance to promote increased adherence to civil and political rights under section 116(e) of this Act.

“(c) **ACTIVITIES SUPPORTED.**—Activities that may be supported by assistance under subsection (b) include activities that are designed to advance progress toward the development of democracy.

**“SEC. 499E. ADMINISTRATIVE AUTHORITIES.**

“(a) **ASSISTANCE THROUGH GOVERNMENTS AND NONGOVERNMENTAL ORGANIZATIONS.**—Assistance under this chapter may be provided to governments or through nongovernmental organizations.

“(b) **USE OF ECONOMIC SUPPORT FUNDS.**—Except as otherwise provided, any funds that have been allocated under chapter 4 of part II for assistance for the independent states of the former Soviet Union may be used in accordance with the provisions of this chapter.

“(c) **TERMS AND CONDITIONS.**—Assistance under this chapter shall be provided on such terms and conditions as the President may determine.

“(d) AVAILABLE AUTHORITIES.—The authority in this chapter to provide assistance for the countries of the South Caucasus and Central Asia is in addition to the authority to provide such assistance under the FREEDOM Support Act (22 U.S.C. 5801 et seq.) or any other Act, and the authorities applicable to the provision of assistance under chapter 11 may be used to provide assistance under this chapter.

**“SEC. 499F. DEFINITIONS.**

“In this chapter:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(2) COUNTRIES OF THE SOUTH CAUCASUS AND CENTRAL ASIA.—The term ‘countries of the South Caucasus and Central Asia’ means Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.”.

(c) CONFORMING AMENDMENTS.—Section 102(a) of the FREEDOM Support Act (Public Law 102–511) is amended in paragraphs (2) and (4) by striking each place it appears “this Act” and inserting “this Act and chapter 12 of part I of the Foreign Assistance Act of 1961”).

(d) ANNUAL REPORT.—Section 104 of the FREEDOM Support Act (22 U.S.C. 5814) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) with respect to the countries of the South Caucasus and Central Asia—

“(A) an identification of the progress made by the United States in accomplishing the policy described in section 3 of the Silk Road Strategy Act of 1999;

“(B) an evaluation of the degree to which the assistance authorized by chapter 12 of part I of the Foreign Assistance Act of 1961 has accomplished the purposes identified in that chapter;

“(C) a description of the progress being made by the United States to resolve trade disputes registered with and raised by the United States embassies in each country, and to negotiate a bilateral agreement relating to the protection of United States direct investment in, and other business interests with, each country; and

“(D) recommendations of any additional initiatives that should be undertaken by the United States to implement the policy and purposes contained in the Silk Road Strategy Act of 1999.”.

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

SEC. 597. Section 116 of the Foreign Assistance Act of 1961 is amended by adding the following new subsection:

“(f)(1) The report required by subsection (d) shall include—

“(A) a list of foreign states where trafficking in persons, especially women and children, originates, passes through, or is a destination; and

“(B) an assessment of the efforts by the governments of the states described in paragraph (A) to combat trafficking. Such an assessment shall address—

“(i) whether government authorities in each such state tolerate or are involved in trafficking activities;

“(ii) which government authorities in each such state are involved in anti-trafficking activities;

“(iii) what steps the government of each such state has taken to prohibit government officials and other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking;

“(iv) what steps the government of each such state has taken to assist trafficking victims;

“(v) whether the government of each such state is cooperating with governments of other countries to extradite traffickers when requested;

“(vi) whether the government of each such state is assisting in international investigations of transnational trafficking networks; and

“(vii) whether the government of each such state refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards victims.

“(2) In compiling data and assessing trafficking for the purposes of paragraph (1), United States Diplomatic Mission personnel shall consult with human rights and other appropriate nongovernmental organizations.

“(3) For purposes of this subsection—

“(A) the term ‘trafficking’ means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purposes of placing or holding such person, whether for pay or not, in involuntary servitude, slavery or slavery-like conditions, or in forced, bonded, or coerced labor;

“(B) the term ‘victim of trafficking’ means any person subjected to the treatment described in subparagraph (A).”.

#### OPIC MARITIME FUND

SEC. 598. It is the sense of the Congress that the Overseas Private Investment Corporation shall within 1 year from the date of the enactment of this Act select a fund manager for the purpose of creating a maritime fund with total capitalization of up to \$200,000,000. This fund shall leverage United States commercial maritime expertise to support international maritime projects.

#### SANCTIONS AGAINST SERBIA

SEC. 599. (a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

(b) APPLICABLE SANCTIONS.—

(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

(2) The Secretary of State should instruct the United States Ambassador to the Organization for Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations' membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

(c) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosova;

(4) the Government of Serbia is implementing internal democratic reforms; and

(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosova have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosova.

(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the

House of Representatives the certification described in subsection (c).

(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosova.

(f) DEFINITION.—The term “international financial institution” includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.

#### CLEAN COAL TECHNOLOGY

SEC. 599A. (a) FINDINGS.—The Congress finds as follows:

(1) The United States is the world leader in the development of environmental technologies, particularly clean coal technology.

(2) Severe pollution problems affecting people in developing countries, and the serious health problems that result from such pollution, can be effectively addressed through the application of United States technology.

(3) During the next century, developing countries, particularly countries in Asia such as China and India, will dramatically increase their consumption of electricity, and low quality coal will be a major source of fuel for power generation.

(4) Without the use of modern clean coal technology, the resultant pollution will cause enormous health and environmental problems leading to diminished economic growth in developing countries and, thus, diminished United States exports to those growing markets.

(b) STATEMENT OF POLICY.—It is the policy of the United States to promote the export of United States clean coal technology. In furtherance of that policy, the Secretary of State, the Secretary of the Treasury (acting through the United States executive directors to international financial institutions), the Secretary of Energy, and the Administrator of the United States Agency for International Development (USAID) should, as appropriate, vigorously promote the use of United States clean coal technology in environmental and energy infrastructure programs, projects and activities. Programs, projects and activities for which the use of such technology should be considered include reconstruction assistance for the Balkans, activities carried out by the Global Environment Facility, and activities funded from USAID’s Development Credit Authority.

#### RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION

SEC. 599B. (a) Funds appropriated or otherwise made available by this Act for United States assistance for reconstruction efforts in the Federal Republic of Yugoslavia or any contiguous country should to the maximum extent practicable be used for the procurement of articles and services of United States origin.

(b) DEFINITIONS.—In this section:

(1) ARTICLE.—The term “article” means any agricultural commodity, steel, communications equipment, farm machinery or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term “Federal Republic of Yugoslavia” includes Serbia, Montenegro and Kosova.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 599C. (1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under “International Organizations and Programs”, not more than \$25,000,000 for fiscal year 2000 shall be available for the United Nations Population Fund (hereafter in this subsection referred to as the “UNFPA”).

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under “International Organizations and Programs” may be made available for the UNFPA for a country program in the People’s Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under “International Organizations and Programs” for fiscal year 2000 for the UNFPA may not be made available to UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO THE CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, 2000, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

AUTHORIZATION FOR POPULATION PLANNING

SEC. 599D. (a) AUTHORIZATION.—Not to exceed \$385,000,000 of the funds appropriated in title II of this Act may be available for population planning activities or other population assistance.

(b) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

(1) PERFORMANCE OF ABORTIONS.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds



are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of the Foreign Assistance Act of 1961, or any other provision of law, no funds appropriated by title II of this Act for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in activities or efforts to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions and certifications of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee.

(c) WAIVER AUTHORITY.—

(1) AUTHORITY.—The President may waive the restrictions contained in subsection (b) that require certifications from foreign private, nongovernmental, or multilateral organizations.

(2) REDUCTION OF ASSISTANCE.—In the event the President exercises the authority contained in paragraph (1) to waive either or both subsections (b)(1) and (b)(2), then—

(A) assistance authorized by subsection (a) and allocated for population planning activities or other population assistance shall be reduced by a total of \$12,500,000, and that amount shall be transferred from funds appropriated by this Act under the heading “Development Assistance” and consolidated and merged with funds appropriated by this Act under the heading “Child Survival and Disease Programs Fund”; and

(B) Notwithstanding any other provision of law, such transferred funds that would have been made available for population planning activities or other population assistance shall be made available for infant and child health programs that have a direct, measurable, and high impact on reducing the incidence of illness and death among children.

(3) LIMITATION.—The authority provided in paragraph (1) may be exercised to allow the provision of not more than \$15,000,000, in the aggregate, to all foreign private, nongovernmental, or multilateral organizations with respect to which such authority is exercised.

(4) ADDITIONAL REQUIREMENTS.—Upon exercising the authority provided in paragraph (1), the President shall report

in writing to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

OPIC AUTHORIZATION

SEC. 599E. Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)) is amended by striking “1999” and inserting “November 1, 2000”.

TITLE VI—INTERNATIONAL AFFAIRS SUPPLEMENTAL  
APPROPRIATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund” for assistance for Jordan and for the West Bank and Gaza, \$450,000,000, to remain available until September 30, 2002, of which \$100,000,000 of the funds made available for the West Bank and Gaza shall become available for obligation on September 30, 2000: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for “Foreign Military Financing Program”, \$1,375,000,000, to remain available until September 30, 2002, of which \$1,200,000,000 shall be for grants only for Israel, \$25,000,000 shall be for grants only for Egypt, and \$150,000,000 shall be for grants only for Jordan: *Provided*, That \$300,000,000 of the funds made available for Israel and \$100,000,000 of the funds made available for Jordan shall become available for obligation on September 30, 2000: *Provided further*, That funds appropriated under this heading shall be nonrepayable, notwithstanding section 23 of the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons

systems, of which not to exceed 26.3 percent shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount provided shall be available only to the extent that an official budget request that includes designation of the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That notwithstanding any other provision of this Act, not to exceed \$1,370,000,000 of the funds appropriated for Israel under this heading in title III shall be disbursed within 30 days of the enactment of this Act.

This Act may be cited as the “Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000”.



**APPENDIX C—H.R. 3423**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

**TITLE I—DEPARTMENT OF THE INTERIOR****BUREAU OF LAND MANAGEMENT****MANAGEMENT OF LANDS AND RESOURCES**

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), \$646,218,000, to remain available until expended, of which \$2,147,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed \$1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which \$2,500,000 shall be available in fiscal year 2000 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, \$33,529,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than \$646,218,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities, and of which \$2,500,000, to remain available until expended, is for coalbed methane Applications for Permits to Drill in the Powder River Basin: *Provided*, That unless there is a written agreement in place between the coal mining operator and a gas producer, the funds available herein shall not be used to process or approve coalbed methane Applications for Permits to Drill for well sites that are located within an area, which as

of the date of the coalbed methane Application for Permit to Drill, are covered by: (1) a coal lease; (2) a coal mining permit; or (3) an application for a coal mining lease: *Provided further*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

#### WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, emergency rehabilitation and hazardous fuels reduction by the Department of the Interior, \$292,282,000, to remain available until expended, of which not to exceed \$9,300,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That unobligated balances of amounts previously appropriated to the "Fire Protection" and "Emergency Department of the Interior Firefighting Fund" may be transferred and merged with this appropriation: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That not more than \$58,000 shall be available to the Bureau of Land Management to reimburse Trinity County for expenses incurred as part of the July 2, 1999 Lowden Fire.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,000,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: *Provided further*, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

#### CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$11,425,000, to remain available until expended.

PUBLIC LAW 106-113—APPENDIX C 113 STAT. 1501A-137

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-6907), \$135,000,000, of which not to exceed \$400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$15,500,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$99,225,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the general fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 103-66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.

315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

#### SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

#### MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in



connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

#### UNITED STATES FISH AND WILDLIFE SERVICE

##### RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, \$716,046,000, to remain available until September 30, 2001, except as otherwise provided herein, of which \$11,701,000 shall remain available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976, to compensate for loss of fishery resources from water development projects on the Lower Snake River, and of which not less than \$2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided*, That not less than \$1,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended: *Provided further*, That not to exceed \$6,232,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii): *Provided further*, That of the amount available for law enforcement, up to \$400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on his certificate: *Provided further*, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses: *Provided further*, That hereafter, all fines collected by the United States Fish and Wildlife Service for violations of the Marine Mammal Protection Act (16 U.S.C. 1362-1407) and implementing regulations shall be available to the Secretary, without further appropriation, to be used for the expenses of the United States Fish and Wildlife Service in administering activities for the protection and recovery of manatees, polar bears, sea otters, and walruses, and shall remain available until expended: *Provided further*, That, notwithstanding any other provision of law, in fiscal year 1999 and thereafter, sums provided by private entities for activities pursuant to reimbursable agreements shall be credited

to the “Resource Management” account and shall remain available until expended: *Provided further*, That, heretofore and hereafter, in carrying out work under reimbursable agreements with any State, local, or tribal government, the United States Fish and Wildlife Service may, without regard to 31 U.S.C. 1341 and notwithstanding any other provision of law or regulation, record obligations against accounts receivable from such entities, and shall credit amounts received from such entities to this appropriation, such credit to occur within 90 days of the date of the original request by the Service for payment: *Provided further*, That all funds received by the United States Fish and Wildlife Service from responsible parties, heretofore and hereafter, for site-specific damages to National Wildlife Refuge System lands resulting from the exercise of privately-owned oil and gas rights associated with such lands in the States of Louisiana and Texas (other than damages recoverable under the Comprehensive Environmental Response, Compensation and Liability Act (26 U.S.C. 4611 et seq.), the Oil Pollution Act (33 U.S.C. 1301 et seq.), or section 311 of the Clean Water Act (33 U.S.C. 1321 et seq.)), shall be available to the Secretary, without further appropriation and until expended to: (1) complete damage assessments of the impacted site by the Secretary; (2) mitigate or restore the damaged resources; and (3) monitor and study the recovery of such damaged resources.

#### CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$54,583,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, a single procurement for the construction of facilities at the Alaska Maritime National Wildlife Refuge may be issued which includes the full scope of the project: *Provided further*, That the solicitation and the contract shall contain the clauses “availability of funds” found at 48 CFR 52.232.18.

#### LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$50,513,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended, \$23,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$10,779,000.

PUBLIC LAW 106-113—APPENDIX C 113 STAT. 1501A-141

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101-233, as amended, \$15,000,000, to remain available until expended.

WILDLIFE CONSERVATION AND APPRECIATION FUND

For necessary expenses of the Wildlife Conservation and Appreciation Fund, \$800,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105-96; 16 U.S.C. 4261-4266), and the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), \$2,400,000, to remain available until expended: *Provided*, That funds made available under this Act, Public Law 105-277, and Public Law 105-83 for rhinoceros, tiger, and Asian elephant conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1).

COMMERCIAL SALMON FISHERY CAPACITY REDUCTION

For the Federal share of a capacity reduction program to repurchase Washington State Fraser River Sockeye commercial fishery licenses consistent with the implementation of the "June 30, 1999, Agreement of the United States and Canada on the Treaty Between the Government of the United States and the Government of Canada Concerning Pacific Salmon, 1985", \$5,000,000, to remain available until expended, and to be provided in the form of a grant directly to the State of Washington Department of Fish and Wildlife.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 70 passenger motor vehicles, of which 61 are for replacement only (including 36 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft

as replacements for existing aircraft: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105-56.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by 16 U.S.C. 1706, \$1,365,059,000, of which \$8,800,000 is for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended, and of which not to exceed \$8,000,000, to remain available until expended, is to be derived from the special fee account established pursuant to title V, section 5201 of Public Law 100-203.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$53,899,000, of which \$2,000,000 shall be available to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), and of which \$866,000 shall be available until expended for the Oklahoma City National Memorial Trust, notwithstanding 7(1) of Public Law 105-58: *Provided*, That notwithstanding any other provision of law, the National Park Service may hereafter recover all fees derived from providing necessary review services associated with historic preservation tax certification, and such funds shall be available until expended without further appropriation for the costs of such review services: *Provided further*, That no more than \$150,000 may be used for overhead and program administrative expenses for the heritage partnership program.

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$75,212,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2001, of which \$10,722,000 pursuant to section 507 of Public Law 104-333 shall remain available until expended: *Provided*, That of the total amount provided, \$30,000,000 shall be for Save America's Treasures for

priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: *Provided further*, That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: *Provided further*, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: *Provided further*, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

## CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$225,493,000, to remain available until expended, of which \$885,000 shall be for realignment of the Denali National Park entrance road, of which not less than \$3,000,000 shall be available for modifications to the Franklin Delano Roosevelt Memorial: *Provided*, That \$3,000,000 for the Wheeling National Heritage Area, \$3,000,000 for the Lincoln Library, and \$3,000,000 for the Southwest Pennsylvania Heritage Area shall be derived from the Historic Preservation Fund pursuant to 16 U.S.C. 470a: *Provided further*, That the National Park Service will make available 37 percent, not to exceed \$1,850,000, of the total cost of upgrading the Mariposa County, California municipal solid waste disposal system: *Provided further*, That Mariposa County will provide assurance that future use fees paid by the National Park Service will be reflective of the capital contribution made by the National Park Service.

## LAND AND WATER CONSERVATION FUND

## (RESCISSION)

The contract authority provided for fiscal year 2000 by 16 U.S.C. 4601-10a is rescinded.

## LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$120,700,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$21,000,000 is for the State assistance program including \$1,000,000 to administer the State assistance program, and of which \$10,000,000 may be for State grants for land acquisition in the State of Florida: *Provided*, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) submission

of detailed legislative language to the House and Senate Committees on Appropriations agreed to by the Secretary of the Interior, the Secretary of the Army and the Governor of Florida that would provide assurances for the guaranteed supply of water to the natural areas in southern Florida, including all National parks, Preserves, Wildlife Refuge lands, and other natural areas to ensure a restored ecosystem; and (2) submission of a complete prioritized non-Federal land acquisition project list: *Provided further*, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida the Secretary may provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed: *Provided further*, That funds provided under this heading to the State of Florida are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: *Provided further*, That of the amount provided herein \$2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: *Provided further*, That of the amount provided herein \$500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: *Provided further*, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 384 passenger motor vehicles, of which 298 shall be for replacement only, including not to exceed 312 for police-type use, 12 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

#### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; \$823,833,000, of which \$60,856,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which \$16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which \$2,000,000 shall remain available until expended for ongoing development of a mineral and geologic data base; and of which \$137,604,000 shall be available until September 30, 2001 for the biological research activity and the operation of the Cooperative Research Units: *Provided*, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

##### ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of

contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may hereafter contract directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purposes of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

#### MINERALS MANAGEMENT SERVICE

##### ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$110,682,000, of which \$84,569,000 shall be available for royalty management activities; and an amount not to exceed \$124,000,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent \$124,000,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$124,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That \$3,000,000 for computer acquisitions shall remain available until September 30, 2001: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That not to exceed \$198,000 shall be available to carry out the requirements of section 215(b)(2) of the Water Resources Development Act of 1999.

##### OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,118,000, which shall be derived



from the Oil Spill Liability Trust Fund, to remain available until expended.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; \$95,891,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2000 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

##### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, \$196,208,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to \$8,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be \$1,500,000 per State in fiscal year 2000: *Provided further*, That of the funds herein provided up to \$18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95-87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed \$11,000,000: *Provided further*, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That, in addition to the amount granted

to the Commonwealth of Pennsylvania under sections 402(g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional \$300,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: *Provided further*, That the State of Maryland may set aside the greater of \$1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$1,670,444,000, to remain available until September 30, 2001 except as otherwise provided herein, of which not to exceed \$93,684,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$120,229,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2000, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to \$5,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed \$401,010,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2000, and shall remain available until September 30, 2001; and of which not to exceed \$56,991,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed

\$42,160,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2001, may be transferred during fiscal year 2002 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2002.

#### CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$169,884,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2000, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to tribally controlled grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): *Provided further*, That notwithstanding any other provision of law, collections from the settlements between the United States and the Puyallup tribe concerning Chief Leschi school are made available for school construction in fiscal year 2000 and hereafter.

#### INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$27,256,000, to remain

available until expended; of which \$25,260,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101-618 and 102-575, and for implementation of other enacted water rights settlements; and of which \$1,871,000 shall be available pursuant to Public Laws 99-264, 100-383, 103-402 and 100-580.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, \$4,500,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$59,682,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, \$508,000.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section

1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro-rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"). Not later than June 15, 2000, the Secretary of the Interior shall evaluate the effectiveness of Bureau-funded schools sharing facilities with charter schools in the manner described in the preceding sentence and prepare and submit a report on the finding of that evaluation to the Committees on Appropriations of the Senate and of the House.

The Tate Topa Tribal School, the Black Mesa Community School, the Alamo Navajo School, and other Bureau-funded schools subject to the approval of the Secretary of the Interior, may use prior year school operations funds for the replacement or repair of Bureau of Indian Affairs education facilities which are in compliance with 25 U.S.C. 2005(a) and which shall be eligible for operation and maintenance support to the same extent as other Bureau of Indian Affairs education facilities: *Provided*, That any additional construction costs for replacement or repair of such facilities begun with prior year funds shall be completed exclusively with non-Federal funds.

#### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$70,171,000, of which: (1) \$66,076,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$4,095,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments,

may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That Public Law 94–241, as amended, is further amended: (1) in section 4(b) by striking “2002” and inserting “1999” and by striking the comma after “\$11,000,000 annually” and inserting the following: “and for fiscal year 2000, payments to the Commonwealth of the Northern Mariana Islands shall be \$5,580,000, but shall return to the level of \$11,000,000 annually for fiscal years 2001 and 2002. In fiscal year 2003, the payment to the Commonwealth of the Northern Mariana Islands shall be \$5,420,000. Such payments shall be”; and (2) in section (4)(c) by adding a new subsection as follows: “(4) for fiscal year 2000, \$5,420,000 shall be provided to the Virgin Islands for correctional facilities and other projects mandated by Federal law.”: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory’s commitment to timely maintenance of its capital assets): *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

#### COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, \$20,545,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$62,864,000, of which not to exceed \$8,500 may be for official reception and representation expenses and of which

up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$40,196,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$26,086,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$90,025,000, to remain available until expended: *Provided*, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs "Operation of Indian Programs" account and to the Departmental Management "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2000, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$1.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION PILOT

INDIAN LAND CONSOLIDATION

For implementation of a pilot program for consolidation of fractional interests in Indian lands by direct expenditure or cooperative agreement, \$5,000,000 to remain available until expended and which shall be transferred to the Bureau of Indian Affairs, of

which not to exceed \$500,000 shall be available for administrative expenses: *Provided*, That the Secretary may enter into a cooperative agreement, which shall not be subject to Public Law 93-638, as amended, with a tribe having jurisdiction over the pilot reservation to implement the program to acquire fractional interests on behalf of such tribe: *Provided further*, That the Secretary may develop a reservation-wide system for establishing the fair market value of various types of lands and improvements to govern the amounts offered for acquisition of fractional interests: *Provided further*, That acquisitions shall be limited to one or more pilot reservations as determined by the Secretary: *Provided further*, That funds shall be available for acquisition of fractional interest in trust or restricted lands with the consent of its owners and at fair market value, and the Secretary shall hold in trust for such tribe all interests acquired pursuant to this pilot program: *Provided further*, That all proceeds from any lease, resource sale contract, right-of-way or other transaction derived from the fractional interest shall be credited to this appropriation, and remain available until expended, until the purchase price paid by the Secretary under this appropriation has been recovered from such proceeds: *Provided further*, That once the purchase price has been recovered, all subsequent proceeds shall be managed by the Secretary for the benefit of the applicable tribe or paid directly to the tribe.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and Public Law 101-337, \$5,400,000, to remain available until expended.

##### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made



available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to “Wildland Fire Management” shall have been exhausted: *Provided further*, That all funds used pursuant to this section are hereby designated by Congress to be “emergency requirements” pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized

by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997-2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. (a) Employees of Helium Operations, Bureau of Land Management, entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Secretary of the Interior may pay, the total amount of the severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Helium Fund.

(b) Helium Operations employees who elect to continue health benefits after separation shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A). The Helium Fund shall pay for 18 months the remaining portion of required contributions.

(c) The Secretary of the Interior may provide for training to assist Helium Operations employees in the transition to other Federal or private sector jobs during the facility shut-down and disposition process and for up to 12 months following separation from Federal employment, including retraining and relocation incentives on the same terms and conditions as authorized for employees of the Department of Defense in section 348 of the National Defense Authorization Act for Fiscal Year 1995.

(d) For purposes of the annual leave restoration provisions of 5 U.S.C. 6304(d)(1)(B), the cessation of helium production and sales, and other related Helium Program activities shall be deemed to create an exigency of public business under, and annual leave that is lost during leave years 1997 through 2001 because of 5 U.S.C. 6304 (regardless of whether such leave was scheduled in advance) shall be restored to the employee and shall be credited and available in accordance with 5 U.S.C. 6304(d)(2). Annual leave so restored and remaining unused upon the transfer of a Helium Program employee to a position of the executive branch outside of the Helium Program shall be liquidated by payment to the employee of a lump sum from the Helium Fund for such leave.

(e) Benefits under this section shall be paid from the Helium Fund in accordance with section 4(c)(4) of the Helium Privatization Act of 1996. Funds may be made available to Helium Program employees who are or will be separated before October 1, 2002 because of the cessation of helium production and sales and other related activities. Retraining benefits, including retraining and relocation incentives, may be paid for retraining commencing on or before September 30, 2002.

(f) This section shall remain in effect through fiscal year 2002.

SEC. 113. Notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, hereafter funds available to the Department of the Interior for Indian self-determination or self-governance contract or grant support costs may be expended only for costs directly attributable to contracts, grants and compacts pursuant to the Indian Self-Determination Act of 1975 and hereafter funds appropriated in this title shall not be available for any contract support costs or indirect costs associated with any contract, grant, cooperative agreement, self-governance compact or funding agreement entered into between an Indian tribe or tribal organization and any entity other than an agency of the Department of the Interior.

SEC. 114. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a

unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 115. Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, the Secretary is authorized to permit persons, firms or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of title 40, United States Code) not currently occupying such space to use courtyards, auditoriums, meeting rooms, and other space of the main and south Interior building complex, Washington, D.C., the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and to assess reasonable charges therefore, subject to such procedures as the Secretary deems appropriate for such uses. Charges may be for the space, utilities, maintenance, repair, and other services. Charges for such space and services may be at rates equivalent to the prevailing commercial rate for comparable space and services devoted to a similar purpose in the vicinity of the main and south Interior building complex, Washington, D.C., for which charges are being assessed. The Secretary may without further appropriation hold, administer, and use such proceeds within the Departmental Management Working Capital Fund to offset the operation of the buildings under his jurisdiction, whether delegated or otherwise, and for related purposes, until expended.

SEC. 116. Notwithstanding any other provision of law, the Steel Industry American Heritage Area, authorized by Public Law 104-333, is hereby renamed the Rivers of Steel National Heritage Area.

SEC. 117. (a) In this section—

(1) the term “Huron Cemetery” means the lands that form the cemetery that is popularly known as the Huron Cemetery, located in Kansas City, Kansas, as described in subsection (b)(3); and

(2) the term “Secretary” means the Secretary of the Interior.

(b)(1) The Secretary shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery (as described in paragraph (3)) are used only in accordance with this subsection.

(2) The lands of the Huron Cemetery shall be used only—

(A) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and

(B) as a burial ground.

(3) The description of the lands of the Huron Cemetery is as follows:

The tract of land in the NW quarter of sec. 10, T. 11 S., R. 25 E., of the sixth principal meridian, in Wyandotte County, Kansas (as surveyed and marked on the ground on August 15, 1888, by William Millor, Civil Engineer and Surveyor), described as follows:

“Commencing on the Northwest corner of the Northwest Quarter of the Northwest Quarter of said Section 10;

“Thence South 28 poles to the ‘true point of beginning’;

“Thence South 71 degrees East 10 poles and 18 links;

“Thence South 18 degrees and 30 minutes West 28 poles;

“Thence West 11 and one-half poles;

“Thence North 19 degrees 15 minutes East 31 poles and 15 feet to the ‘true point of beginning’, containing 2 acres or more.”.

SEC. 118. Refunds or rebates received on an on-going basis from a credit card services provider under the Department of the Interior’s charge card programs may be deposited to and retained without fiscal year limitation in the Departmental Working Capital Fund established under 43 U.S.C. 1467 and used to fund management initiatives of general benefit to the Department of the Interior’s bureaus and offices as determined by the Secretary or his designee.

SEC. 119. Appropriations made in this title under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 120. All properties administered by the National Park Service at Fort Baker, Golden Gate National Recreation Area, and leases, concessions, permits and other agreements associated with those properties, hereafter shall be exempt from all taxes and special assessments, except sales tax, by the State of California and its political subdivisions, including the County of Marin and the City of Sausalito. Such areas of Fort Baker shall remain under exclusive Federal jurisdiction.

SEC. 121. Notwithstanding any provision of law, the Secretary of the Interior is authorized to negotiate and enter into agreements and leases, without regard to section 321 of chapter 314 of the Act of June 30, 1932 (40 U.S.C. 303b), with any person, firm, association, organization, corporation, or governmental entity for all or part of the property within Fort Baker administered by the Secretary as part of Golden Gate National Recreation Area. The proceeds of the agreements or leases shall be retained by the Secretary and such proceeds shall be available, without future appropriation, for the preservation, restoration, operation, maintenance and interpretation and related expenses incurred with respect to Fort Baker properties.

SEC. 122. Section 211(d) of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4110; 16 U.S.C. 81p) is amended by striking “depicted on the map dated August 1993, numbered 333/80031A,” and inserting “depicted on the map dated August 1996, numbered 333/80031B,”.

SEC. 123. A grazing permit or lease that expires (or is transferred) during fiscal year 2000 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of

such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 124. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the Secretary may only appoint such Indian probate judges if, by January 1, 2000, the Secretary is unable to secure the services of at least 10 qualified Administrative Law Judges on a temporary basis from other agencies and/or through appointing retired Administrative Law Judges: *Provided further*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 125. (a) LOAN TO BE GRANTED.—Notwithstanding any other provision of law or of this Act, the Secretary of the Interior (hereinafter the “Secretary”), in consultation with the Secretary of the Treasury, shall make available to the Government of American Samoa (hereinafter “ASG”), the benefits of a loan in the amount of \$18,600,000 bearing interest at a rate equal to the United States Treasury cost of borrowing for obligations of similar duration. Repayment of the loan shall be secured and accomplished pursuant to this section with funds, as they become due and payable to ASG from the Escrow Account established under the terms and conditions of the Tobacco Master Settlement Agreement (and the subsequent Enforcing Consent Decree) (hereinafter collectively referred to as “the Agreement”) entered into by the parties November 23, 1998, and judgment granted by the High Court of American Samoa on January 5, 1999 (Civil Action 119-98, American Samoa Government v. Philip Morris Tobacco Co., et. al.).

(b) CONDITIONS REGARDING LOAN PROCEEDS.—Except as provided under subsection (e), no proceeds of the loan described in this section shall become available until ASG—

(1) has enacted legislation, or has taken such other or additional official action as the Secretary may deem satisfactory to secure and ensure repayment of the loan, irrevocably transferring and assigning for payment to the Department of the Interior (or to the Department of the Treasury, upon agreement between the Secretaries of such departments) all amounts due and payable to ASG under the terms and conditions of the Agreement for a period of 26 years with the first payment beginning in 2000, such repayment to be further secured by a pledge of the full faith and credit of ASG;

(2) has entered into an agreement or memorandum of understanding described in subsection (c) with the Secretary identifying with specificity the manner in which approximately \$14,300,000 of the loan proceeds will be used to pay debts of ASG incurred prior to April 15, 1999; and

(3) has provided to the Secretary an initial plan of fiscal and managerial reform as described in subsection (d) designed to bring the ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond, and identifying the manner in which approximately \$4,300,000 of the loan proceeds will be utilized to facilitate implementation of the plan.

(c) PROCEDURE AND PRIORITIES FOR DEBT PAYMENTS.—

(1) In structuring the agreement or memorandum of understanding identified in subsection (b)(2), the ASG and the Secretary shall include provisions, which create priorities for the payment of creditors in the following order—

(A) debts incurred for services, supplies, facilities, equipment and materials directly connected with the provision of health, safety and welfare functions for the benefit of the general population of American Samoa (including, but not limited to, health care, fire and police protection, educational programs grades K-12, and utility services for facilities belonging to or utilized by ASG and its agencies), wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 75 percent of the amount owed, shall be given the highest priority for payment from the loan proceeds under this section;

(B) debts not exceeding a total amount of \$200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 70 percent of the amount owed, shall be given the second highest priority for payment from the loan proceeds under this section;

(C) debts exceeding a total amount of \$200,000 owed to a single provider and incurred for any legitimate governmental purpose for the benefit of the general population of American Samoa, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 65 percent of the amount owed, shall be given the third highest priority for payment from the loan proceeds under this section;

(D) other debts regardless of total amount owed or purpose for which incurred, wherein the creditor agrees to compromise and settle the existing debt for a payment not exceeding 60 percent of the amount owed, shall be given the fourth highest priority for payment from the loan proceeds under this section;

(E) debts described in subparagraphs (A), (B), (C), and (D) of this paragraph, wherein the creditor declines to compromise and settle the debt for the percentage of the amount owed as specified under the applicable subparagraph, shall be given the lowest priority for payment from the loan proceeds under this section.

(2) The agreement described in subsection (b)(2) shall also generally provide a framework whereby the Governor of American Samoa shall, from time-to-time, be required to give 10 business days notice to the Secretary that ASG will make payment in accordance with this section to specified creditors and the amount which will be paid to each of such creditors.

Upon issuance of payments in accordance with the notice, the Governor shall immediately confirm such payments to the Secretary, and the Secretary shall within three business days following receipt of such confirmation transfer from the loan proceeds an amount sufficient to reimburse ASG for the payments made to creditors.

(3) The agreement may contain such other provisions as are mutually agreeable, and which are calculated to simplify and expedite the payment of existing debt under this section and ensure the greatest level of compromise and settlement with creditors in order to maximize the retirement of ASG debt.

(d) FISCAL AND MANAGERIAL REFORM PROGRAM.—

(1) The initial plan of fiscal and managerial reform, designed to bring ASG's annual operating expenses into balance with projected revenues for the years 2003 and beyond as required under subsection (b)(3), should identify specific measures which will be implemented by ASG to accomplish such goal, the anticipated reduction in government operating expense which will be achieved by each measure, and should include a timetable for attainment of each reform measure identified therein.

(2) The initial plan should also identify with specificity the manner in which approximately \$4,300,000 of the loan proceeds will be utilized to assist in meeting the reform plan's targets within the timetable specified through the use of incentives for early retirement, severance pay packages, outsourcing services, or any other expenditures for program elements reasonably calculated to result in reduced future operating expenses for ASG on a long term basis.

(3) Upon receipt of the initial plan, the Secretary shall consult with the Governor of American Samoa, and shall make any recommendations deemed reasonable and prudent to ensure the goals of reform are achieved. The reform plan shall contain objective criteria that can be documented by a competent third party, mutually agreeable to the Governor and the Secretary. The plan shall include specific targets for reducing the amounts of ASG local revenues expended on government payroll and overhead (including contracts for consulting services), and may include provisions which allow modest increases in support of the LBJ Hospital Authority reasonably calculated to assist the Authority implement reforms which will lead to an independent audit indicating annual expenditures at or below annual Authority receipts.

(4) The Secretary shall enter into an agreement with the Governor similar to that specified in subsection (c)(2) of this section, enabling ASG to make payments as contemplated in the reform plan and then to receive reimbursement from the Secretary out of the portion of loan proceeds allocated for the implementation of fiscal reforms.

(5) Within 60 days following receipt of the initial plan, the Secretary shall approve an interim final plan reasonably calculated to make substantial progress toward overall reform. The Secretary shall provide copies of the plan, and any subsequent modifications, to the House Committee on Resources, the House Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies, the Senate



Committee on Energy and Natural Resources, and the Senate Committee on Appropriations Subcommittee on the Department of the Interior and Related Agencies.

(6) From time-to-time as deemed necessary, the Secretary shall consult further with the Governor of American Samoa, and shall approve such mutually agreeable modifications to the interim final plan as circumstances warrant in order to achieve the overall goals of ASG fiscal and managerial reforms.

(e) RELEASE OF LOAN PROCEEDS.—From the total proceeds of the loan described in this section, the Secretary shall make available—

(1) upon compliance by ASG with paragraphs (b)(1) and (b)(2) of this section and in accordance with subsection (c), approximately \$14,300,000 in reimbursements as requested from time-to-time by the Governor for payments to creditors;

(2) upon compliance by ASG with paragraphs (b)(1) and (b)(3) of this section and in accordance with subsection (d), approximately \$4,300,000 in reimbursements as requested from time-to-time by the Governor for payments associated with implementation of the interim final reform plan; and

(3) notwithstanding paragraphs (1) and (2) of this subsection, at any time the Secretary and the Governor mutually determine that the amount necessary to fund payments under paragraph (2) will total less than \$4,300,000 then the Secretary may approve the amount of any unused portion of such sum for additional payments against ASG debt under paragraph (1).

(f) EXCEPTION.— Proceeds from the loan under this section shall be used solely for the purposes of debt payments and reform plan implementation as specified herein, except that the Secretary may provide an amount equal to not more than 2 percent of the total loan proceeds for the purpose of retaining the services of an individual or business entity to provide direct assistance and management expertise in carrying out the purposes of this section. Such individual or business entity shall be mutually agreeable to the Governor and the Secretary, may not be a current or former employee of, or contractor for, and may not be a creditor of ASG. Notwithstanding the preceding two sentences, the Governor and the Secretary may agree to also retain the services of any semi-autonomous agency of ASG which has established a record of sound management and fiscal responsibility, as evidenced by audited financial reports for at least three of the past 5 years, to coordinate with and assist any individual or entity retained under this subsection.

(g) CONSTRUCTION.—The provisions of this section are expressly applicable only to the utilization of proceeds from the loan described in this section, and nothing herein shall be construed to relieve ASG from any lawful debt or obligation except to the extent a creditor shall voluntarily enter into an arms length agreement to compromise and settle outstanding amounts under subsection (c).

(h) TERMINATION.—The payment of debt and the payments associated with implementation of the interim final reform plan shall be completed not later than October 1, 2003. On such date, any unused loan proceeds totaling \$1,000,000 or less shall be transferred by the Secretary directly to ASG. If the amount of unused

loan proceeds exceeds \$1,000,000, then such amount shall be credited to the total of loan repayments specified in paragraph (b)(1). With approval of the Secretary, ASG may designate additional payments from time-to-time from funds available from any source, without regard to the original purpose of such funds.

SEC. 126. The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service and in consultation with the Director of the National Park Service, shall undertake the necessary activities to designate Midway Atoll as a National Memorial to the Battle of Midway. In pursuing such a designation the Secretary shall consult with organizations with an interest in Midway Atoll. The Secretary shall consult on a regular basis with such organizations, including the International Midway Memorial Foundation, Inc. on the management of the National Memorial.

SEC. 127. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2000. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 128. None of the Funds provided in this Act shall be available to the Bureau of Indian Affairs or the Department of the Interior to transfer land into trust status for the Shoalwater Bay Indian Tribe in Clark County, Washington, unless and until the tribe and the county reach a legally enforceable agreement that addresses the financial impact of new development on the county, school district, fire district, and other local governments and the impact on zoning and development.

SEC. 129. None of the funds provided in this Act may be used by the Department of the Interior to implement the provisions of Principle 3(C)ii and Appendix section 3(B)(4) in Secretarial Order 3206, entitled “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act”.

SEC. 130. Of the funds appropriated in title V of the Fiscal Year 1998 Interior and Related Agencies Appropriation Act, Public Law 105-83, the Secretary shall provide up to \$2,000,000 in the form of a grant to the Fairbanks North Star Borough for acquisition of undeveloped parcels along the banks of the Chena River for the purpose of establishing an urban greenbelt within the Borough. The Secretary shall further provide from the funds appropriated in title V up to \$1,000,000 in the form of a grant to the Municipality of Anchorage for the acquisition of approximately 34 acres of wetlands adjacent to a municipal park in Anchorage (the Jewel Lake Wetlands).

SEC. 131. FUNDING FOR THE OTTAWA NATIONAL WILDLIFE REFUGE AND CERTAIN PROJECTS IN THE STATE OF OHIO. Notwithstanding any other provision of law, from the unobligated balances appropriated for a grant to the State of Ohio for the acquisition of the Howard Farm near Metzger Marsh, Ohio—

(1) \$500,000 shall be derived by transfer and made available for the acquisition of land in the Ottawa National Wildlife Refuge;

(2) \$302,000 shall be derived by transfer and made available for the Dayton Aviation Heritage Commission, Ohio; and

(3) \$198,000 shall be derived by transfer and made available for a grant to the State of Ohio for the preservation and restoration of the birthplace, boyhood home, and schoolhouse of Ulysses S. Grant.

SEC. 132. CONVEYANCE TO NYE COUNTY, NEVADA. (a) DEFINITIONS.—In this section:

(1) COUNTY.—The term “County” means Nye County, Nevada.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(b) PARCELS CONVEYED FOR USE OF THE NEVADA SCIENCE AND TECHNOLOGY CENTER.—

(1) IN GENERAL.—The Secretary shall convey to the County, subject to the requirements of 43 U.S.C. 869 and subject to valid existing rights, all right, title, and interest in and to the parcels of public land described in paragraph (2). Such conveyance shall be made at a price determined to be appropriate for the conveyance of land for educational facilities under the Act of June 14, 1926 (43 U.S.C. 869 et seq.) and in accordance with the Bureau of Land Management Document entitled “Recreation and Public Purposes Act”, dated October 1994, under the category of Special Pricing Program Uses for Governmental Entities.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following:

(A) The portion of Sec. 13 north of United States Route 95, T. 15 S., R. 49 E., Mount Diablo Meridian, Nevada.

(B) In Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(i)  $W \frac{1}{2} W \frac{1}{2} NW \frac{1}{4}$ .

(ii) The portion of the  $W \frac{1}{2} W \frac{1}{2} SW \frac{1}{4}$  north of United States Route 95.

(3) USE.—

(A) IN GENERAL.—The parcels described in paragraph (2) shall be used for the construction and operation of the Nevada Science and Technology Center as a nonprofit museum and exposition center, and related facilities and activities.

(B) REVERSION.—The conveyance of any parcel described in paragraph (2) shall be subject to reversion to the United States, at the discretion of Secretary, if the parcel is used for a purpose other than that specified in subparagraph (A).

(c) PARCELS CONVEYED FOR OTHER USE FOR A COMMERCIAL PURPOSE.—

(1) RIGHT TO PURCHASE.—For a period of 5 years beginning on the date of the enactment of this Act, the County shall have the exclusive right to purchase the parcels of public land described in paragraph (2) for the fair market value of the parcels, as determined by the Secretary.

(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are the following parcels in Sec. 18, T. 15 S., R. 50 E., Mount Diablo Meridian, Nevada:

(A)  $E \frac{1}{2} NW \frac{1}{4}$ .

(B) E  $\frac{1}{2}$  W  $\frac{1}{2}$  NW  $\frac{1}{4}$ .

(C) The portion of the E  $\frac{1}{2}$  SW  $\frac{1}{4}$  north of United States Route 95.

(D) The portion of the E  $\frac{1}{2}$  W  $\frac{1}{2}$  SW  $\frac{1}{4}$  north of United States Route 95.

(E) The portion of the SE  $\frac{1}{4}$  north of United States Route 95.

(3) USE OF PROCEEDS.—Proceeds of a sale of a parcel described in paragraph (2)—

(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

(B) shall be available for use by the Secretary—

(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

SEC. 133. CONVEYANCE OF LAND TO CITY OF MESQUITE, NEVADA.  
Section 3 of Public Law 99-548 (100 Stat. 3061; 110 Stat. 3009-202) is amended by adding at the end the following:

“(e) FIFTH AREA.—

“(1) RIGHT TO PURCHASE.—

“(A) IN GENERAL.—For a period of 12 years after the date of the enactment of this Act, the City of Mesquite, Nevada, subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, shall have the exclusive right to purchase the parcels of public land described in paragraph (2).

“(B) APPLICABILITY.—Subparagraph (A) shall apply to a parcel of land described in paragraph (2) that has not been identified for disposal in the 1998 Bureau of Land Management Las Vegas Resource Management Plan only if the conveyance is made under subsection (f).

“(2) LAND DESCRIPTION.—The parcels of public land referred to in paragraph (1) are as follows:

“(A) In T. 13 S., R. 70 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 27 north of Interstate Route 15.

“(ii) Sec. 28: NE  $\frac{1}{4}$ , S  $\frac{1}{2}$  (except the Interstate Route 15 right-of-way).

“(iii) Sec. 29: E  $\frac{1}{2}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

“(iv) The portion of sec. 30 south of Interstate Route 15.

“(v) The portion of sec. 31 south of Interstate Route 15.

“(vi) Sec. 32: NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  (except the Interstate Route 15 right-of-way), the portion of NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  south of Interstate Route 15, and the portion of W  $\frac{1}{2}$  south of Interstate Route 15.

“(vii) The portion of sec. 33 north of Interstate Route 15.

“(B) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 25 south of Interstate Route 15.

“(ii) The portion of sec. 26 south of Interstate Route 15.

“(iii) The portion of sec. 27 south of Interstate Route 15.

“(iv) Sec. 28: SW  $\frac{1}{4}$  SE  $\frac{1}{4}$ .

“(v) Sec. 33: E  $\frac{1}{2}$ .

“(vi) Sec. 34.

“(vii) Sec. 35.

“(viii) Sec. 36.

“(3) NOTIFICATION.—Not later than 10 years after the date of the enactment of this subsection, the city shall notify the Secretary which of the parcels of public land described in paragraph (2) the city intends to purchase.

“(4) CONVEYANCE.—Not later than 1 year after receiving notification from the city under paragraph (3), the Secretary shall convey to the city the land selected for purchase.

“(5) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

“(6) USE OF PROCEEDS.—The proceeds of the sale of each parcel—

“(A) shall be deposited in the special account established under section 4(e)(1)(C) of the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2345); and

“(B) shall be available for use by the Secretary—

“(i) to reimburse costs incurred by the local offices of the Bureau of Land Management in arranging the land conveyances directed by this Act; and

“(ii) as provided in section 4(e)(3) of that Act (112 Stat. 2346).

“(f) SIXTH AREA.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall convey to the City of Mesquite, Nevada, in accordance with section 47125 of title 49, United States Code, and subject to all appropriate environmental reviews, including compliance with the National Environmental Policy Act and the Endangered Species Act, up to 2,560 acres of public land to be selected by the city from among the parcels of land described in paragraph (2).

“(2) LAND DESCRIPTION.—The parcels of land referred to in paragraph (1) are as follows:

“(A) In T. 13 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) The portion of sec. 28 south of Interstate Route 15 (except S  $\frac{1}{2}$  SE  $\frac{1}{4}$ ).

“(ii) The portion of sec. 29 south of Interstate Route 15.

“(iii) The portion of sec. 30 south of Interstate Route 15.

“(iv) The portion of sec. 31 south of Interstate Route 15.

“(v) Sec. 32.

“(vi) Sec. 33: W  $\frac{1}{2}$ .

“(B) In T. 14 S., R. 69 E., Mount Diablo Meridian, Nevada:

“(i) Sec. 4.

“(ii) Sec. 5.

“(iii) Sec. 6.

“(iv) Sec. 8.

“(C) In T. 14 S., R. 68 E., Mount Diablo Meridian, Nevada:

“(i) Sec. 1.

“(ii) Sec. 12.

“(3) WITHDRAWAL.—Subject to valid existing rights, until the date that is 12 years after the date of the enactment of this subsection, the parcels of public land described in paragraph (2) are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws.

“(4) If the land conveyed pursuant to this section is not utilized by the city as an airport, it shall revert to the United States, at the option of the Secretary.

“(5) Nothing in this section shall preclude the Secretary from applying appropriate terms and conditions as identified by the required environmental review to any conveyance made under this section.”.

SEC. 134. QUADRICENTENNIAL COMMEMORATION OF THE SAINT CROIX ISLAND INTERNATIONAL HISTORIC SITE. (a) FINDINGS.—The Senate finds that—

(1) in 1604, one of the first European colonization efforts was attempted at St. Croix Island in Calais, Maine;

(2) St. Croix Island settlement predated both the Jamestown and Plymouth colonies;

(3) St. Croix Island offers a rare opportunity to preserve and interpret early interactions between European explorers and colonists and Native Americans;

(4) St. Croix Island is one of only two international historic sites comprised of land administered by the National Park Service;

(5) the quadricentennial commemorative celebration honoring the importance of the St. Croix Island settlement to the countries and people of both Canada and the United States is rapidly approaching;

(6) the 1998 National Park Service management plans and long-range interpretive plan call for enhancing visitor facilities at both Red Beach and downtown Calais;

(7) in 1982, the Department of the Interior and Canadian Department of the Environment signed a memorandum of understanding to recognize the international significance of St. Croix Island and, in an amendment memorandum, agreed to conduct joint strategic planning for the international commemoration with a special focus on the 400th anniversary of settlement in 2004;

(8) the Department of Canadian Heritage has installed extensive interpretive sites on the Canadian side of the border; and

(9) current facilities at Red Beach and Calais are extremely limited or nonexistent for a site of this historic and cultural importance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) using funds made available by this Act, the National Park Service should expeditiously pursue planning for exhibits at Red Beach and the town of Calais, Maine; and

(2) the National Park Service should take what steps are necessary, including consulting with the people of Calais, to ensure that appropriate exhibits at Red Beach and the town of Calais are completed by 2004.

SEC. 135. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 136. None of the funds appropriated or otherwise made available in this Act or any other provision of law, may be used by any officer, employee, department or agency of the United States to impose or require payment of an inspection fee in connection with the export of shipments of fur-bearing wildlife containing 1,000 or fewer raw, crusted, salted or tanned hides or fur skins, or separate parts thereof, including species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora done at Washington, March 3, 1973 (27 UST 1027): *Provided*, That this provision shall for the duration of the calendar year in which the shipment occurs, not apply to any person who ships more than 2,500 of such hides, fur skins or parts thereof during the course of such year.

SEC. 137. (a) The Secretary of the Interior shall during fiscal year 2000 reorganize and consolidate the Bureau of Indian Affairs' management and administrative functions based on the recommendations of the National Academy of Public Administration.

(b) Bureau of Indian Affairs employees in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations, who voluntarily resign or retire from the Bureau of Indian Affairs on or before December 31, 1999, may receive, from the Bureau of Indian Affairs, a lump sum voluntary separation incentive payment that shall be equal to the lesser of an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or \$25,000.

(1) The voluntary separation incentive payment—

(A) shall not be a basis for payment, and shall not be included in the computation of any other type of Government benefit; and

(B) shall be paid from appropriations or funds available for the payment of the basic pay of the employee.

(2) Employees receiving a voluntary separation incentive payment and accepting employment with the Federal Government within 5 years of the date of separation shall be required to repay the entire amount of the incentive payment to the Bureau of Indian Affairs.

(3) The Secretary may, at the request of the head of an executive branch agency, waive the repayment under paragraph (2) if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(4) In addition to any other payment which is required to be made under subchapter III of chapter 83 of title 5, United States Code, the Bureau of Indian Affairs shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Bureau of Indian Affairs to whom a voluntary separation incentive payment has been or is to be paid under the provisions of this section.

(c) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who are entitled to severance pay under 5 U.S.C. 5595, may apply for, and the Bureau of Indian Affairs may pay, the total amount of severance pay to the employee in a lump sum. Employees paid severance pay in a lump sum and subsequently reemployed by the Federal Government shall be subject to the repayment provisions of 5 U.S.C. 5595(i)(2) and (3), except that any repayment shall be made to the Bureau of Indian Affairs.

(d) Employees of the Bureau of Indian Affairs, in Central Office West divisions that are moved due to the implementation of the National Academy of Public Administration recommendations and who voluntarily resign on or before December 31, 1999, or who are separated, shall be liable for not more than the required employee contribution under 5 U.S.C. 8905a(d)(1)(A) if they elect to continue health benefits after separation. The Bureau of Indian Affairs shall pay for 12 months the remaining portion of required contributions.

SEC. 138. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands from the Haines Borough, Alaska, consisting of approximately 20 acres, more or less, in four tracts identified for this purpose by the Borough, and contained in an area formerly known as “Duncan’s Camp”; the Secretary shall use \$340,000 previously allocated from funds appropriated for the Department of the Interior for fiscal year 1998 for acquisition of lands; the Secretary is authorized to convey in fee all land and interests in land acquired pursuant to this section without compensation to the heirs of Peter Duncan in settlement of a claim filed by them against the United States: *Provided*, That the Secretary shall not convey the lands acquired pursuant to this section unless and until a signed release of all claims is executed.

SEC. 139. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2000 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 140. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further



appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 141. None of the funds made available by this Act shall be used to issue a notice of final rulemaking with respect to the valuation of crude oil for royalty purposes until March 15, 2000. The rulemaking must be consistent with existing statutory requirements.

SEC. 142. EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF THOMAS PAINE MEMORIAL. (a) IN GENERAL.—Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by adding at the end the following:

**“SEC. 4. EXPIRATION OF AUTHORITY.**

“Notwithstanding the time period limitation specified in section 10(b) of the Commemorative Works Act (40 U.S.C. 1010(b)) or any other provision of law, the authority for the Thomas Paine National Historical Association to establish a memorial to Thomas Paine in the District of Columbia under this Act shall expire on December 31, 2003.”.

(b) CONFORMING AMENDMENTS.—

(1) APPLICABLE LAW.—Section 1(b) of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended by striking “The establishment” and inserting “Except as provided in section 4, the establishment”.

(2) EXPIRATION OF AUTHORITY.—Section 3 of Public Law 102–407 (40 U.S.C. 1003 note; 106 Stat. 1991) is amended—

(A) by striking “or upon expiration of the authority for the memorial under section 10(b) of that Act,” and inserting “or on expiration of the authority for the memorial under section 4,”; and

(B) by striking “section 8(b)(1) of that Act” and inserting “section 8(b)(1) of the Commemorative Works Act (40 U.S.C. 1008(b)(1))”.

SEC. 143. USE OF NATIONAL PARK SERVICE TRANSPORTATION SERVICE CONTRACT FEES. Section 412 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5961) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Notwithstanding”; and

(2) by adding at the end the following:

“(b) OBLIGATION OF FUNDS.—Notwithstanding any other provision of law, with respect to a service contract for the provision solely of transportation services at Zion National Park, the Secretary may obligate the expenditure of fees received in fiscal year 2000 under section 501 before the fees are received.”.

SEC. 144. EXTENSION OF DEADLINE FOR RED ROCK CANYON NATIONAL CONSERVATION AREA. (a) IN GENERAL.—Section 3(c)(1) of Public Law 103–450 (108 Stat. 4767) is amended by striking “the date 5 years after the date of enactment of this Act” and inserting “May 2, 2000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on November 1, 1999.

SEC. 145. NATIONAL PARK PASSPORT PROGRAM. Section 603(c)(1) of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5993(c)(1)) is amended by striking “10” and inserting “15”.

TITLE II—RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$202,700,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities, \$202,534,000, to remain available until expended, as authorized by law.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the headings “Forest and Rangeland Research”, “State and Private Forestry”, “National Forest System”, “Wildland Fire Management”, “Reconstruction and Maintenance”, and “Land Acquisition”, \$1,269,504,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2000 shall be displayed by extended budget line item in the fiscal year 2001 budget justification.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, \$561,354,000, to remain available until expended: *Provided*, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 1999 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further*, That notwithstanding any other provision of law, up to \$4,000,000 of funds appropriated under this appropriation may be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest Service and Rangeland

Research appropriation, are also available in the utilization of these funds for Fire Science Research.

For an additional amount to cover necessary expenses for emergency rehabilitation, presuppression due to emergencies, and wild-fire suppression activities of the Forest Service, \$90,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

#### RECONSTRUCTION AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$398,927,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That any unobligated balances of amounts previously appropriated to the Forest Service "Reconstruction and Construction" account as well as any unobligated balances remaining in the "National Forest System" account for the facility maintenance and trail maintenance extended budget line items at the end of fiscal year 1999 may be transferred to and merged with the "Reconstruction and Maintenance" account.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$79,575,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which not to exceed \$40,000,000 may be available for the acquisition of lands or interests within the tract known as the Baca Location No. 1 in New Mexico only upon: (1) the enactment of legislation authorizing the acquisition of lands, or interests in lands, within such tract; (2) completion of a review, not to exceed 90 days, by the Comptroller General of the United States of an appraisal conforming with the Uniform Appraisal Standards for Federal Land Acquisition of all lands and interests therein to be acquired by the United States; and (3) submission of the Comptroller General's review of such appraisal to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate,

and the Committees on Appropriations of the House and Senate: *Provided*, That subject to valid existing rights, all federally-owned lands and interests in lands within the New World Mining District comprising approximately 26,223 acres, more or less, which are described in a Federal Register notice dated August 19, 1997 (62 Fed. Reg. 44136-44137), are hereby withdrawn from all forms of entry, appropriation, and disposal under the public land laws, and from location, entry and patent under the mining laws, and from disposition under all mineral and geothermal leasing laws.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,069,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 110 passenger motor vehicles of which 15 will be used primarily for law enforcement purposes and of which 109 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed three for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 213 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C.

2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105-163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105-163.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even-aged management in hardwood stands in the Shawnee National Forest, Illinois.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, up to \$2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than \$400,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101-593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701-3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the “National Forest System” and “Reconstruction and Construction” accounts and planned to be allocated to activities under the “Jobs in the Woods” program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: *Provided*, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: *Provided further*, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101-612).

For purposes of the Southeast Alaska Economic Disaster Fund as set forth in section 101(c) of Public Law 104-134, the direct grants provided from the Fund shall be considered direct payments for purposes of all applicable law except that these direct grants may not be used for lobbying activities: *Provided*, That a total of \$22,000,000 is hereby appropriated and shall be deposited into the Southeast Alaska Economic Disaster Fund established pursuant to Public Law 104-134, as amended, without further appropriation or fiscal year limitation of which \$10,000,000 shall be distributed in fiscal year 2000, \$7,000,000 shall be distributed in fiscal year 2001, and \$5,000,000 shall be distributed in fiscal year 2002. The Secretary of Agriculture shall allocate the funds to local communities suffering economic hardship because of mill closures and economic dislocation in the timber industry to employ unemployed timber workers and for related community redevelopment projects as follows:

(1) in fiscal year 2000, \$4,000,000 for the Ketchikan Gateway Borough, \$2,000,000 for the City of Petersburg, \$2,000,000 for the City and Borough of Sitka, and \$2,000,000 for the Metlakatla Indian Community;

(2) in fiscal year 2001, \$3,000,000 for the Ketchikan Gateway Borough, \$1,000,000 for the City of Petersburg, \$1,500,000 for the City and Borough of Sitka, and \$1,500,000 for the Metlakatla Indian Community; and

(3) in fiscal year 2002, \$3,000,000 for the Ketchikan Gateway Borough, \$500,000 for the City and Borough of Sitka, and \$1,500,000 for the Metlakatla Indian Community.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

The Forest Service shall fund overhead, national commitments, indirect expenses, and any other category for use of funds which are expended at any units, that are not directly related to the accomplishment of specific work on-the-ground (referred to as "indirect expenditures"), from funds available to the Forest Service, unless otherwise prohibited by law: *Provided*, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105-277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: *Provided further*, That during fiscal year 2000 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Cooperative Work-Other, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed \$500,000.

From any unobligated balances available at the start of fiscal year 2000, the amount of \$5,000,000 shall be allocated to the Alaska Region, in addition to the funds appropriated to sell timber in the Alaska Region under this Act, for expenses directly related to preparing sufficient additional timber for sale in the Alaska Region to establish a 3-year timber supply.

The Forest Service is authorized through the Forest Service existing budget to reimburse Harry Frey, \$143,406 (1997 dollars) because his home was destroyed by arson on June 21, 1990 in retaliation for his work with the Forest Service.

## DEPARTMENT OF ENERGY

### CLEAN COAL TECHNOLOGY

#### (DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$156,000,000 shall not be available until October



PUBLIC LAW 106–113—APPENDIX C 113 STAT. 1501A–179

1, 2000: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), performed under the minerals and materials science programs at the Albany Research Center in Oregon, \$419,025,000, to remain available until expended, of which \$24,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Moneys received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1999, shall be deposited in this account and immediately transferred to the general fund of the Treasury. Moneys received as revenue sharing from operation of the Great Plains Gasification Plant and settlement payments shall be immediately transferred to the general fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 2000: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the second installment payment under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, \$36,000,000, to become available on October 1, 2000, for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

## ENERGY CONSERVATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out energy conservation activities, \$745,242,000, to remain available until expended, of which \$25,000,000 shall be derived by transfer from unobligated balances in the Biomass Energy Development account: *Provided*, That \$168,500,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509, such sums shall be allocated to the eligible programs as follows: \$135,000,000 for weatherization assistance grants and \$33,500,000 for State energy conservation grants: *Provided further*, That, notwithstanding any other provision of law, in fiscal year 2001 and thereafter sums appropriated for weatherization assistance grants shall be contingent on a cost share of 25 percent by each participating State or other qualified participant.

## ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$2,000,000, to remain available until expended.

## STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$159,000,000, to remain available until expended: *Provided*, That the Secretary of Energy hereafter may transfer to the SPR Petroleum Account such funds as may be necessary to carry out drawdown and sale operations of the Strategic Petroleum Reserve initiated under section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) from any funds available to the Department of Energy under this or any other Act: *Provided further*, That all funds transferred pursuant to this authority must be replenished as promptly as possible from oil sale receipts pursuant to the drawdown and sale.

## ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$72,644,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized

price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

The Secretary of Energy in cooperation with the Administrator of General Services Administration shall convey to the City of Bartlesville, Oklahoma, for no consideration, the approximately 15.644 acres of land comprising the former site of the National Institute of Petroleum Energy Research (including all improvements on the land) described as follows: All of Block 1, Keeler's Second Addition, all of Block 2, Keeler's Fourth Addition, all of Blocks 9 and 10, Mountain View Addition, all in the City of Bartlesville, Washington County, Oklahoma.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$2,078,967,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian

Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$395,290,000 for contract medical care shall remain available for obligation until September 30, 2001: *Provided further*, That of the funds provided, up to \$17,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2001: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$228,781,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2000, of which not to exceed \$10,000,000 may be used for such costs associated with new and expanded contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$318,580,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health

facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That notwithstanding any provision of law governing Federal construction, \$3,000,000 of the funds provided herein shall be provided to the Hopi Tribe to reduce the debt incurred by the Tribe in providing staff quarters to meet the housing needs associated with the new Hopi Health Center: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed \$500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: *Provided further*, That from within existing funds, the Indian Health Service may purchase up to 5 acres of land for expanding the parking facilities at the Indian Health Service hospital in Tahlequah, Oklahoma.

#### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act) and Public Law 93-638, as amended: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or

tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended: *Provided further*, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

#### OTHER RELATED AGENCIES

##### OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected

a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND  
ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$2,125,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, \$372,901,000, of which not to exceed \$43,318,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and of which \$2,500,000 shall remain available until expended for the National Museum of Natural History's Arctic Studies Center to include assistance to other museums for the planning and development of institutions and facilities that enhance the display of collections, and including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: *Provided further*, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: *Provided further*, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: *Provided further*, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

## REPAIR, REHABILITATION AND ALTERATION OF FACILITIES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of repair, rehabilitation and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$47,900,000, to remain available until expended, of which \$6,000,000 is provided for repair, rehabilitation and alteration of facilities at the National Zoological Park: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or rehabilitation of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That funds previously appropriated to the "Construction and Improvements, National Zoological Park" account and the "Repair and Restoration of Buildings" account may be transferred to and merged with this "Repair, Rehabilitation and Alteration of Facilities" account.

## CONSTRUCTION

For necessary expenses for construction, \$19,000,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

The Smithsonian Institution shall not use Federal funds in excess of the amount specified in Public Law 101-185 for the construction of the National Museum of the American Indian.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

## NATIONAL GALLERY OF ART

## SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration,



improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$61,538,000, of which not to exceed \$3,026,000 for the special exhibition program shall remain available until expended.

#### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$6,311,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$14,000,000.

##### CONSTRUCTION

For necessary expenses for capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$20,000,000, to remain available until expended.

#### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$6,790,000.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$85,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$13,000,000, to remain available until expended, to the National Endowment for the Arts: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## NATIONAL ENDOWMENT FOR THE HUMANITIES

## GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$101,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

## MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$14,700,000, to remain available until expended, of which \$10,700,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

## INSTITUTE OF MUSEUM AND LIBRARY SERVICES

## OFFICE OF MUSEUM SERVICES

## GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, \$24,400,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds

PUBLIC LAW 106–113—APPENDIX C 113 STAT. 1501A–189

from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,005,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), \$3,000,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, \$6,312,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for level IV of the Executive Schedule.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388 (36 U.S.C. 1401), as amended, \$33,286,000, of which \$1,575,000 for the museum's repair and rehabilitation program and \$1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$24,400,000 shall be available to the Presidio Trust, to remain available until expended, of which up to \$1,040,000 may be for the cost of guaranteed loans, as authorized by section 104(d) of the Act: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of

1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed \$200,000,000. The Trust is authorized to issue obligations to the Secretary of the Treasury pursuant to section 104(d)(3) of the Act, in an amount not to exceed \$20,000,000.

### TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the “Buy American Act”).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act,

the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(d) EFFECTIVE DATE.—The provisions of this section are applicable in fiscal year 2000 and thereafter.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1999.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 311. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 312. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2000, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 313. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, and 105-277 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 1999 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 314. Notwithstanding any other provision of law, for fiscal year 2000 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the “Jobs in the Woods” component of the President’s Forest Plan for the Pacific Northwest or the Jobs in the Woods Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands.

SEC. 315. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds \$500,000.

SEC. 316. All interests created under leases, concessions, permits and other agreements associated with the properties administered by the Presidio Trust shall be exempt from all taxes and special assessments of every kind by the State of California and its political subdivisions.

SEC. 317. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 318. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 319. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 320. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 321. No part of any appropriation contained in this Act shall be expended or obligated to fund new revisions of national forest land management plans until new final or interim final rules for forest land management planning are published in the Federal Register. Those national forests which are currently in a revision process, having formally published a Notice of Intent to revise prior to October 1, 1997; those national forests having been court-ordered to revise; those national forests where plans reach the 15 year legally mandated date to revise before or during calendar year 2001; national forests within the Interior Columbia Basin Ecosystem study area; and the White Mountain National Forest are exempt from this section and may use funds in this Act and proceed to complete the forest plan revision in accordance with current forest planning regulations.

SEC. 322. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 323. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 324. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers or the President's Council on Sustainable Development.

SEC. 325. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 326. (a) SHORT TITLE.—This section may be cited as the “National Park Service Studies Act of 1999”.

(b) AUTHORIZATION OF STUDIES.—

(1) IN GENERAL.—The Secretary of the Interior (“the Secretary”) shall conduct studies of the geographical areas and historic and cultural themes described in subsection (b)(3) to determine the appropriateness of including such areas or themes in the National Park System.

(2) CRITERIA.—In conducting the studies authorized by this Act, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System in accordance with section 8 of Public Law 91–383, as amended by



section 303 of the National Parks Omnibus Management Act (Public Law 105-391; 112 Stat. 3501).

(3) STUDY AREAS.—The Secretary shall conduct studies of the following:

(A) Anderson Cottage, Washington, District of Columbia.

(B) Bioluminescent Bay, Puerto Rico.

(C) Civil Rights Sites, multi-State.

(D) Crossroads of the American Revolution, Central New Jersey.

(E) Fort Hunter Liggett, California.

(F) Fort King, Florida.

(G) Gaviota Coast Seashore, California.

(H) Kate Mullany House, New York.

(I) Loess Hills, Iowa.

(J) Low Country Gullah Culture, multi-State.

(K) Nan Madol, State of Ponape, Federated States of Micronesia (upon the request of the Government of the Federated States of Micronesia).

(L) Walden Pond and Woods, Massachusetts.

(M) World War II Sites, Commonwealth of the Northern Marianas.

(N) World War II Sites, Republic of Palau (upon the request of the Government of the Republic of Palau).

(c) REPORTS.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report on the findings, conclusions, and recommendations of each study under subsection (b) within three fiscal years following the date on which funds are first made available for each study.

SEC. 327. Amounts deposited during fiscal year 1999 in the roads and trails fund provided for in the fourteenth paragraph under the heading “FOREST SERVICE” of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The Secretary shall commence the projects during fiscal year 2000, but the projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 328. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers’ efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 329. None of the funds provided in this or previous appropriations Acts for the agencies funded by this Act or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be transferred to or used to fund personnel, training, or other administrative activities at the Council on Environmental Quality or other offices in the Executive Office of the President for purposes related to the American Heritage Rivers program.

SEC. 330. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 331. ENHANCING FOREST SERVICE ADMINISTRATION OF RIGHTS-OF-WAY AND LAND USES. (a) The Secretary of Agriculture shall develop and implement a pilot program for the purpose of enhancing forest service administration of rights-of-way and other land uses. The authority for this program shall be for fiscal years 2000 through 2004. Prior to the expiration of the authority for this pilot program, the Secretary shall submit a report to the House and Senate Committees on Appropriations, and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that evaluates whether the use of funds under this section resulted in more expeditious approval of rights-of-way and special use authorizations. This report shall include the Secretary's recommendation for statutory or regulatory changes to reduce the average processing time for rights-of-way and special use permit applications.

(b) DEPOSIT OF FEES.—Subject to subsections (a) and (f), during fiscal years 2000 through 2004, the Secretary of Agriculture shall deposit into a special account established in the Treasury all fees collected by the Secretary to recover the costs of processing applications for, and monitoring compliance with, authorizations to use and occupy National Forest System lands pursuant to section 28(l) of the Mineral Leasing Act (30 U.S.C. 185(l)), section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)), section 9701 of title 31, United States Code, and section 110(g) of the National Historic Preservation Act (16 U.S.C. 470h–2(g)).

(c) USE OF RETAINED AMOUNTS.—Amounts deposited pursuant to subsection (b) shall be available, without further appropriation, for expenditure by the Secretary of Agriculture to cover costs incurred by the Forest Service for the processing of applications for special use authorizations and for monitoring activities undertaken in connection with such authorizations. Amounts in the special account shall remain available for such purposes until expended.

(d) REPORTING REQUIREMENT.—In the budget justification documents submitted by the Secretary of Agriculture in support of the President's budget for a fiscal year under section 1105 of title 31, United States Code, the Secretary shall include a description of the purposes for which amounts were expended from the special account during the preceding fiscal year, including the amounts expended for each purpose, and a description of the purposes for which amounts are proposed to be expended from the special account during the next fiscal year, including the amounts proposed to be expended for each purpose.

(e) DEFINITION OF AUTHORIZATION.—For purposes of this section, the term “authorizations” means special use authorizations issued under subpart B of part 251 of title 36, Code of Federal Regulations.

(f) IMPLEMENTATION.—This section shall take effect upon promulgation of Forest Service regulations for the collection of fees for processing of special use authorizations and for related monitoring activities.

SEC. 332. HARDWOOD TECHNOLOGY TRANSFER AND APPLIED RESEARCH. (a) The Secretary of Agriculture (hereinafter the “Secretary”) is hereby and hereafter authorized to conduct technology transfer and development, training, dissemination of information and applied research in the management, processing and utilization of the hardwood forest resource. This authority is in addition to any other authorities which may be available to the Secretary including, but not limited to, the Cooperative Forestry Assistance Act of 1978, as amended (16 U.S.C. 2101 et seq.), and the Forest and Rangeland Renewable Resources Act of 1978, as amended (16 U.S.C. 1600-1614).

(b) In carrying out this authority, the Secretary may enter into grants, contracts, and cooperative agreements with public and private agencies, organizations, corporations, institutions and individuals. The Secretary may accept gifts and donations pursuant to the Act of October 10, 1978 (7 U.S.C. 2269) including gifts and donations from a donor that conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

(c) The Secretary is hereby and hereafter authorized to operate and utilize the assets of the Wood Education and Resource Center (previously named the Robert C. Byrd Hardwood Technology Center in West Virginia) as part of a newly formed “Institute of Hardwood Technology Transfer and Applied Research” (hereinafter the “Institute”). The Institute, in addition to the Wood Education and Resource Center, will consist of a Director, technology transfer specialists from State and Private Forestry, the Forestry Sciences Laboratory in Princeton, West Virginia, and any other organizational unit of the Department of Agriculture as the Secretary deems appropriate. The overall management of the Institute will be the responsibility of the Forest Service, State and Private Forestry.

(d) The Secretary is hereby and hereafter authorized to generate revenue using the authorities provided herein. Any revenue received as part of the operation of the Institute shall be deposited into a special fund in the Treasury of the United States, known as the “Hardwood Technology Transfer and Applied Research Fund”, which shall be available to the Secretary until expended, without further appropriation, in furtherance of the purposes of this section, including upkeep, management, and operation of the Institute and the payment of salaries and expenses.

(e) There are hereby and hereafter authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 333. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: *Provided*, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt

of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2000, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2000, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a "rolling basis" shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed "surplus to the needs of domestic processors in Alaska" when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 334. Subsection 104(d) of Public Law 104–333 (110 Stat. 4102) is amended—

(1) in paragraph (3) by striking "after determining that the projects to be funded from the proceeds thereof are credit-worthy and that a repayment schedule is established and only" and inserting "including a review of the creditworthiness of the loan and establishment of a repayment schedule," after "and subject to such terms and conditions,"; and

(2) in paragraph (4) by inserting "paragraph (3) of" before "this subsection".

SEC. 335. The Secretary of Agriculture and the Secretary of the Interior shall:

(1) prepare the report required of them by section 323(a) of the Interior and Related Agencies Appropriations Act, 1998 (Public Law 105–83; 111 Stat. 1543, 1596–7) except that the report describing the estimated production of goods and services for the first 5 years during the course of the decision may be completed for either each individual unit of Federal lands

or for each of the Resource Advisory Council or Provincial Advisory Council units that fall within the Basin area;

(2) distribute the report and make such report available for public comment for a minimum of 120 days; and

(3) include detailed responses to the public comment in any final environmental impact statement associated with the Interior Columbia Basin Ecosystem Management Project.

SEC. 336. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 337. (a) MILLSITES OPINION.—No funds shall be expended by the Department of the Interior or the Department of Agriculture, for fiscal years 2000 and 2001, to limit the number or acreage of millsites based on the ratio between the number or acreage of millsites and the number or acreage of associated lode or placer claims with respect to any patent application grandfathered pursuant to section 113 of the Department of the Interior and Related Agencies, Appropriations Act, 1995; any operation for which a plan of operations has been previously approved; or any operation for which a plan of operations has been submitted to the Bureau of Land Management or Forest Service prior to November 7, 1997.

(b) NO RATIFICATION.—Nothing in this Act or the Emergency Supplemental Act of 1999 shall be construed as an explicit or tacit adoption, ratification, endorsement, approval, rejection or disapproval of the opinion dated November 7, 1997, by the solicitor of the Department of the Interior concerning millsites.

SEC. 338. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2000 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 339. PILOT PROGRAM OF CHARGES AND FEES FOR HARVEST OF FOREST BOTANICAL PRODUCTS. (a) DEFINITION OF FOREST BOTANICAL PRODUCT.—For purposes of this section, the term “forest botanical product” means any naturally occurring mushrooms, fungi, flowers, seeds, roots, bark, leaves, and other vegetation (or portion thereof) that grow on National Forest System lands. The term does not include trees, except as provided in regulations issued under this section by the Secretary of Agriculture.

(b) RECOVERY OF FAIR MARKET VALUE FOR PRODUCTS.—The Secretary of Agriculture shall develop and implement a pilot program to charge and collect not less than the fair market value for forest botanical products harvested on National Forest System lands. The Secretary shall establish appraisal methods and bidding

procedures to ensure that the amounts collected for forest botanical products are not less than fair market value.

(c) FEES.—

(1) IMPOSITION AND COLLECTION.—Under the pilot program, the Secretary of Agriculture shall also charge and collect fees from persons who harvest forest botanical products on National Forest System lands to recover all costs to the Department of Agriculture associated with the granting, modifying, or monitoring the authorization for harvest of the forest botanical products, including the costs of any environmental or other analysis.

(2) SECURITY.—The Secretary may require a person assessed a fee under this subsection to provide security to ensure that the Secretary receives the fees imposed under this subsection from the person.

(d) SUSTAINABLE HARVEST LEVELS FOR FOREST BOTANICAL PRODUCTS.—The Secretary of Agriculture shall conduct appropriate analyses to determine whether and how the harvest of forest botanical products on National Forest System lands can be conducted on a sustainable basis. The Secretary may not permit under the pilot program the harvest of forest botanical products at levels in excess of sustainable harvest levels, as defined pursuant to the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.). The Secretary shall establish procedures and timeframes to monitor and revise the harvest levels established for forest botanical products.

(e) WAIVER AUTHORITY.—

(1) PERSONAL USE.—The Secretary of Agriculture shall establish a personal use harvest level for each forest botanical product, and the harvest of a forest botanical product below that level by a person for personal use shall not be subject to charges and fees under subsections (b) and (c).

(2) OTHER EXCEPTIONS.—The Secretary may also waive the application of subsection (b) or (c) pursuant to such regulations as the Secretary may prescribe.

(f) DEPOSIT AND USE OF FUNDS.—

(1) DEPOSIT.—Funds collected under the pilot program in accordance with subsections (b) and (c) shall be deposited into a special account in the Treasury of the United States.

(2) FUNDS AVAILABLE.—Funds deposited into the special account in accordance with paragraph (1) in excess of the amounts collected for forest botanical products during fiscal year 1999 shall be available for expenditure by the Secretary of Agriculture under paragraph (3) without further appropriation, and shall remain available for expenditure until the date specified in subsection (h)(2).

(3) AUTHORIZED USES.—The funds made available under paragraph (2) shall be expended at units of the National Forest System in proportion to the charges and fees collected at that unit under the pilot program to pay for—

(A) in the case of funds collected under subsection (b), the costs of conducting inventories of forest botanical products, determining sustainable levels of harvest, monitoring and assessing the impacts of harvest levels and methods, and for restoration activities, including any necessary vegetation; and

(B) in the case of fees collected under subsection (c), the costs described in paragraph (1) of such subsection.

(4) TREATMENT OF FEES.—Funds collected under subsections (b) and (c) shall not be taken into account for the purposes of the following laws:

(A) The sixth paragraph under the heading “FOREST SERVICE” in the Act of May 23, 1908 (16 U.S.C. 500) and section 13 of the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 500).

(B) The fourteenth paragraph under the heading “FOREST SERVICE” in the Act of March 4, 1913 (16 U.S.C. 501).

(C) Section 33 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1012).

(D) The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.).

(E) Section 6 of the Act of June 14, 1926 (commonly known as the Recreation and Public Purposes Act; 43 U.S.C. 869-4).

(F) Chapter 69 of title 31, United States Code.

(G) Section 401 of the Act of June 15, 1935 (16 U.S.C. 715s).

(H) Section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-6a).

(I) Any other provision of law relating to revenue allocation.

(g) REPORTING REQUIREMENTS.—As soon as practicable after the end of each fiscal year in which the Secretary of Agriculture collects charges and fees under subsections (b) and (c) or expends funds from the special account under subsection (f), the Secretary shall submit to the Congress a report summarizing the activities of the Secretary under the pilot program, including the funds generated under subsections (b) and (c), the expenses incurred to carry out the pilot program, and the expenditures made from the special account during that fiscal year.

(h) DURATION OF PILOT PROGRAM.—

(1) CHARGES AND FEES.—The Secretary of Agriculture may collect charges and fees under the authority of subsections (b) and (c) only during fiscal years 2000 through 2004.

(2) USE OF SPECIAL ACCOUNT.—The Secretary may make expenditures from the special account under subsection (f) until September 30 of the fiscal year following the last fiscal year specified in paragraph (1). After that date, amounts remaining in the special account shall be transferred to the general fund of the Treasury.

SEC. 340. Title III, section 3001 of Public Law 106-31 is amended by inserting after “Alabama,” the following: “in fiscal year 1999 or 2000”.

SEC. 341. Section 347 of title III of section 101(e) of division A of Public Law 105-277 is hereby amended—

(1) in subsection (a)—

(A) by inserting “, via agreement or contract as appropriate,” before “may enter into”; and

(B) by striking “(28) contracts with private persons and” and inserting “(28) stewardship contracting demonstration pilot projects with private persons or other public or private”;

(2) in subsection (b), by striking “contract” and inserting “project”;

(3) in subsection (c)—

(A) in the heading, by inserting “Agreements or” before “Contracts”;

(B) in paragraph (1)—

(i) by striking “a contract” and inserting “an agreement or contract”; and

(ii) by striking “private contracts” and inserting “private agreements or contracts”;

(C) in paragraph (3), by inserting “agreement or” before “contracts”; and

(D) in paragraph (4), by inserting “agreement or” before “contracts”;

(4) in subsection (d)—

(A) in paragraph (1), by striking “a contract” and inserting “an agreement or contract”; and

(B) in paragraph (2), by striking “a contract” and inserting “an agreement or contract”; and

(5) in subsection (g)—

(A) in the first sentence by striking “contract” and inserting “pilot project”; and

(B) in the last sentence—

(i) by inserting “agreements or” before “contracts”; and

(ii) by inserting “agreements or” before “contract”.

SEC. 342. Notwithstanding section 343 of Public Law 105-83, increases in recreation residence fees shall be implemented in fiscal year 2000 only to the extent that the fiscal year 2000 fees do not exceed the fiscal year 1999 fee by more than \$2,000.

SEC. 343. REDESIGNATION OF BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR IN HONOR OF JOHN H. CHAFEE.  
(a) CORRIDOR.—

(1) IN GENERAL.—The Blackstone River Valley National Heritage Corridor established by section 1 of Public Law 99-647 (16 U.S.C. 461 note) is redesignated as the “John H. Chafee Blackstone River Valley National Heritage Corridor”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Blackstone River Valley National Heritage Corridor shall be deemed to be a reference to the John H. Chafee Blackstone River Valley National Heritage Corridor.

(b) COMMISSION.—

(1) IN GENERAL.—The Blackstone River Valley National Heritage Corridor Commission established by section 3 of Public Law 99-647 (16 U.S.C. 461 note) is redesignated as the “John H. Chafee Blackstone River Valley National Heritage Corridor Commission”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Blackstone River Valley National Heritage Corridor Commission shall be deemed to be a reference to the John H. Chafee Blackstone River Valley National Heritage Corridor Commission.

(c) CONFORMING AMENDMENTS.—

(1) Section 1 of Public Law 99-647 (16 U.S.C. 461 note) is amended in the first sentence by striking “Blackstone River



Valley National Heritage Corridor” and inserting “John H. Chafee Blackstone River Valley National Heritage Corridor”.

(2) Section 3 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(A) in the section heading, by striking “BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION” and inserting “JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR COMMISSION”; and

(B) in subsection (a), by striking “Blackstone River Valley National Heritage Corridor Commission” and inserting “John H. Chafee Blackstone River Valley National Heritage Corridor Commission”.

SEC. 344. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 345. NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES ECONOMIC DIVERSIFICATION. (a) FINDINGS AND PURPOSES.—Section 2373 of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6611) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “national forests” and inserting “National Forest System land”;

(B) in paragraph (4), by striking “the national forests” and inserting “National Forest System land”;

(C) in paragraph (5), by striking “forest resources” and inserting “natural resources”; and

(D) in paragraph (6), by striking “national forest resources” and inserting “National Forest System land resources”; and

(2) in subsection (b)(1)—

(A) by striking “national forests” and inserting “National Forest System land”; and

(B) by striking “forest resources” and inserting “natural resources”.

(b) DEFINITIONS.—Section 2374(1) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990

(7 U.S.C. 6612(1)) is amended by striking “forestry” and inserting “natural resources”.

(c) RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.—Section 2375(b) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6613(b)) is amended—

(1) in the first sentence, by striking “forestry” and inserting “natural resources”; and

(2) in the second and third sentences, by striking “national forest resources” and inserting “National Forest System land resources”.

(d) ACTION PLAN IMPLEMENTATION.—Section 2376(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6614(a)) is amended—

(1) by striking “forest resources” and inserting “natural resources”; and

(2) by striking “national forest resources” and inserting “National Forest System land resources”.

(e) TRAINING AND EDUCATION.—Paragraphs (3) and (4) of section 2377(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6615(a)) are amended by striking “national forest resources” and inserting “National Forest System land resources”.

(f) LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.—Paragraphs (2) and (3) of section 2378(a) of the National Forest-Dependent Rural Communities Economic Diversification Act of 1990 (7 U.S.C. 6616(a)) are amended by striking “national forest resources” and inserting “National Forest System land resources”.

SEC. 346. INTERSTATE 90 LAND EXCHANGE AMENDMENT. (a) This section shall be referred to as the “Interstate 90 Land Exchange Amendment”.

(b) Section 604(a) of the Interstate 90 Land Exchange Act of 1998, Public Law 105-277; 112 Stat. 2681-328 (1998), is hereby amended by adding at the end of the first sentence: “except title to offered lands and interests in lands described as follows: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., Township 19 North, Range 14 East, Section 25, W.M., Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M. must be placed in escrow by Plum Creek, according to terms and conditions acceptable to the Secretary and Plum Creek, for a 3-year period beginning on the later of the date of the enactment of this Act or consummation of the exchange. During the period the lands are held in escrow, Plum Creek shall not undertake any activities on these lands, except for fire suppression and road maintenance, without the approval of the Secretary, which shall not be unreasonably withheld”.

(c) Section 604(a) is further amended by inserting in section (2) after the words “dated October 1998” the following: “except the following parcels: Township 19 North, Range 15 East, Section 29, W.M., Township 18 North, Range 15 East, Section 3, W.M., Township 19 North, Range 14 East, Section 9, W.M., Township 21 North, Range 14 East, Section 7, W.M., Township 22 North, Range 12 East, Section 35, W.M., Township 22 North, Range 13

East, Section 3, W.M., Township 22 North, Range 13 East, Section 9, W.M., Township 22 North, Range 13 East, Section 11, W.M., Township 22 North, Range 13 East, Section 13, W.M., Township 22 North, Range 13 East, Section 15, W.M., Township 22 North, Range 13 East, Section 25, W.M., Township 22 North, Range 13 East, Section 33, W.M., Township 22 North, Range 13 East, Section 35, W.M., Township 22 North, Range 14 East, Section 7, W.M., Township 22 North, Range 14 East, Section 9, W.M., Township 22 North, Range 14 East, Section 11, W.M., Township 22 North, Range 14 East, Section 15, W.M., Township 22 North, Range 14 East, Section 17, W.M., Township 22 North, Range 14 East, Section 21, W.M., Township 22 North, Range 14 East, Section 31, W.M., Township 22 North, Range 14 East, Section 27, W.M. The appraisal approved by the Secretary of Agriculture on June 14, 1999 (the “Appraisal”) shall be adjusted by subtracting the values for the parcels described in the preceding sentence determined during the Appraisal process in the context of the whole estate to be conveyed”.

(d) Section 604(b) of the Interstate 90 Land Exchange Act of 1998, Public Law 105-277; 112 Stat. 2681-328 (1998), is hereby amended by inserting after the words “offered land” the following: “, as provided in section 604(a), and placement in escrow of acceptable title to Township 22 North, Range 11 East, Section 3, W.M., Township 22 North, Range 11 East, Section 19, W.M., Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, W.M., Township 19 North, Range 15 East, Section 31, W.M., and Township 19 North, Range 14 East, Section 25, W.M.”.

(e) Section 604(b) is further amended by inserting the following before the colon: “except Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, and Township 21 North, Range 14 East, W.M.,  $W\frac{1}{2}W\frac{1}{2}$  of Section 16, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the  $S\frac{1}{2}$  of 16, W.M., which shall be retained by the United States”. The Appraisal shall be adjusted by subtracting the values determined for Township 19 North, Range 10 East, W.M., Section 4, Township 20 North, Range 10 East, W.M., Section 32, Township 12 North, Range 7 East, Sections 4 and 5, W.M., Township 13 North, Range 7 East, Sections 32 and 33, W.M., Township 8 North, Range 4 East, Section 17 and the  $S\frac{1}{2}$  of Section 16, W.M. during the Appraisal process in the context of the whole estate to be conveyed.

(f) After adjustment of the Appraisal, the values of the offered and selected lands, including the offered lands held in escrow, shall be equalized as follows:

(1) the appraised value of the offered lands, as such lands and appraised value have been adjusted hereby, minus the appraised value of the offered lands to be placed into escrow, shall be compared to the appraised value of the selected lands, as such lands and appraised value have been adjusted hereby, and the Secretary shall equalize such values by the payment of cash to Plum Creek at the time that deeds are exchanged, such cash to come from currently appropriated funds, or, if necessary, by reprogramming; and

(2) the Secretary shall compensate Plum Creek for the lands placed into escrow, based upon the values determined

for each such parcel during the Appraisal process in the context of the whole estate to be conveyed, through the following, including any combination thereof:

(A) conveyance of any other lands under the jurisdiction of the Secretary acceptable to Plum Creek and the Secretary after compliance with all applicable Federal environmental and other laws; and

(B) to the extent sufficient acceptable lands are not available pursuant to paragraph (A) of this subsection, cash payments as and to the extent funds become available through appropriations, private sources, or, if necessary, by reprogramming.

The Secretary shall promptly seek to identify lands acceptable to equalize values under paragraph (A) of this subsection and shall, not later than July 1, 2000, provide a report to the Congress outlining the results of such efforts.

(g) As funds or lands are provided to Plum Creek by the Secretary, Plum Creek shall release to the United States deeds for lands and interests in lands held in escrow based on the values determined during the Appraisal process in the context of the whole estate to be conveyed. Deeds shall be released for lands and interests in lands in the following order: Township 21 North, Range 12 East, Section 15, W.M., Township 21 North, Range 12 East, Section 23, W.M., Township 21 North, Range 12 East, Section 25, W.M., Township 19 North, Range 13 East, Section 7, Township 19 North, Range 15 East, Section 31, Township 19 North, Range 14 East, Section 25, Township 22 North, Range 11 East, Section 3, W.M., and Township 22 North, Range 11 East, Section 19, W.M.

(h) Section 606(d) is hereby amended to read as follows: “TIMING.—The Secretary and Plum Creek shall make the adjustments directed in section 604(a) and (b) and consummate the land exchange within 30 days of the enactment of the Interstate 90 Land Exchange Amendment, unless the Secretary and Plum Creek mutually agree to extend the consummation date.”.

(i) The deadline for the Report to Congress required by section 609(c) of the Interstate 90 Land Exchange Act of 1998 is hereby extended. Such Report is due to the Congress 18 months from the date of the enactment of this Interstate 90 Land Exchange Amendment.

(j) Section 610 of the Interstate 90 Land Exchange Act of 1998, is hereby amended by striking “date of enactment of this Act” and inserting “first date on which deeds are exchanged to consummate the land exchange”.

SEC. 347. THE SNOQUALMIE NATIONAL FOREST BOUNDARY ADJUSTMENT ACT OF 1999. (a) IN GENERAL.—The boundary of the Snoqualmie National Forest is hereby adjusted as generally depicted on a map entitled “Snoqualmie National Forest 1999 Boundary Adjustment” dated June 30, 1999. Such map, together with a legal description of all lands included in the boundary adjustment, shall be on file and available for public inspection in the Office of the Chief of the Forest Service in Washington, District of Columbia. Nothing in this subsection shall limit the authority of the Secretary of Agriculture to adjust the boundary pursuant to section 11 of the Weeks Law of March 1, 1911.

(b) RULE FOR LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation

Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Snoqualmie National Forest, as adjusted by subsection (a), shall be considered to be the boundary of the Forest as of January 1, 1965.

SEC. 348. Section 1770(d) of the Food Security Act of 1985 (7 U.S.C. 2276(d)) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

“(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));”.

SEC. 349. None of the funds appropriated or otherwise made available by this Act may be used to implement or enforce any provision in Presidential Executive Order No. 13123 regarding the Federal Energy Management Program which circumvents or contradicts any statutes relevant to Federal energy use and the measurement thereof.

SEC. 350. INVESTMENT OF EXXON VALDEZ OIL SPILL COURT RECOVERY IN HIGH YIELD INVESTMENTS AND IN MARINE RESEARCH. (1) Notwithstanding any other provision of law and subject to the provisions of paragraphs (5) and (7), upon the joint motion of the United States and the State of Alaska and the issuance of an appropriate order by the United States District Court for the District of Alaska, the joint trust funds, or any portion thereof, including any interest accrued thereon, previously received or to be received by the United States and the State of Alaska pursuant to the Agreement and Consent Decree issued in *United States v. Exxon Corporation, et al.* (No. A91-082 CIV) and *State of Alaska v. Exxon Corporation, et al.* (No. A91-083 CIV) (hereafter referred to as the “Consent Decree”), may be deposited in—

(A) the Natural Resource Damage Assessment and Restoration Fund (hereafter referred to as the “Fund”) established in title I of the Department of the Interior and Related Agencies Appropriations Act, 1992 (Public Law 102-154; 43 U.S.C. 1474b);

(B) accounts outside the United States Treasury (hereafter referred to as “outside accounts”); or

(C) both.

Any funds deposited in an outside account may be invested only in income-producing obligations and other instruments or securities that have been determined unanimously by the Federal and State natural resource trustees for the Exxon Valdez oil spill (“trustees”) to have a high degree of reliability and security.

(2) Joint trust funds deposited in the Fund or an outside account that have been approved unanimously by the Trustees for expenditure by or through a State or Federal agency shall be transferred promptly from the Fund or the outside account to the State of Alaska or United States upon the joint request of the governments.

(3) The transfer of joint trust funds outside the Court Registry shall not affect the supervisory jurisdiction of the district court under the Consent Decree or the Memorandum of Agreement and Consent Decree in *United States v. State of Alaska* (No. A91-081-CIV) over all expenditures of the joint trust funds.

(4) Nothing herein shall affect the requirement of section 207 of the dire emergency supplemental appropriations and transfers for relief from the effects of natural disasters, for other urgent needs, and for the incremental cost of “Operation Desert Shield/

Desert Storm” Act of 1992 (Public Law 102-229; 42 U.S.C. 1474b note) that amounts received by the United States and designated by the trustees for the expenditure by or through a Federal agency must be deposited into the Fund.

(5) All remaining settlement funds are eligible for the investment authority granted under this section so long as they are managed and allocated consistent with the Resolution of the Trustees adopted March 1, 1999, concerning the Restoration Reserve, as follows:

(A) \$55 million of the funds remaining on October 1, 2002, and the associated earnings thereafter shall be managed and allocated for habitat protection programs including small parcel habitat acquisitions. Such sums shall be reduced by—

(i) the amount of any payments made after the date of enactment of this Act from the Joint Trust Funds pursuant to an agreement between the Trustee Council and Koniag, Inc., which includes those lands which are presently subject to the Koniag Non-Development Easement, including, but not limited to, the continuation or modification of such Easement; and

(ii) payments in excess of \$6.32 million for any habitat acquisition or protection from the joint trust funds after the date of enactment of this Act and prior to October 1, 2002, other than payments for which the Council is currently obligated through purchase agreements with the Kodiak Island Borough, Afognak Joint Venture and the Eyak Corporation.

(B) All other funds remaining on October 1, 2002, and the associated earnings shall be used to fund a program, consisting of—

(i) marine research, including applied fisheries research;

(ii) monitoring; and

(iii) restoration, other than habitat acquisition, which may include community and economic restoration projects and facilities (including projects proposed by the communities of the EVOS Region or the fishing industry), consistent with the Consent Decree.

(6) The Federal trustees and the State trustees, to the extent authorized by State law, are authorized to issue grants as needed to implement this program.

(7) The authority provided in this section shall expire on September 30, 2002, unless by September 30, 2001, the Trustees have submitted to the Congress a report recommending a structure the Trustees believe would be most effective and appropriate for the administration and expenditure of remaining funds and interest received. Upon the expiration of the authorities granted in this section all monies in the Fund or outside accounts shall be returned to the Court Registry or other account permitted by law.

SEC. 351. YOUTH CONSERVATION CORPS AND RELATED PARTNERSHIPS. (a) Notwithstanding any other provision of this Act, there shall be available for high priority projects which shall be carried out by the Youth Conservation Corps as authorized by Public Law 91-378, or related partnerships with non-Federal youth conservation corps or entities such as the Student Conservation Association, up to \$1,000,000 of the funds available to the Bureau of Land Management under this Act, in order to increase the number of

summer jobs available for youths, ages 15 through 22, on Federal lands.

(b) Within 6 months after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall jointly submit a report to the House and Senate Committees on Appropriations and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives that includes the following—

(1) the number of youths, ages 15 through 22, employed during the summer of 1999, and the number estimated to be employed during the summer of 2000, through the Youth Conservation Corps, the Public Land Corps, or a related partnership with a State, local or nonprofit youth conservation corps or other entities such as the Student Conservation Association;

(2) a description of the different types of work accomplished by youths during the summer of 1999;

(3) identification of any problems that prevent or limit the use of the Youth Conservation Corps, the Public Land Corps, or related partnerships to accomplish projects described in subsection (a);

(4) recommendations to improve the use and effectiveness of partnerships described in subsection (a); and

(5) an analysis of the maintenance backlog that identifies the types of projects that the Youth Conservation Corps, the Public Land Corps, or related partnerships are qualified to complete.

SEC. 352. (a) NORTH PACIFIC RESEARCH BOARD.—Section 401 of Public Law 105-83 is amended as follows:

(1) In subsection (c)—

(A) by striking “available for appropriation, to the extent provided in the subsequent appropriations Acts,” and inserting “made available”;

(B) by inserting “To the extent provided in the subsequent appropriations Acts,” at the beginning of paragraph (1);

(C) by inserting “without further appropriation” after “20 percent of such amounts shall be made available”; and

(2) by striking subsection (f).

SEC. 353. None of the funds in this Act may be used by the Secretary of the Interior to issue a prospecting permit for hardrock mineral exploration on Mark Twain National Forest land in the Current River/Jack’s Fork River—Eleven Point Watershed (not including Mark Twain National Forest land in Townships 31N and 32N, Range 2 and Range 3 West, on which mining activities are taking place as of the date of the enactment of this Act): *Provided*, That none of the funds in this Act may be used by the Secretary of the Interior to segregate or withdraw land in the Mark Twain National Forest, Missouri under section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714).

SEC. 354. Public Law 105-83, the Department of the Interior and Related Agencies Appropriations Act of November 17, 1997, title III, section 331 is hereby amended by adding before the period: “: *Provided further*, That to carryout the provisions of this section,

the Bureau of Land Management and the Forest Service may establish Transfer Appropriation Accounts (also known as allocation accounts) as needed”.

SEC. 355. WHITE RIVER NATIONAL FOREST.—The Forest Service shall extend the public comment period on the White River National Forest plan revision for 90 days beyond February 9, 2000.

SEC. 356. The first section of Public Law 99–215 (99 Stat. 1724), as amended by section 597 of the Water Resources Development Act of 1999 (Public Law 106–53), is further amended—

- (1) by redesignating subsection (c) as subsection (e); and
- (2) by inserting after subsection (b) the following new subsections:

“(c) The National Capital Planning Commission shall vacate and terminate an Easement and Declaration of Covenants, dated February 2, 1989, conveyed by the owner of the adjacent real property pursuant to subsection (b)(1)(D) in exchange for, and not later than 30 days after, the vacation and termination of the Deed of Easement, dated January 4, 1989, conveyed by the Maryland National Capital Park and Planning Commission pursuant to subsection (b)(1).

“(d) Effective on the date of the enactment of this subsection, the memorandum of May 7, 1985, and any amendments thereto, shall terminate.”.

SEC. 357. None of the funds in this Act or any other Act shall be used by the Secretary of the Interior to promulgate final rules to revise 43 CFR subpart 3809, except that the Secretary, following the public comment period required by section 3002 of Public Law 106–31, may issue final rules to amend 43 C.F.R. Subpart 3809 which are not inconsistent with the recommendations contained in the National Research Council report entitled “Hardrock Mining on Federal Lands” so long as these regulations are also not inconsistent with existing statutory authorities. Nothing in this section shall be construed to expand the existing statutory authority of the Secretary.

#### TITLE IV—MISSISSIPPI NATIONAL FOREST IMPROVEMENT ACT OF 1999

##### SEC. 401. SHORT TITLE.

This title may be cited as the “Mississippi National Forest Improvement Act of 1999”.

##### SEC. 402. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term “Agreement” means the Agreement described in section 405(a).

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) STATE.—The term “State” means the State of Mississippi.

(4) UNIVERSITY.—The term “University” means the University of Mississippi.

(5) UNIVERSITY LAND.—The term “University land” means land described in section 404(a).



**SEC. 403. CONVEYANCE OF ADMINISTRATIVE SITES AND SMALL PARCELS.**

(a) **IN GENERAL.**—The Secretary may, under such terms and conditions as the Secretary may prescribe, sell or exchange any or all right, title, and interest of the United States in and to the following tracts of land in the State:

(1) Gulfport Laboratory Site, consisting of approximately 10 acres, as depicted on the map entitled “Gulfport Laboratory Site, May 21, 1998”.

(2) Raleigh Dwelling Site No. 1, consisting of approximately 0.44 acre, as depicted on the map entitled “Raleigh Dwelling Site No. 1, May 21, 1998”.

(3) Raleigh Dwelling Site No. 2, consisting of approximately 0.47 acre, as depicted on the map entitled “Raleigh Dwelling Site No. 2, May 21, 1998”.

(4) Rolling Fork Dwelling Site, consisting of approximately 0.303 acre, as depicted on the map entitled “Rolling Fork Dwelling Site, May 21, 1998”.

(5) Gloster Dwelling Site, consisting of approximately 0.55 acre, as depicted on the map entitled “Gloster Dwelling Site, May 21, 1998”.

(6) Gloster Office Site, consisting of approximately 1.00 acre, as depicted on the map entitled “Gloster Office Site, May 21, 1998”.

(7) Gloster Work Center Site, consisting of approximately 2.00 acres, as depicted on the map entitled “Gloster Work Center Site, May 21, 1998”.

(8) Holly Springs Dwelling Site, consisting of approximately 0.31 acre, as depicted on the map entitled “Holly Springs Dwelling Site, May 21, 1998”.

(9) Isolated parcels of National Forest land located in Township 5 South, Ranges 12 and 13 West, and in Township 3 North, Range 12 West, sections 23, 33, and 34, St. Stephens Meridian.

(10) Isolated parcels of National Forest land acquired after the date of the enactment of this Act from the University of Mississippi located in George and Jackson Counties.

(11) Approximately 20 acres of National Forest land and structures located in Township 6 North, Range 3 East, Section 30, Washington Meridian.

(b) **CONSIDERATION.**—Consideration for a sale or exchange of land under subsection (a) may include the acquisition of land, existing improvements, or improvements constructed to the specifications of the Secretary.

(c) **APPLICABLE LAW.**—Except as otherwise provided in this section, any sale or exchange of land under subsection (a) shall be subject to the laws (including regulations) applicable to the conveyance and acquisition of land for the National Forest System.

(d) **CASH EQUALIZATION.**—Notwithstanding any other provision of law, the Secretary may accept a cash equalization payment in excess of 25 percent of the value of land exchanged under subsection (a).

(e) **SOLICITATION OF OFFERS.**—

(1) **IN GENERAL.**—The Secretary may solicit offers for the sale or exchange of land under this section on such terms and conditions as the Secretary may prescribe.

(2) REJECTION OF OFFERS.—The Secretary may reject any offer made under this section if the Secretary determines that the offer is not adequate or not in the public interest.

(f) DEPOSIT OF PROCEEDS.—The Secretary shall deposit the proceeds of a sale or exchange under subsection (a) in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(g) USE OF PROCEEDS.—Funds deposited under subsection (f) shall be available until expended for—

(1) the construction of a research laboratory and office facility at the Forest Service administrative site located at the Mississippi State University at Starkville, Mississippi;

(2) the acquisition, construction, or improvement of administrative facilities in connection with units of the National Forest System in the State; and

(3) the acquisition of land and interests in land for units of the National Forest System in the State.

**SEC. 404. DE SOTO NATIONAL FOREST ADDITION.**

(a) ACQUISITION.—The Secretary may acquire for fair market value all right, title, and interest in land owned by the University of Mississippi within or near the boundaries of the De Soto National Forest in Stone, George, and Jackson Counties, Mississippi, comprising approximately 22,700 acres.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the De Soto National Forest shall be modified as depicted on the map entitled “De Soto National Forest Boundary Modification—April, 1999” to include any acquisition of University land under this section.

(2) AVAILABILITY OF MAP.—The map described in paragraph (1) shall be available for public inspection in the office of the Chief of the Forest Service in Washington, District of Columbia.

(3) ALLOCATION OF MONEYS FOR FEDERAL PURPOSES.—For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-9), the boundaries of the De Soto National Forest, as modified by this subsection, shall be considered the boundaries of the De Soto National Forest as of January 1, 1965.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall assume possession and all management responsibilities for University land acquired under this section on the date of acquisition.

(2) COOPERATIVE MANAGEMENT AGREEMENT.—For the fiscal year containing the date of the enactment of this Act and each of the four fiscal years thereafter, the Secretary may enter into a cooperative agreement with the University that provides for Forest Service management of any University land acquired, or planned to be acquired, under this section.

(3) ADMINISTRATION.—University land acquired under this section shall be—

(A) subject to the Act of March 1, 1911 (16 U.S.C. 480 et seq.) (commonly known as the “Weeks Act”) and other laws (including regulations) pertaining to the National Forest System; and

(B) managed in a manner that is consistent with the land and resource management plan applicable to the De

Soto National Forest on the date of the enactment of this Act, until the plan is revised in accordance with the regularly scheduled process for revision.

**SEC. 405. FRANKLIN COUNTY LAND.**

(a) **IN GENERAL.**—The Agreement dated April 24, 1999, entered into between the Secretary, the State, and the Franklin County School Board that provides for the Federal acquisition of land owned by the State for the construction of the Franklin Lake Dam in Franklin County, Mississippi, is ratified and the parties to the Agreement are authorized to implement the terms of the Agreement.

(b) **FEDERAL GRANT.**—

(1) **IN GENERAL.**—Subject to reservations and exceptions contained in the Agreement, there is granted and quit claimed to the State all right, title, and interest of the United States in the federally-owned land described in Exhibit A to the Agreement.

(2) **MANAGEMENT.**—The land granted to the State under the Agreement shall be managed as school land grants.

(c) **ACQUISITION OF STATE LAND.**—

(1) **IN GENERAL.**—All right, title, and interest in and to the 655.94 acres of land described as Exhibit B to the Agreement is vested in the United States along with the right of immediate possession by the Secretary.

(2) **COMPENSATION.**—Compensation owed to the State and the Franklin County School Board for the land described in paragraph (1) shall be provided in accordance with the Agreement.

(d) **CORRECTION OF DESCRIPTIONS.**—The Secretary and the Secretary of State of the State may, by joint modification of the Agreement, make minor corrections to the descriptions of the land described on Exhibits A and B to the Agreement.

(e) **SECURITY INTEREST.**—

(1) **IN GENERAL.**—Any cash equalization indebtedness owed to the United States pursuant to the Agreement shall be secured only by the timber on the granted land described in Exhibit A of the Agreement.

(2) **LOSS OF SECURITY.**—The United States shall have no recourse against the State or the Franklin County School Board as the result of the loss of the security described in paragraph (1) due to fire, insects, natural disaster, or other circumstance beyond the control of the State or Board.

(3) **RELEASE OF LIENS.**—On payment of cash equalization as required by the Agreement, the Secretary (or the Supervisor of the National Forests in the State or other authorized representative of the Secretary) shall release any liens on the granted land described in Exhibit A of the Agreement.

**SEC. 406. DISPOSITION OF FUNDS FROM LAND CONVEYANCES.**

(a) **IN GENERAL.**—The Secretary shall deposit any funds received by the United States from land conveyances authorized under section 405 in the fund established under Public Law 90-171 (16 U.S.C. 484a) (commonly known as the “Sisk Act”).

(b) **USE.**—Funds deposited in the fund under subsection (a) shall be available until expended for the acquisition of land and interests in land for the National Forest System in the State.

(c) **PARTIAL DISTRIBUTION.**—Any funds received by the United States from land conveyances authorized under this Act shall not be subject to partial distribution to the State under—

(1) the Act entitled “An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine”, approved May 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

**SEC. 407. PHOTOGRAPHIC REPRODUCTIONS AND MAPS.**

Section 387 of the Act of February 16, 1938 (7 U.S.C. 1387) is amended in the first sentence—

(1) by striking “such” the first place it appears and inserting “information such as geo-referenced data from all sources,”;

(2) by striking “(not less than estimated cost of furnishing such reproductions)”; and

(3) by inserting after “determine” the following: “(but not less than the estimated costs of data processing, updating, revising, reformatting, repackaging and furnishing the reproductions and information)”.

**SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

**TITLE V—UNITED MINE WORKERS OF AMERICA COMBINED BENEFIT FUND**

**SEC. 501.** Notwithstanding any other provision of law, an amount of \$68,000,000 in interest credited to the fund established by section 401 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231) for fiscal years 1993 through 1995 not transferred to the Combined Fund identified in section 402(h)(2) of such Act shall be transferred to such Combined Fund within 30 days after the enactment of this Act to pay the amount of any shortfall in any premium account for any plan year under the Combined Fund. The entire amount transferred by this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

**TITLE VI—PRIORITY LAND ACQUISITIONS AND LAND EXCHANGES**

**SEC. 601.** For priority land acquisitions, land exchange agreements, and other activities consistent with the Land and Water Conservation Fund Act of 1965, as amended, \$197,500,000, to be derived from the Land and Water Conservation Fund and to remain available until September 30, 2003, of which \$81,000,000 is available to the Secretary of Agriculture and \$116,500,000 is available to the Secretary of the Interior: *Provided*, That of the funds made available to the Secretary of Agriculture, not to exceed \$61,000,000 may be used to acquire interests to protect and preserve the Baca Ranch, subject to the same terms and conditions placed on other funds provided for this purpose in this Act under the heading

“Forest Service, Land Acquisition”, and \$5,000,000 shall be available for the Forest Legacy program notwithstanding any other provision of law: *Provided further*, That of the funds made available to the Secretary of the Interior, \$10,000,000 shall be available for Elwha River ecosystem restoration, and \$5,000,000 shall be available for maintenance in the National Park Service, notwithstanding any other provision of law, \$20,000,000 shall be available for the State assistance program, not to exceed \$5,000,000 may be used to acquire interests to protect and preserve the California desert, not to exceed \$2,000,000 may be used to acquire interests to protect and preserve the Rhode Island National Wildlife Refuge Complex, not to exceed \$19,500,000 may be used to acquire mineral rights within the Grand Staircase-Escalante National Monument, and not to exceed \$35,000,000 may be for State grants for land acquisition in the State of Florida, subject to the same terms and conditions placed on other funds provided for this purpose in this Act under the heading “National Park Service, Land Acquisition and State Assistance”: *Provided further*, That none of the funds appropriated under this title for purposes other than for State grants for land acquisition in the State of Florida, the State assistance program, Elwha River ecosystem restoration, or acquisitions of interests in the Baca Ranch, the California desert, the Grand Staircase-Escalante National Monument, and the Rhode Island National Wildlife Refuge Complex shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations approve, in writing, a list of projects to be undertaken with such funds.

This Act may be cited as the “Department of the Interior and Related Agencies Appropriations Act, 2000”.



**APPENDIX D—H.R. 3424**

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, namely:

**TITLE I—DEPARTMENT OF LABOR****EMPLOYMENT AND TRAINING ADMINISTRATION****TRAINING AND EMPLOYMENT SERVICES**

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Stewart B. McKinney Homeless Assistance Act; the Women in Apprenticeship and Nontraditional Occupations Act; the National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; \$3,002,618,000 plus reimbursements, of which \$1,650,153,000 is available for obligation for the period July 1, 2000 through June 30, 2001; of which \$1,250,965,000 is available for obligation for the period April 1, 2000 through June 30, 2001; of which \$35,500,000 is available for the period July 1, 2000 through June 30, 2003 including \$34,000,000 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers, and \$1,500,000 under authority of section 171(d) of the Workforce Investment Act for use by the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska to promote employment opportunities for individuals with disabilities and other staffing needs; and of which \$55,000,000 shall be available from July 1, 2000 through September 30, 2001, for carrying out activities of the School-to-Work Opportunities Act: *Provided*, That \$58,800,000 shall be for carrying out section 166 of the Workforce Investment Act, including \$5,000,000 for carrying out section 166(j)(1) of the Workforce Investment Act, including the provision of assistance to American Samoans who reside in Hawaii for the co-location of federally funded and State-funded workforce investment activities, and \$7,000,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That funding provided to carry out projects under

section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: *Provided further*, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; \$2,463,000,000 plus reimbursements, of which \$2,363,000,000 is available for obligation for the period October 1, 2000 through June 30, 2001; and of which \$100,000,000 is available for the period October 1, 2000 through June 30, 2003, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

#### COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$343,356,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, \$96,844,000.

#### FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, \$415,150,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

#### STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, \$163,452,000, together with not to exceed \$3,090,288,000 (including not to exceed \$1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 1201 of the Small Business Job Protection Act of 1996, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and



Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502-504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501-8523, shall be available for obligation by the States through December 31, 2000, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2002; and of which \$163,452,000, together with not to exceed \$738,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2000 through June 30, 2001, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose, and of which \$125,000,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: *Provided*, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2000 is projected by the Department of Labor to exceed 2,638,000, an additional \$28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A-87.

#### ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2001, \$356,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2000, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

#### PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, \$100,944,000, including \$6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed \$45,056,000, which

may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, \$99,000,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2000, for such Corporation: *Provided*, That not to exceed \$11,155,000 shall be available for administrative expenses of the Corporation: *Provided further*, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, \$337,260,000, together with \$1,740,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That \$2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further*, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the

Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading “Civilian War Benefits” in the Federal Security Agency Appropriation Act, 1947; the Employees’ Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers’ Compensation Act, as amended, \$79,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 1999, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2000: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration, \$21,849,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging and medical bill review, in support of Federal Employees’ Compensation Act administration, \$13,433,000; (2) for program staff training to operate the new imaging system, \$1,300,000; (3) for the periodic roll review program, \$7,116,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, \$1,013,633,000, of which \$963,506,000 shall be available until September 30, 2001, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by

section 9501(c)(2) of that Act, and of which \$28,676,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, \$20,783,000 for transfer to Departmental Management, Salaries and Expenses, \$312,000 for transfer to Departmental Management, Office of Inspector General, and \$356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided*, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

#### OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, \$382,000,000, including not to exceed \$82,000,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2000, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

#### MINE SAFETY AND HEALTH ADMINISTRATION

##### SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, \$228,373,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including not to exceed \$750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

#### BUREAU OF LABOR STATISTICS

##### SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, \$357,781,000, of which \$6,986,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 2001, together with not to exceed \$55,663,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

## DEPARTMENTAL MANAGEMENT

## SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to \$7,250,000 for the President's Committee on Employment of People With Disabilities, and including the management or operation of Departmental bilateral and multilateral foreign technical assistance, \$241,478,000; together with not to exceed \$310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in *Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding*, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

## ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed \$184,341,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100-4110A, 4212, 4214, and 4321-4327, and Public Law 103-353, and which shall be available for obligation by the States through December 31, 2000.

## OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$48,095,000, together with not to exceed \$3,830,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

## GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

## (TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. The Secretary of Labor shall transfer, without charge or consideration, to the City of Salinas in the State of California, all right, title, and interest (including any equitable interest) the United States holds in the real property located at 342 Front Street, Salinas, California (Reference No. SSL-493), to the extent such right, such title, or such interest was acquired as a result of any loan, grant, guarantee, or other benefit provided by the Secretary to or for the benefit of such city.

This title may be cited as the “Department of Labor Appropriations Act, 2000”.

## TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

## HEALTH RESOURCES AND SERVICES ADMINISTRATION

## HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, and the Native Hawaiian Health Care Act of 1988, as amended, \$4,584,721,000, of which \$150,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act, and of which \$122,182,000 shall be available for the construction and renovation of health care and other facilities, and of which \$25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: *Provided further*, That of the funds made available under this heading, \$250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen’s Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That no more than \$5,000,000 is available for carrying out the provisions of Public Law 104-73: *Provided further*, That of the funds made available under this heading, \$238,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided*

*further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That \$528,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed \$109,307,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act: *Provided further*, That of the amount provided under this heading, \$40,000,000 shall be available for children's hospitals graduate medical education payments, subject to authorization: *Provided further*, That of the amount provided under this heading, \$900,000 shall be for the American Federation of Negro Affairs Education and Research Fund.

#### MEDICAL FACILITIES GUARANTEE AND LOAN FUND

##### FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, \$1,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

##### HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, \$3,688,000.

##### VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed \$3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

#### CENTERS FOR DISEASE CONTROL AND PREVENTION

##### DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality



Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, \$2,910,761,000 of which \$60,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to \$71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act, to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the infectious disease laboratory through the General Services Administration may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232–18: *Provided further*, That not to exceed \$10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 10 States: *Provided further*, That of the amount provided under this heading, \$3,000,000 shall be for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center at Jackson; \$2,000,000 shall be for the University of Mississippi phytomedicine project; \$500,000 shall be for the Alaska aviation safety initiative; and \$1,000,000 shall be for the University of South Alabama birth defects monitoring and prevention activities.

In addition, \$51,000,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40151 and 40261 of Public Law 103–322.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, \$3,332,317,000.

##### NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, \$2,040,291,000.

##### NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, \$270,253,000.

113 STAT. 1501A-228 PUBLIC LAW 106-113—APPENDIX D

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY  
DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, \$1,147,588,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, \$1,034,886,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, \$1,803,063,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, \$1,361,668,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, \$862,884,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, \$452,706,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, \$444,817,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, \$690,156,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN  
DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, \$351,840,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION  
DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, \$265,185,000.

PUBLIC LAW 106–113—APPENDIX D 113 STAT. 1501A–229

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, \$90,000,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, \$293,935,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, \$689,448,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, \$978,360,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, \$337,322,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, \$680,176,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That \$75,000,000 shall be for extramural facilities construction grants.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, \$43,723,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, \$215,214,000, of which \$4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2000, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE  
MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, \$68,753,000.

## OFFICE OF THE DIRECTOR

## (INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, \$283,509,000, of which \$44,953,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to \$500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

## BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, \$135,376,000, to remain available until expended.

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

## SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, \$2,654,953,000.

## AGENCY FOR HEALTH CARE POLICY AND RESEARCH

## HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, \$111,424,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed \$88,576,000.

## HEALTH CARE FINANCING ADMINISTRATION

## GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, \$86,087,393,000, to remain available until expended.

For making, after May 31, 2000, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2000 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2001, \$30,589,003,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

## PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, \$69,289,100,000.

## PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed \$1,994,548,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That \$18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That \$2,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: *Provided further*, That \$3,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to an

application from the University of Pennsylvania Medical Center, the University of Louisville Sciences Center, and St. Vincent's Hospital in Montana to conduct a demonstration to reduce hospitalizations among high-risk patients with congestive heart failure: *Provided further*, That \$2,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the AIDS Healthcare Foundation in Los Angeles: *Provided further*, That \$100,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Littleton Regional Hospital in New Hampshire, to assist in the development of rural emergency medical services: *Provided further*, That \$250,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the University of Missouri-Kansas City to test behavioral interventions of nursing home residents with moderate to severe dementia: *Provided further*, That \$1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded for a children's hospice care demonstration program in Virginia, Florida, Kentucky, New York, and Utah: *Provided further*, That \$150,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to L.A. Care Health Plan in Los Angeles, California for a Medicaid outreach demonstration project to provide access to medical care for uninsured workers: *Provided further*, That \$500,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Baystate Medical Center in Springfield, Massachusetts for the Partners for a Healthier Community childhood immunization demonstration project: *Provided further*, That \$250,000 shall be awarded to the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility: *Provided further*, That the Secretary of Health and Human Services is directed to collect, in aggregate, \$95,000,000 in fees in fiscal year 2000 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

#### HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2000, no commitments for direct loans or loan guarantees shall be made.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the first quarter of fiscal year 2001, \$650,000,000.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV-A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV-A in fiscal year 1997 under this appropriation and under such title IV-A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV-D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

#### LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, \$1,100,000,000, to be available for obligation in the period October 1, 2000 through September 30, 2001.

For making payments under title XXVI of such Act, \$300,000,000: *Provided*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

The \$1,100,000,000 provided in the first paragraph under this heading in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105-277) is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such funds shall be available only if the President submits to the Congress one official budget request for \$1,100,000,000 that includes designation of the entire amount as an emergency requirement pursuant to such section: *Provided further*, That such funds shall be distributed in accordance with section 2604 of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8623), other than subsection (e) of such section.

#### REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$419,005,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 105-78 for fiscal year 1998 and under Public Law 105-277 for fiscal year 1999 shall be available for the costs of assistance provided and other activities through September 30, 2001.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$7,500,000.

The \$426,505,000 provided under this heading is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided*, That such funds shall be available only if the President submits to the Congress one official budget request for \$426,505,000 that includes designation of the entire amount as an emergency requirement pursuant to such section.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT  
BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), to become available on October 1, 2000 and remain available through September 30, 2001, \$1,182,672,000: *Provided*, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That of the funds provided for fiscal year 2001, \$172,672,000 shall be reserved by the States for activities authorized under section 658G of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), such funds to be in addition to the amounts required to be reserved by the States under section 658G: *Provided further*, That of the funds provided for fiscal year 2000 under Public Law 105-277, \$500,000 shall be for a toll-free child care services program hotline to be operated by Child Care Aware.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, \$1,775,000,000: *Provided*, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2000 shall be \$1,775,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95-266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105-89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105-285; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), sections 40155, 40211, and 40241 of Public Law 103-322 and section 126 and titles IV



and V of Public Law 100–485, \$6,734,133,000, of which \$43,000,000, to remain available until September 30, 2001, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679); of which \$587,065,000 shall be for making payments under the Community Services Block Grant Act; and of which \$5,267,000,000 shall be for making payments under the Head Start Act, of which \$1,400,000,000 shall become available October 1, 2000 and remain available through September 30, 2001: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That \$1,700,000,000 of the amount provided for making payments under the Head Start Act is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such funds shall be available only if the President submits to the Congress one official budget request for \$1,700,000,000 that includes designation of the entire amount as an emergency requirement pursuant to such section.

In addition, \$101,000,000, to be derived from the Violent Crime Reduction Trust Fund for carrying out sections 40155, 40211, and 40241 of Public Law 103–322.

Funds appropriated for fiscal year 2000 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by \$6,000,000.

Funds appropriated for fiscal year 2000 under section 413(h)(1) of the Social Security Act shall be reduced by \$15,000,000.

#### PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, \$295,000,000.

#### PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, \$4,307,300,000 of which \$105,000,000 shall be for making payments under sections 470 and 477 of title IV–E of the Social Security Act;

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2001, \$1,538,000,000.

## ADMINISTRATION ON AGING

## AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, \$934,285,000: *Provided*, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995: *Provided further*, That in considering grant applications for nutrition services for elder Indian recipients, the Assistant Secretary shall provide maximum flexibility to applicants who seek to take into account subsistence, local customs, and other characteristics that are appropriate to the unique cultural, regional, and geographic needs of the American Indian, Alaska and Hawaiian Native communities to be served.

## OFFICE OF THE SECRETARY

## GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, \$227,051,000, of which \$20,000,000 shall become available on October 1, 2000, and shall remain available until September 30, 2001, together with \$5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided*, That \$450,000 shall be for a contract with the National Academy of Sciences to conduct a study of the proposed tuberculosis standard promulgated by the Occupational Safety and Health Administration: *Provided further*, That said contract shall be awarded not later than 60 days after the enactment of this Act: *Provided further*, That said study shall be submitted to the Congress not later than 12 months after award of the contract: *Provided further*, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, \$10,569,000 shall be for activities specified under section 2003(b)(2), of which \$9,131,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further*, That \$500,000 shall be available to the Office of the Surgeon General, within the Office of Public Health and Science, to prepare and disseminate the findings of the Surgeon General's report on youth violence, and to coordinate activities across the Department of Health and Human Services: *Provided further*, That the Secretary may transfer a portion of such funds to other Federal entities for youth violence prevention coordination activities: *Provided further*, That \$2,000,000 shall be available to the Lawton Chiles Foundation.

PUBLIC LAW 106-113—APPENDIX D 113 STAT. 1501A-237

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$31,500,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, \$18,838,000, together with not to exceed \$3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, \$17,000,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, \$214,600,000: *Provided*, That this amount is distributed as follows: Centers for Disease Control and Prevention, \$155,000,000, of which \$30,000,000 shall be for the Health Alert Network, \$1,000,000 shall be for the Carnegie Mellon Research Institute, \$1,000,000 shall be for the St. Louis University School of Public Health, \$1,000,000 shall be for the University of Texas Medical Branch at Galveston, \$1,000,000 shall be for the Noble Army Hospital of Alabama bioterrorism program and \$1,000,000 shall be for the Johns Hopkins University Center for Civilian Bio-defense; Office of the Secretary, \$30,000,000, Agency for Health Care Policy and Research, \$5,000,000, and Office of Emergency Preparedness, \$24,600,000. In addition, for expenses necessary for the portion of the Global Health Initiative conducted by the Centers for Disease Control and Prevention, \$69,000,000: *Provided further*, That this amount is distributed as follows: \$35,000,000 shall be for international HIV/AIDS programs, \$9,000,000 shall be for malaria programs, \$5,000,000 shall be for global micronutrient malnutrition programs and \$20,000,000 shall be for carrying out polio eradication activities. In addition, \$150,000,000 for carrying out the Department's Year 2000 computer conversion activities, \$5,000,000 for the environmental health laboratory at the Centers for Disease Control and Prevention, \$50,000,000 for minority AIDS prevention and treatment activities, \$20,000,000 for the National Institutes of Health challenge grant program, and \$75,000,000 to

support the Ricky Ray Hemophilia Relief Fund Act of 1998: *Provided further*, That notwithstanding any other provision of law, up to \$10,000,000 of the amount provided for the Ricky Ray Hemophilia Relief Fund Act may be available for administrative expenses: *Provided further*, That the entire amount under this heading is hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount under this heading shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no funds shall be obligated until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

#### GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed \$37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103-43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

#### (TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the “Office of AIDS Research” account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. The final rule entitled “Organ Procurement and Transplantation Network”, promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 42 day period beginning on the date of the enactment of this Act.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity’s enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program’s coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. (a) MENTAL HEALTH.—Section 1918(b) of the Public Health Service Act (42 U.S.C. 300x–7(b)) is amended to read as follows:

“(b) MINIMUM ALLOTMENTS FOR STATES.—With respect to fiscal year 2000, the amount of the allotment of a State under section 1911 shall not be less than the amount the State received under section 1911 for fiscal year 1998.”.

(b) SUBSTANCE ABUSE.—Section 1933(b) of the Public Health Service Act (42 U.S.C. 300x–33(b)) is amended to read as follows:

“(b) MINIMUM ALLOTMENTS FOR STATES.—Each State’s allotment for fiscal year 2000 for programs under this subpart shall be equal to such State’s allotment for such programs for fiscal year 1999, except that, if the amount appropriated in fiscal year

2000 is less than the amount appropriated in fiscal year 1999, then the amount of a State's allotment under section 1921 shall be equal to the amount that the State received under section 1921 in fiscal year 1999 decreased by the percentage by which the amount appropriated for fiscal year 2000 is less than the amount appropriated for such section for fiscal year 1999."

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. EXTENSION OF CERTAIN ADJUDICATION PROVISIONS.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, and 1999" and inserting "1997, 1998, 1999, and 2000"; and

(B) in subsection (e), by striking "October 1, 1999" each place it appears and inserting "October 1, 2000"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 1999" and inserting "September 30, 2000".

SEC. 215. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2000 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services under authority granted in section 4011 of the Balanced Budget Act of 1997 (Public Law 105-33)).

SEC. 216. Of the funds appropriated for the National Institutes of Health for fiscal year 2000, \$3,000,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Health Resources and Services Administration for fiscal year 2000, \$450,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Centers for Disease Control and Prevention for fiscal year 2000, \$500,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Children and Families Services Programs for fiscal year 2000, \$400,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Social Services Block Grant for fiscal year 2000, \$425,000,000 shall not be available for obligation until September 29, 2000. Of the funds appropriated for the Substance Abuse and Mental Health Services Administration for fiscal year 2000, \$200,000,000 shall not be available for obligation until September 29, 2000. Such funds delayed by this section shall be available for obligation until October 15, 2000.

SEC. 217. STUDY AND REPORT ON THE GEOGRAPHIC ADJUSTMENT FACTORS UNDER THE MEDICARE PROGRAM. (a) STUDY.—The Secretary of Health and Human Services shall conduct a study on—

(1) the reasons why, and the appropriateness of the fact that, the geographic adjustment factor (determined under paragraph (2) of section 1848(e) (42 U.S.C. 1395w-4(e)) used in determining the amount of payment for physicians' services under the Medicare program is less for physicians' services

provided in New Mexico than for physicians' services provided in Arizona, Colorado, and Texas; and

(2) the effect that the level of the geographic cost-of-practice adjustment factor (determined under paragraph (3) of such section) has on the recruitment and retention of physicians in small rural States, including New Mexico, Iowa, Louisiana, and Arkansas.

(b) REPORT.—Not later than 3 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

SEC. 218. WITHHOLDING OF SUBSTANCE ABUSE FUNDS. (a) IN GENERAL.—None of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x-26) if such State certifies to the Secretary of Health and Human Services that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) AMOUNT OF STATE FUNDS.—The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act, except that the Secretary may agree to a smaller commitment of additional funds by the State.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts expended by a State pursuant to a certification under subsection (a) shall be used to supplement and not supplant State funds used for tobacco prevention programs and for compliance activities described in such subsection in the fiscal year preceding the fiscal year to which this section applies.

(d) ENFORCEMENT OF STATE EXPENDITURE.—The Secretary shall exercise discretion in enforcing the timing of the State expenditure required by the certification described in subsection (a) as late as July 31, 2000.

SEC. 219. None of the funds made available under this title may be used to carry out the transmittal of August 13, 1997 (relating to self-administered drugs) of the Deputy Director of the Division of Acute Care of the Health Care Financing Administration to regional offices of such Administration or to promulgate any regulation or other transmittal or policy directive that has the effect of imposing (or clarifying the imposition of) a restriction on the coverage of injectable drugs under section 1861(s)(2) of the Social Security Act beyond the restrictions applied before the date of such transmittal.

SEC. 220. In accordance with section 1557 of title 31, United States Code, funds obligated and awarded in fiscal years 1994 and 1995 under the heading "National Cancer Institute" for the Cancer Therapy and Research Center in San Antonio, Texas, grant numbers 1 C06 CA58690-01 and 3 C06 CA58690-01S1, shall be exempt from subchapter IV of chapter 15 of such title and the obligated unexpended dollars shall remain available to the grantee

for expenditure without fiscal year limitation to fulfill the purpose of the award.

SEC. 221. Not later than January 15, 2000, the Secretary of Health and Human Services shall transfer \$20,000,000 from the appropriation in this Act for “National Institutes of Health—National Institute of Allergy and Infectious Diseases” to the appropriation in this Act for “Centers for Disease Control and Prevention—Disease Control, Research, and Training”.

This title may be cited as the “Department of Health and Human Services Appropriations Act, 2000”.

### TITLE III—DEPARTMENT OF EDUCATION

#### EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act, the School-to-Work Opportunities Act, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and part I of title X of the Elementary and Secondary Education Act of 1965, \$1,768,370,000, of which \$456,500,000 for the Goals 2000: Educate America Act and \$55,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 2000 and remain available through September 30, 2001, and of which \$109,500,000 shall be for section 3122: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act, except that no more than \$1,500,000 may be used to carry out activities under section 314(a)(2) of that Act: *Provided further*, That section 315(a)(2) of the Goals 2000: Educate America Act shall not apply: *Provided further*, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: *Provided further*, That if any State educational agency does not apply for a grant under section 3132, that State’s allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: *Provided further*, That of the funds made available to carry out section 3136 and notwithstanding any other provision of law, \$500,000 shall be awarded to the Houston Independent School District for technology infrastructure, \$8,000,000 shall be awarded to the I CAN LEARN program, \$3,000,000 shall be awarded to the Linking Education Technology and Educational Reform (LINKS) project for educational technology, \$1,000,000 shall be awarded to the Center for Advanced Research and Technology (CART) for comprehensive secondary education reform, \$250,000 shall be awarded to the Vaughn Reno Starks Community Center in Elizabethtown, Kentucky for a technology program, \$125,000 shall be awarded to the Wyandanch Compel Youth Academy Educational Assistance Program in New York, \$3,000,000 shall be awarded to Hi-Technology High School in San Bernardino County, California for technology enhancement, \$300,000 shall be awarded to the Long Island 21st Century Technology and E-Commerce Alliance, \$800,000 shall be awarded to Montana State University-Billings for a distance learning initiative, \$2,000,000 for the Tupelo School District in Tupelo, Mississippi



for technology innovation in education, \$900,000 for the University of Alaska at Anchorage for distance learning education, \$1,000,000 shall be awarded to the Seton Hill College in Greensburg, Pennsylvania for a model education technology training program, \$500,000 shall be awarded to the University of Alaska-Fairbanks, in Fairbanks, Alaska for a teacher technology training program, \$200,000 shall be awarded to the Alaska Department of Education for the Alaska State Distance Education Technology Consortium, \$1,000,000 shall be awarded to the North East Vocational Area Cooperative in Washington State for a multi-district technology education center, \$400,000 shall be awarded to the University of Vermont for the Vermont Learning Gateway Program, \$2,500,000 shall be awarded to the State University of New Jersey for the RUNet 2000 project at Rutgers for an integrated voice-video-data network to link students, faculty and administration via a high-speed, broad band fiber optic network, \$500,000 shall be awarded to the Iowa Area Education Agency 13 for a public/private partnership to demonstrate the effective use of technology in grades 1-3, \$235,000 shall be for the Louisville Deaf Oral School for technology enhancements: *Provided further*, That in the State of Alabama \$50,000 shall be awarded to the Bibb County Board of Education for technology enhancements, \$50,000 shall be awarded to the Calhoun County Board of Education for technology enhancements, \$50,000 shall be awarded to the Chambers County Board of Education for technology enhancements, \$50,000 shall be awarded to the Chilton County Board of Education for technology enhancements, \$50,000 shall be awarded to the Clay County Board of Education for technology enhancements, \$50,000 shall be awarded to the Cleburne County Board of Education for technology enhancements, \$50,000 shall be awarded to the Coosa County Board of Education for technology enhancements, \$50,000 shall be awarded to the Lee County Board of Education for technology enhancements, \$50,000 shall be awarded to the Macon County Board of Education for technology enhancements, \$50,000 shall be awarded to the St. Clair County Board of Education for technology enhancements, \$50,000 shall be awarded to the Talladega County Board of Education for technology enhancements, \$50,000 shall be awarded to the Tallapoosa County Board of Education for technology enhancements, \$50,000 shall be awarded to the Randolph County Board of Education for technology enhancements, \$50,000 shall be awarded to the Russell County Board of Education for technology enhancements, \$50,000 shall be awarded to the Alexander City Board of Education for technology enhancements, \$50,000 shall be awarded to the Anniston City Board of Education for technology enhancements, \$50,000 shall be awarded to the Lanett City Board of Education for technology enhancements, \$50,000 shall be awarded to the Pell City Board of Education for technology enhancements, \$50,000 shall be awarded to the Roanoke City Board of Education for technology enhancements, \$50,000 shall be awarded to the Talledega City Board of Education for technology enhancements, \$500,000 shall be to continue a state-of-the-art information technology system at Mansfield University, Mansfield, Pennsylvania, \$250,000 shall be awarded to the Chicago Public School Science and Technology Academy to establish a curriculum of math, science, and technology, \$500,000 shall be awarded to Prairie Hills, Illinois Elementary School District 144 for a public/private teacher technology training program, \$1,000,000 shall be

awarded to Adelphi University in New York for the Information Commons project, \$250,000 shall be awarded to the Oakland School District in California to support a distance education initiative, \$800,000 shall be awarded to the Kennedy Krieger Career and Technology Center in Maryland for a distance learning project, \$1,000,000 shall be awarded to Augsburg College and Twin Cities Public Television to demonstrate interactive technology to assist teachers and parents in effectively using emerging innovations in education, \$100,000 shall be awarded to the Santa Barbara Industry Education Council in California to provide technology education to area students and teachers, \$200,000 shall be awarded to the Nebraska Community College for technology training, and \$250,000 shall be awarded to the Providence Public School System, in partnership with the Metropolitan Regional Career and Technical Center, for Project Family Net to provide computer technology training to children and their parents: *Provided further*, That of the funds made available to carry out title III, part B of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, \$750,000 shall be awarded to the Technology Literacy Center at the Museum of Science and Industry, Chicago, \$1,000,000 shall be awarded to an on-line math and science training program at Oklahoma State University, \$4,000,000 shall be awarded to continue and expand the Iowa Communications Network State-wide fiber optic demonstration project, and \$250,000 shall be awarded to the WinstonNet distance learning project in Winston Salem, North Carolina: *Provided further*, That of the funds made available for title X, part I of the Elementary and Secondary Education Act of 1965 and notwithstanding any other provision of law, \$6,000 shall be awarded to the Study Partners Program, Inc., in Louisville, Kentucky, \$12,000 shall be awarded to the Shawnee Gardens Tenants Association Inc., in Louisville, Kentucky for a tutorial program, \$12,000 shall be awarded to the 100 Black Men of Louisville, Kentucky for a mentoring and leadership training program, \$500,000 shall be awarded to the Omaha, Nebraska Public Schools for the OPS 21st Century Learning Grant, \$25,000 shall be for the Plymouth Renewal Center in Kentucky for a tutoring program, \$25,000 shall be for the Canaan Community Development Corporation's Village Learning Center Program, \$25,000 shall be for the St. Stephen Life Center After School Program, \$25,000 shall be for the Louisville Central Community Centers Youth Education Program, \$15,000 shall be for the Trinity Family Life Center tutoring program, \$15,000 shall be for the New Zion Community Development Foundation, Inc., after school mentoring program, \$20,000 shall be for the St. Joseph Catholic Orphan Society program for abused and neglected children, \$25,000 shall be for the Portland Neighborhood House after school program, \$25,000 shall be for the St. Anthony Community Outreach Center, Inc., for the Education PAYs program, \$250,000 shall be awarded to the Harvey Public School District 152 in Chicago, Illinois for the "Project CAFE" after-school program, \$200,000 shall be awarded to the St. Clair County, Michigan Intermediate School District for after-school programs, \$400,000 shall be awarded to the Macomb County, Michigan Intermediate School District for after-school programs, \$200,000 shall be awarded to the Danbury Public School System in Connecticut for an ESCAPE Arts after-school program, \$50,000 shall be awarded to the Tuckahoe School District for an after-school program in Eastchester,

New York, \$100,000 shall be awarded to Innovative Directions, an Educational Alliance (IDEA), based at the City Island School (P.S. 175) in the Bronx, New York City, New York, \$250,000 shall be awarded to the New York Hall of Science in Queens, New York for after-school education programs, \$60,000 shall be awarded to the Mamaroneck School District in Mamaroneck, New York for expansion of an after-school program, \$250,000 shall be awarded to the White Plains School District for an after-school program in White Plains, New York, \$200,000 shall be awarded to the New Rochelle School District for an after-school program in New Rochelle, New York, \$250,000 shall be awarded to the Community School District 30 in Queens, New York for the expansion of after-school activities, \$500,000 shall be awarded to the Jefferson Elementary School for a joint after-school program with the Madison Elementary School in Stevens Point, Wisconsin, \$400,000 shall be awarded to the School District of Superior in Wisconsin for an after-school center, \$100,000 shall be awarded to the Independence School District in Kansas City, Missouri for an after-school program, and \$500,000 shall be awarded to the Clark County School District in Nevada for an after-school program.

#### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, \$8,700,986,000, of which \$2,461,823,000 shall become available on July 1, 2000, and shall remain available through September 30, 2001, and of which \$6,204,763,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000-2001: *Provided*, That \$6,783,000,000 shall be available for basic grants under section 1124: *Provided further*, That \$134,000,000 shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c): *Provided further*, That 100 percent of these funds shall be allocated to local educational agencies for the purposes of carrying out section 1116(c) and that local educational agencies shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c): *Provided further*, That if the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school, and after giving notice to the parents of children affected that it is not possible, consistent with State and local law, to accommodate the transfer request of every student, the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school that has not been identified for school improvement under section 1116(c): *Provided further*, That up to \$3,500,000 of these funds shall be available to the Secretary on October 1, 1999, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That \$1,158,397,000 shall be available for concentration grants under section 1124A: *Provided further*, That \$8,900,000 shall be available for evaluations under section 1501 and not more than \$8,500,000 shall be reserved for section

1308, of which not more than \$3,000,000 shall be reserved for section 1308(d): *Provided further*, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to each State and local educational agency at no less than 100 percent of the amount such State or local educational agency received under this authority for fiscal year 1999: *Provided further*, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 1998, but are not eligible to receive such a grant for fiscal year 2000: *Provided further*, That each such local educational agency shall receive an amount equal to the Concentration Grant the agency received in fiscal year 1998, ratably reduced, if necessary, to ensure that these local educational agencies receive no greater share of their hold-harmless amounts than other local educational agencies: *Provided further*, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: *Provided further*, That \$170,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference report accompanying Public Law 105-277: *Provided further*, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

#### IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, \$910,500,000, of which \$737,200,000 shall be for basic support payments under section 8003(b), \$50,000,000 shall be for payments for children with disabilities under section 8003(d), \$76,000,000, to remain available until expended, shall be for payments under section 8003(f), \$10,300,000 shall be for construction under section 8007, \$32,000,000 shall be for Federal property payments under section 8002 and \$5,000,000 to remain available until expended shall be for facilities maintenance under section 8008: *Provided*, That of the funds available for section 8007 and notwithstanding any other provision of law, \$500,000 shall be awarded to the Fort Sam Houston Independent School District, Texas, \$800,000 shall be awarded to the Hays Lodgepole School District, Montana, and \$2,000,000 shall be awarded to the North Chicago Community Unit SD 187: *Provided further*, That these funds shall remain available until expended: *Provided further*, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from the local educational agency for Brookeland, Texas under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that

application not later than 30 days after the enactment of this Act: *Provided further*, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding a new paragraph “(3)” at the end to read as follows:

“(3) For each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Central Union, California; Island, California; Hill City, South Dakota; and Wall, South Dakota local educational agencies as meeting the eligibility requirements of subsection (a)(1)(C) of this section.”:

*Provided further*, That the Secretary of Education shall consider all payments received by the educational agency for Hatboro-Horsham and Delaware Valley, Pennsylvania for fiscal year 1995 under section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)), and all payments under section 8002(h)(2)(A) for subsequent years through fiscal year 1999, to be correct: *Provided further*, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (4) to read as follows:

“(4) For the purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hot Springs, South Dakota local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 for fiscal year 1994 if the Secretary has received the fiscal year 1994 application, as well as Exhibits A and B not later than December 1, 1999.”:

*Provided further*, That section 8002(f) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof a new paragraph (5) to read as follows:

“(5) For purposes of payments under this section for each fiscal year beginning with fiscal year 2000, the Secretary shall treat the Hueneme, California local educational agency as if it had filed a timely application under section 8002 of the Elementary and Secondary Education Act of 1965 if the Secretary has received the fiscal year 1995 application not later than December 1, 1999.”:

*Provided further*, That the Secretary of Education shall treat as timely filed, and shall process for payment, an application for a fiscal year 1998 payment from the local educational agency for Hyدابurg, Alaska, under section 8003 of the Elementary and Secondary Education Act of 1965 if the Secretary has received that application not later than 30 days after the enactment of this Act: *Provided further*, That the Secretary of Education shall treat as timely, and process for payment, an application for fiscal years 1996 and 1997 payment from the local education agency for Fallbrook Unified High School District, California, under section 8002 of the Elementary and Secondary Education Act of 1965, if the Secretary has received that application not later than 30 days after the enactment of this Act: *Provided further*, That for the purpose of computing the amount of a payment for a local educational agency for children identified under section 8003 of the Elementary and Secondary Education Act of 1965, children residing in housing initially acquired or constructed under section 801 of the Military Construction Authorization Act of 1984 (Public Law 98-115) (“Build to Lease” program) shall be considered as children described under section 8003(a)(1)(B) if the property described is within the fenced security perimeter of the military

facility upon which such housing is situated: *Provided further*, That if such property is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency which received a payment from the Secretary under section 8003, the Secretary shall: (1) require such local educational agency to provide certification from an appropriate official of the Department of Defense that such property is being used to provide military housing; and (2) reduce the amount of such payment by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.

#### SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V-A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Act of 1965; \$3,026,884,000, of which \$975,300,000 shall become available on July 1, 2000, and remain available through September 30, 2001, and of which \$1,515,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001 for academic year 2000-2001: *Provided*, That of the amount appropriated, \$335,000,000 shall be for Eisenhower professional development State grants under title II-B and \$1,680,000,000 shall be for title VI and up to \$750,000 shall be for an evaluation of comprehensive regional assistance centers under title XIII of ESEA: *Provided further*, That of the amount made available for title VI \$1,300,000,000 shall be available, notwithstanding any other provision of law, to carry out title VI of Elementary and Secondary Education Act of 1965 in accordance with section 310 of this Act, in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children.

#### READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, \$65,000,000, which shall become available on July 1, 2000 and shall remain available through September 30, 2001 and \$195,000,000 which shall become available on October 1, 2000 and remain available through September 30, 2001.

#### INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, \$77,000,000.

#### BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary

and Secondary Education Act of 1965, without regard to section 7103(b), \$406,000,000: *Provided*, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

#### SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, \$6,036,646,000, of which \$2,047,885,000 shall become available for obligation on July 1, 2000, and shall remain available through September 30, 2001, and of which \$3,742,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001, for academic year 2000–2001: *Provided*, That \$1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That \$1,500,000 shall be awarded to the Organizing Committee for the 2001 Special Olympics World Winter Games in Alaska and \$1,000,000 shall be awarded to the Salt Lake City Organizing Committee for the VIII Paralympic Winter Games: *Provided further*, That \$1,000,000 shall be for the Early Childhood Development Project of the National Easter Seal Society for the Mississippi Delta Region, which funds shall be used to provide training, technical support, services and equipment to address personnel and other needs: *Provided further*, That \$1,000,000 shall be awarded to the Center for Literacy and Assessment at the University of Southern Mississippi for research dissemination and teacher and parent training.

#### REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, \$2,707,522,000: *Provided*, That notwithstanding section 105(b)(1) of the Assistive Technology Act of 1998 (“the AT Act”), each State shall be provided \$50,000 for activities under section 102 of the AT Act: *Provided further*, That of the funds available for section 303 of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, \$750,000 shall be awarded to the Krasnow Institute at George Mason University for a Receptive Language Disorders research center, \$1,000,000 shall be awarded to the University of Central Florida for a virtual reality-based education and training program for the deaf, \$2,000,000 shall be awarded to the Seattle Lighthouse for the Blind for interpreter, orientation, mobility, and education services for deaf, blind and other visually impaired adults, \$1,000,000 shall be awarded to the Professional Development and Research Institute on Blindness in Louisiana for the training of professionals in the field of education and rehabilitation of blind adults and children, \$600,000 shall be awarded to the Alaska Center for Independent Living in Anchorage, Alaska to develop capacity to implement a self-directed model for personal assistance services, including training of self-employed personal assistants and their clients, and \$250,000 shall be awarded to the Center for Discovery International Family Institute in Sullivan County, New York to provide educational opportunities and support to individuals with severe mental and physical disabilities: *Provided further*, That of the funds available for section 305 of the Rehabilitation Act of

1973 and notwithstanding any other provision of law, \$1,000,000 shall be awarded to the California State University at Northridge for a Western Center for Adaptive Therapy: *Provided further*, That of the funds available for title II of the Rehabilitation Act of 1973 and notwithstanding any other provision of law, \$500,000 shall be awarded to the Albert Einstein Medical Center healthcare network in Philadelphia for research on post polio syndrome.

#### SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

##### AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), \$10,100,000.

##### NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$48,151,000, of which \$2,651,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

##### GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), \$85,980,000, of which \$2,500,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

#### VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII-D of the Higher Education Act of 1965, as amended, and Public Law 102-73, \$1,681,750,000, of which \$3,500,000 shall remain available until expended, and of which \$858,150,000 shall become available on July 1, 2000 and shall remain available through September 30, 2001 and of which \$791,000,000 shall become available on October 1, 2000 and shall remain available through September 30, 2001: *Provided*, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, \$4,600,000 shall be for tribally controlled vocational institutions under section 117: *Provided further*, That of the \$450,000,000 for Adult Education State Grants, 30 percent of the amount exceeding the amount appropriated in fiscal year 1999 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, half shall be allocated to the States with the largest absolute need for such services and half shall be allocated to the States with the largest recent growth in need



for such services, based on the best available data, notwithstanding section 211 of the Adult Education and Family Literacy Act: *Provided further*, That \$9,000,000 shall be for carrying out section 118 of such act for all activities conducted by and through the National Occupational Information Coordinating Committee: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, \$14,000,000 shall be for national leadership activities under section 243 and \$6,000,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That \$19,000,000 shall be for Youth Offender Grants, of which \$5,000,000, which shall become available on July 1, 2000, and remain available through September 30, 2001, shall be used in accordance with section 601 of Public Law 102-73 as that section was in effect prior to the enactment of Public Law 105-220.

#### STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, \$9,435,000,000, which shall remain available through September 30, 2001.

The maximum Pell Grant for which a student shall be eligible during award year 2000-2001 shall be \$3,300: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 1999 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

For an additional amount for "STUDENT FINANCIAL ASSISTANCE" for payment of allocations to institutions of higher education for Federal Supplemental Educational Opportunity Grants for award years 1999-2000 and 2000-2001, made under title IV, part A, subpart 3, of the Higher Education Act of 1965, as amended, \$10,000,000: *Provided*, That notwithstanding any other provision of law, the Secretary of Education may waive or modify any statutory or regulatory provision applicable to the Federal Supplemental Educational Opportunity Grant program and the determination of need for such grants, that the Secretary deems necessary to assist individuals who suffered financial harm resulting from the hurricanes, and the flooding associated with the hurricanes, that struck the eastern United States in August and September 1999, and who, at the time of the disaster were residing, attending an institution of higher education, or employed within an area affected by such a disaster on the date which the President declared the existence of a major disaster (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from such disaster, and who resided, or was employed in such an area at that time): *Provided further*, That notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, exercise

this authority, through publication of waivers or modifications of statutory and regulatory provisions, as the Secretary deems necessary to assist such individuals: *Provided further*, That notwithstanding section 413D of the Higher Education Act of 1965, allocations from such additional amount shall not be taken into account in determining institutional allocations under such section in future years: *Provided further*, That the entire amount made available under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and that the entire amount shall be available only to the extent an official budget request for the entire amount, that includes designation of the entire amount as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

## FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, \$48,000,000.

## HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, and the Mutual Educational and Cultural Exchange Act of 1961; \$1,533,659,000, of which \$12,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That of the funds available for part A, subpart 2 of title VII of the Higher Education Act of 1965, \$10,000,000 shall be available to fund awards for academic year 2000–2001, and \$10,000,000 to remain available through September 30, 2001, shall be available to fund awards for academic year 2001–2002, for fellowships under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That section 852(b)(1) of the Higher Education Amendments of 1998 is amended—

(1) in the matter preceding subparagraph (A), by striking “14” and inserting “16”;

(2) in subparagraph (E), by striking “and” after the semicolon;

(3) in subparagraph (F), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

“(G) one member shall be appointed by the Chairperson of the Committee on Health, Education, Labor, and Pensions of the Senate from among members of the Senate; and

“(H) one member shall be appointed by the Chairperson of the Committee on Education and the Workforce of the House of Representatives from among members of the House of Representatives.”:

*Provided further*, That the matter preceding paragraph (1) of section 853(b) of the Higher Education Amendments of 1998 is amended by striking “6 months” and inserting “12 months”: *Provided further*, That the amounts provided under this heading in division A, section

101(f) of Public Law 105–277 for the Web-Based Education Commission, authorized by part J of title VIII of the Higher Education Amendments of 1998, shall remain available through September 30, 2000: *Provided further*, That \$3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That of the funds available for title IV, part A, subpart 8 of the Higher Education Act of 1965 and notwithstanding any other provision of law, \$3,000,000 shall be awarded to the University of South Florida for a distance learning program, \$190,000 shall be awarded to the New York Global Communication Center in West Islip, New York for a distance learning program, \$2,000,000 shall be awarded to the Alliance for Technology, Learning and Society (ATLAS) at the University of Colorado for technology-enhanced learning, \$2,500,000 shall be awarded to the Illinois Community College Board to develop a systemwide, on-line virtual degree program for the community college system in Illinois, and \$1,250,000 shall be made available to the University of Idaho Interactive Learning Environments to develop and improve Internet-based delivery of education programs.

#### HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), \$219,444,000, of which not less than \$3,530,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

#### COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, \$737,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

#### HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed \$357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, \$207,000.

#### EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, and parts A, B, and K and section 10102, section 10105, and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law

103-227, \$596,892,000: *Provided*, That \$50,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105-78 and in the statement of the managers on the conference report accompanying Public Law 105-277: *Provided further*, That the funds made available for comprehensive school reform shall become available on July 1, 2000, and remain available through September 30, 2001, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: *Provided further*, That \$30,000,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B-F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103-227: *Provided further*, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, \$1,500,000 shall be used to conduct a violence prevention demonstration program: *Provided further*, That \$45,000,000 shall be available to support activities under section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, of which up to \$2,250,000 may be available for evaluation, technical assistance, and school networking activities: *Provided further*, That funds made available to local educational agencies under this section shall be used only for activities related to establishing smaller learning communities in high schools: *Provided further*, That funds made available for section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965 shall become available on July 1, 2000, and remain available through September 30, 2001: *Provided further*, That of the funds available for part A of title X of the Elementary and Secondary Education Act of 1965, \$10,000,000 shall be awarded to the National Constitution Center, established by Public Law 100-433, for exhibition design, program planning and operation of the center, \$10,000,000 shall be provided to continue a demonstration of public school facilities to the Iowa Department of Education, \$1,000,000 shall be made available to the New Mexico Department of Education for school performance improvement and drop-out prevention, \$300,000 shall be made available to Semos Unlimited, Inc., in New Mexico to support bilingual education and literacy programs, \$700,000 shall be awarded to Loyola University Chicago for recruitment and preparation of new teacher candidates for employment in rural and inner-city schools, \$500,000 shall be awarded to Shedd Aquarium/Brookfield Zoo for science education/exposure programs for local elementary school students, \$3,000,000 shall be awarded to Big Brothers/Big Sisters of America to expand school-based mentoring, \$2,500,000 shall be awarded to the Chicago Public School System to support a substance abuse pilot program in conjunction with Elgin and East Aurora School Systems, \$1,000,000 shall be awarded to the University of Virginia Center for Governmental Studies for the Youth Leadership Initiative, \$800,000 shall be awarded to the Institute for Student Achievement at Holmes Middle School and

Annandale High School in Virginia for academic enrichment programs, \$100,000 shall be awarded to the Mountain Arts Center for educational programming, \$1,500,000 shall be awarded to the University of Louisville for research in the area of academic readiness, \$500,000 shall be awarded to the West Ed Regional Educational Laboratory for the 24 Challenge and Jumping Levels Math Demonstration Project, \$1,000,000 shall be awarded to Central Michigan University for a charter schools development and performance institute, \$950,000 shall be awarded to the Living Science Interactive Learning Model partnership in Indian River, Florida for a science education program, \$825,000 shall be awarded to the North Babylon Community Youth Services for an educational program, \$1,000,000 shall be awarded to the Los Angeles County Office of Education/Educational Telecommunications and Technology for a pilot program for teachers, \$650,000 shall be awarded to the University of Northern Iowa for an institute of technology for inclusive education, \$500,000 shall be awarded to Youth Crime Watch of America to expand a program to prevent crime, drugs and violence in schools, \$892,000 shall be awarded to Muhlenberg College in Pennsylvania for an environmental science program, \$560,000 shall be awarded to the Western Suffolk St. Johns-LaSalle Academy Science and Technology Mentoring Program, \$4,000,000 shall be awarded to the National Teaching Academy of Chicago for a model teacher recruitment, preparation and professional development program, \$2,000,000 shall be awarded to the University of West Florida for a teacher enhancement program, \$1,000,000 shall be awarded to Delta State University in Mississippi for innovative teacher training, \$1,000,000 shall be awarded to the Alaska Humanities Forum, Inc., in Anchorage, Alaska, \$250,000 shall be awarded to An Achievable Dream in Newport News, Virginia to improve academic performance of at-risk youths, \$250,000 shall be awarded to the Rock School of Ballet in Philadelphia, Pennsylvania, to expand its community-outreach programs for inner-city children and underprivileged youth in Camden, New Jersey and southern New Jersey, \$1,000,000 shall be awarded to the University of Maryland Center for Quality and Productivity to provide a link for the Blue Ribbon Schools, \$1,000,000 shall be awarded to the Continuing Education Center and Teachers' Institute in South Boston, Virginia to promote participation among youth in the United States democratic process, \$1,000,000 shall be for the National Museum of Women in the Arts to expand its "Discovering Art" program to elementary and secondary schools and other educational organizations, \$400,000 shall be awarded to the Alaska Department of Education's summer reading program, \$400,000 shall be awarded to the Partners in Education, Inc., to foster successful business-school partnerships, \$250,000 shall be for the Kodiak Island Borough School District for development of an environmental education program, \$2,000,000 shall be for the Reach Out and Read Program to expand literacy and health awareness for at-risk families, \$1,000,000 shall be for the Virginia Living Museum in Newport News, Virginia for an educational program, \$450,000 shall be for the Challenger Learning Center in Hardin County, Kentucky for technology assistance and teacher training, \$250,000 shall be for the Crawford County School System in Georgia for technology and curriculum support, \$500,000 shall be for the Berrien County School System in Georgia for technology development, \$35,000 shall be for the Louisville Salvation Army Boys and Girls Club Diversion

Enhancement Program, \$100,000 shall be awarded to the Philadelphia Orchestra's Philly Pops to operate the Jazz in the Schools program in the Philadelphia school district, \$500,000 for the Mississippi Delta Education for a teacher incentive program initiative, \$500,000 shall be for A Community of Agile Partners in Education and the Pennsylvania Telecommunications Exchange Network for a technology resource sharing initiative, \$500,000 shall be for enhanced teacher training in reading in the District of Columbia, \$100,000 shall be awarded to the Project 2000 D.C. mentoring project, and \$1,250,000 shall be awarded to Helen Keller World Wide to expand the ChildSight vision screening program and provide eyeglasses to additional children whose educational performance may be hindered by poor vision, \$750,000 shall be awarded to the Explornet Technology Learning Project in North Carolina, \$1,750,000 shall be awarded to the Connecticut Early Reading Success Institute to broaden the training of professionals in best practices in reading instruction, \$400,000 shall be awarded to the National Academy of Recording Artists and Sciences Foundation for the GRAMMY in the Schools program to provide music education to high school students, \$1,000,000 shall be awarded to the Rosa and Raymond Parks Institute for Self-Development for the Pathways to Freedom program for civil rights education for young people and for community learning centers, \$500,000 shall be awarded to the Milton S. Eisenhower Foundation to replicate and scientifically evaluate full-service community schools, \$500,000 shall be awarded to the Henry Abbott Technical High School in Danbury, Connecticut for workforce education and training activities, \$1,000,000 shall be awarded to the Educational Performance Foundation, CPI music education program called "From the Top", \$250,000 shall be awarded to the Mount Vernon School District in Mount Vernon, New York for the Institute of Student Achievement program, \$2,000,000 shall be awarded to the National Council of La Raza for a project to improve educational outcomes and opportunities for Hispanic children, \$250,000 shall be awarded to the Oakland Unified School District in California for an African American Literacy and Culture Project, \$300,000 shall be awarded to the Vasona Center Youth Science Institute, \$750,000 shall be awarded to the Life Learning Academy Charter School in San Francisco, California, \$250,000 shall be awarded to the National Urban Coalition Say YES To A Youngster's Future Program to provide math and science education, \$750,000 shall be awarded to the Wisconsin Academy Staff Development Initiative in Chippewa Falls, Wisconsin to provide math, science, and technology teacher training, \$500,000 shall be awarded to the University of Missouri-St. Louis to develop a plan to improve the education system in the City of St. Louis, Missouri, \$313,000 shall be awarded to the City of Houston for the ASPIRE after-school program, \$900,000 shall be awarded to the Boston Music Education Collaborative comprehensive interdisciplinary music program and teacher resource center in Boston, Massachusetts, \$250,000 shall be awarded to the Baltimore Reads after-school tutoring program in Baltimore, Maryland, \$300,000 shall be awarded to the School of International Training in Brattleboro, Vermont to develop an education curriculum addressing child labor issues in collaboration with the Brattleboro Union High School, \$750,000 shall be awarded to the University of Puerto Rico for the continuation and expansion of the Hispanic Educational Linkages Program in New York City,

including the South Bronx, New York, \$250,000 shall be awarded to the Community Service Society of New York for mentoring, tutoring and technology activities in New York City public schools, including schools in the South Bronx, \$250,000 shall be awarded to the Smithsonian Institution for a jazz music education program in Washington, D.C., \$500,000 shall be awarded to Johnson Elementary School in Cedar Rapids, Iowa, to develop an innovative arts education model which could be replicated in other schools, \$2,000,000 shall be awarded to the Boys and Girls Clubs of America for after-school programs, \$500,000 shall be for the University of New Orleans for a teacher preparation and educational technology initiative, and \$250,000 shall be for the Florida Department of Education for an Internet-based teacher recruitment model, \$250,000 shall be awarded to the Kennedy Center for the Performing Arts for the “Make a Ballet” arts education program in the New York City area: *Provided further*, That of the funds available for section 10601 of title X of such Act, \$2,000,000 shall be awarded to the Center for Educational Technologies for production and distribution of an effective CD-ROM product that would complement the “We the People: The Citizen and the Constitution” curriculum: *Provided further*, That, in addition to the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, \$1,000,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term “developing countries” shall have the same meaning as the term “developing country” in the Education for the Deaf Act.

#### DEPARTMENTAL MANAGEMENT

##### PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, \$383,184,000.

##### OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, \$71,200,000.

##### OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, \$34,000,000.

#### GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such

transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. (a) From the funds appropriated for payments to local educational agencies under section 8003(f) of the Elementary and Secondary Education Act of 1965 ("ESEA") for fiscal year 2000, the Secretary of Education shall distribute supplemental payments for certain local educational agencies, as follows:

(1) First, from the amount of \$74,000,000, the Secretary shall make supplemental payments to the following agencies under section 8003(f) of ESEA:

(A) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999—

(i) in fiscal year 1997 had at least 40 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 95 percent of the State average tax rate for general fund purposes; or

(ii) whose boundary is coterminous with the boundary of a Federal military installation.

(B) Local educational agencies that received assistance under section 8003(f) for fiscal year 1999; and in fiscal year 1997 had at least 30 percent federally connected children described in section 8003(a)(1) in average daily attendance; and in fiscal year 1997 had a tax rate for general fund purposes which was at least 125 percent of the State average tax rate for general fund purposes.

(C) Any eligible local educational agency that in fiscal year 1997, which had at least 25,000 children in average daily attendance, at least 50 percent federally connected children described in section 8003(a)(1) in average daily



attendance, and at least 6,000 children described in subparagraphs (A) and (B) of section 8003(a)(1) in average daily attendance.

(2) From the remaining \$2,000,000 and any amounts available after making payments under paragraph (1), the Secretary shall then make supplemental payments to local educational agencies that are not described in paragraph (1) of this subsection, but that meet the requirements of paragraphs (2) and (4) of section 8003(f) of ESEA for fiscal year 2000.

(3) After making payments to all eligible local educational agencies described in paragraph (2) of subsection (a), the Secretary shall use any remaining funds from paragraph (2) for making payments to the eligible local educational agencies described in paragraph (1) of subsection (a) if the amount available under paragraph (1) is insufficient to fully fund all eligible local educational agencies.

(4) After making payments to all eligible local educational agencies as described in paragraphs 1 through 3, the Secretary shall use any remaining funds to increase basic support payments under section 8003(b) for fiscal year 2000 for all eligible applicants.

(b) In calculating the amounts of supplemental payments for agencies described in subparagraphs (1)(A) and (B) and paragraph (2) of subsection (a), the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that—

(1) eligible local educational agencies may count all children described in section 8003(a)(1) in computing the amount of those payments;

(2) maximum payments for any of those agencies that use local contribution rates identified in section 8003(b)(1)(C) (i) or (ii) shall be computed by using four-fifths instead of one-half of those rates;

(3) the learning opportunity threshold percentage of all such agencies under section 8003(b)(2)(B) shall be deemed to be 100;

(4) for an eligible local educational agency with 35 percent or more of its children in average daily attendance described in either subparagraph (D) or (E) of section 8003(a)(1) in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by using a factor of 0.55 for such children;

(5) for an eligible local educational agency with fewer than 100 children in average daily attendance in fiscal year 1997, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.75; and

(6) for an eligible local educational agency whose total number of children in average daily attendance in fiscal year 1997 was at least 100, but fewer than 750, the weighted student unit figure from its regular basic support payment shall be recomputed by multiplying the total number of children described in section 8003(a)(1) by a factor of 1.25.

(c) For a local educational agency described in subsection (a)(1)(C) above, the Secretary shall use the formula contained in section 8003(b)(1)(C) of ESEA, except that the weighted student

unit total from its regular basic support payment shall be recomputed by using a factor of 1.35 for children described in subparagraphs (A) and (B) of section 8003(a)(1) and its learning opportunity threshold percentage shall be deemed to be 100.

(d) For each eligible local educational agency, the calculated supplemental section 8003(f) payment shall be reduced by subtracting the agency's fiscal year 2000 section 8003(b) basic support payment.

(e) If the sums described in subsections (a)(1) and (2) above are insufficient to pay in full the calculated supplemental payments for the local educational agencies identified in those subsections, the Secretary shall ratably reduce the supplemental section 8003(f) payment to each local educational agency.

SEC. 306. (a) Section 1204(b)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364(b)(1)(a)) is amended—

(1) in clause (iv), by striking “and” after the semicolon;

(2) by striking clause (v) and adding the following:

“(v) 50 percent in the fifth, sixth, seventh, and eighth such years; and

“(vi) 35 percent in any subsequent such year.”.

(b) Section 1208(b) of the Elementary and Secondary Education Act of 1965 is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.”; and

(2) in paragraph (5)(A), by striking the last sentence.

SEC. 307. (a) Notwithstanding sections 401(j) and 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070a(j) and 1085(a)(2)) and subject to the requirements of subsection (b), the Secretary of Education shall—

(1) recalculate the official fiscal year 1996 cohort default rate for Jacksonville College of Jacksonville, Texas, on the basis of data corrections confirmed by the Texas Guaranteed Student Loan Corporation; and

(2) restore the eligibility of Jacksonville College to participate in the Federal Pell Grant Program for the 1999–2000 award year and succeeding award years.

(b) Jacksonville College shall implement a default management plan that is satisfactory to the Secretary of Education.

(c) For purposes of determining its Federal Pell Grant Program eligibility, Jacksonville College shall be deemed to have withdrawn from the Federal Family Education Loan program as of October 6, 1998.

SEC. 308. An amount of \$14,500,000 from the balances of returned reserve funds, formerly held by the Higher Education Assistance Foundation, that are currently held in Higher Education Assistance Foundation Claims Reserves, Treasury account number 91X6192, and \$12,000,000 from funds formerly held by the Higher Education Assistance Foundation, that are currently held in trust, shall be deposited in the general fund of the Treasury.

SEC. 309. Of the funds provided in title III of this Act, under the heading “Higher Education”, for title VII, part B of the Higher Education Act of 1965, \$250,000 shall be awarded to the Snelling Center for Government at the University of Vermont for a model school program, \$750,000 shall be awarded to Texas A&M University, Corpus Christi, for operation of the Early Childhood Development Center, \$1,000,000 shall be awarded to Southeast Missouri State University for equipment and curriculum development associated with the University’s Polytechnic Institute, \$800,000 shall be awarded to the Washington Virtual Classroom Consortium to develop, equip and implement an ecosystem curriculum, \$500,000 shall be provided to the Puget Sound Center for Technology for faculty development activities for the use of technology in the classroom, \$500,000 shall be awarded to the Center for the Advancement of Distance Education in Rural America, \$3,000,000, to be available until expended, shall be awarded to the University Center of Lake County, Illinois and \$1,000,000, to be available until expended, shall be awarded to the Oregon University System for activities authorized under title III, part A, section 311(c)(2), of the Higher Education Act of 1965, as amended, \$500,000 shall be awarded to Columbia College Illinois for a freshman retention program, \$1,500,000 shall be awarded to the University of Hawaii at Manoa for a Globalization Research Center, \$2,000,000 shall be awarded to the University of Arkansas at Pine Bluff for technology infrastructure, \$1,000,000 shall be awarded to the I Have a Dream Foundation, \$1,000,000 shall be awarded to a demonstration program for activities authorized under part G of title VIII of the Higher Education Act of 1965, as amended, \$3,000,000 shall be awarded to the Daniel J. Evans School of Public Policy at the University of Washington, \$200,000 shall be awarded to North Dakota State University for the Career Program for Dislocated Farmers and Ranchers, \$350,000 shall be awarded to North Dakota State University for the Tech-based Industry Traineeship Program, \$3,000,000 shall be awarded to Washington State University for the Thomas S. Foley Institute to support programs in congressional studies, public policy, voter education, and to ensure community access and outreach, \$200,000 shall be awarded to Minot State University for the Rural Communications Disabilities Program, \$300,000 shall be awarded to Bryant College for the Linking International Trade Education Program (LITE), \$1,000,000 shall be awarded to Concord College, West Virginia for a technology center to further enhance the technical skills of West Virginia teachers and students, \$200,000 shall be awarded to Peirce College in Philadelphia, Pennsylvania for education and training programs, \$250,000 shall be awarded to the Philadelphia Zoo for educational programs, \$800,000 shall be awarded to Spelman College in Georgia for educational operations, \$1,000,000 shall be awarded to the Philadelphia University Education Center for technology education, \$725,000 shall be awarded to Lock Haven University for technology innovations, \$250,000 for Middle Georgia College for an advanced distributed learning center demonstration program, \$1,000,000 for the University of the Incarnate Word in San Antonio, Texas, to improve teacher capabilities in technology, \$1,000,000 for Elmira College in New York for a technology enhancement initiative, \$1,000,000 shall be awarded to the Southeastern Pennsylvania Consortium on Higher Education for education programs, \$400,000

shall be awarded to Lehigh University Iacocca Institute for educational training, \$250,000 shall be awarded to Lafayette College for arts education, \$1,000,000 shall be awarded to Lewis and Clark College for the Crime Victims Law Institute, \$1,650,000 for Rust College in Mississippi for technology infrastructure, \$500,000 for the University of Notre Dame for a teacher quality initiative, \$2,400,000 shall be awarded to the Western Governors University for a distance learning initiative, \$1,000,000 shall be awarded to the Alabama A&M University for the development of a research institute, \$1,000,000 shall be awarded to Tarleton State University in Stephenville, Texas for the Center for Astronomy Education and Research summer science programs for students and teachers, \$1,500,000 shall be awarded to the Great Plains Network at Kansas University, \$350,000 shall be awarded to the Science Education and Literacy Center at Rider University in New Jersey, \$1,500,000 shall be awarded to the Indiana State University DegreeLink Partnership for a distance learning program, \$1,000,000 shall be awarded to the Ivy Technical State College in Indiana for a machine tool training program, \$1,250,000 shall be awarded to the Connecticut State University System Center for Education Technology Assessment, \$400,000 shall be awarded to Monmouth University in New Jersey for the 21st Century Science Teachers Skills Project, \$58,000 shall be awarded to the Black Hawk College International Business Education Center in Moline, Illinois for training in international economics, \$325,000 shall be awarded to the World Learning School of International Training in Brattleboro, Vermont for the expansion of a language study program, \$500,000 shall be awarded to the Diablo Valley Community College at Contra-Costa Community College District for a model teacher program to foster interest in teaching careers among high school and community college students, \$1,000,000 shall be awarded to the Urban College of Boston, Massachusetts, for tutoring and mentoring services for educationally disadvantaged students, \$1,000,000 shall be awarded to the University of Rhode Island Center for Environmental Design, Planning, and Policy in Kingston, Rhode Island to foster environmental education, \$800,000 shall be awarded to the Wisconsin Indianhead Technical College at Ashland and Superior to provide high technology education and training, \$400,000 shall be for an award to the University of Wisconsin at Superior for Project SPARKS to link faculty with schools in the Superior School District in Wisconsin, and \$100,000 shall be awarded to the University of Nevada at Las Vegas for the Nevada Institute for Children Children's literacy program.

SEC. 310. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—(1) shall make available a total of \$6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and (2) shall allocate the remainder by providing each State the same percentage of that remainder as it received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which—

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency who is certified within the State (which may include certification through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under this section to (A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pay for activities described in subsection (c)(2)(A)(iii) which may be related to teaching in smaller classes.

(c)(1) The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the areas in which they teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may use funds under this section for

(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children, who are certified within the State, including teachers certified through State or local alternative routes, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in their content areas;

(ii) testing new teachers for academic content knowledge, and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development (which may include such activities as promoting retention and mentoring) to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

(B)(i) Except as provided under clause (ii) a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(ii) A local educational agency in an Ed-Flex Partnership State under Public Law 106-25, the Education Flexibility Partnership Act, and in which 10 percent or more of teachers in elementary schools as defined by section 14101(14) of the Elementary and Secondary Education Act of 1965 have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may apply to the State educational agency for a waiver that would permit it to use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) for the purpose of helping teachers who have not met the certification requirements become certified.

(iii) If the State educational agency approves the local educational agency's application for a waiver under clause (ii), the local educational agency may use the funds subject to the waiver for activities described in subparagraph (A)(iii) that are needed to ensure that at least 90 percent of the teachers in elementary schools are certified within the State.

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

(i) to make further class size reductions in grades kindergarten through 3;

(ii) to reduce class size in other grades; or

(iii) to carry out activities to improve teacher quality, including professional development.

(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are not hired under this section. Funds under this section

may be used to pay the salary of teachers hired under section 307 of the Department of Education Appropriations Act, 1999.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

(3) Each school receiving funds under this section shall provide to parents upon request, the professional qualifications of their child's teacher.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private non-profit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) ADMINISTRATIVE EXPENSES.—A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) REQUEST FOR FUNDS.—Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

(h) No funds under this section may be used to pay the salary of any teacher hired with funds under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2000–2001 school year, the teacher is certified within the State (which may include certification through State or local alternative routes) and demonstrates competency in the subject areas in which he or she teaches.

(i) Titles III and IV of the Goals 2000: Educate America Act are repealed on September 30, 2000.

#### LIMITATION ON PUNITIVE DAMAGES AWARDED AGAINST INSTITUTIONS OF HIGHER EDUCATION

SEC. 311. Section 5 of the Y2K Act (15 U.S.C. 6604) is amended by adding at the end the following:

“(d) INSTITUTIONS OF HIGHER EDUCATION.—

“(1) IN GENERAL.—Subject to paragraph (2), punitive damages in a Y2K action may not be awarded against an institution of higher education as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(2) EXCEPTION.—Paragraph (1) shall not apply to an institution of higher education if the Y2K failure in the Y2K action occurred in a computer-based student financial aid system of that institution of higher education, and the institution—

“(A) has not passed Y2K data exchange testing with the Department of Education; or

“(B) is not or was not in the process of performing data exchange testing with the Department of Education at the time the Department terminates such testing.”.

SEC. 312. Section 4 of P.L. 106-71 is amended by striking subsection (c).

**SEC. 313. HOLD HARMLESS.**

(a) **LOCAL CONTRIBUTION RATE.**—For purposes of calculating a payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 for fiscal year 1999 or 2000 with respect to any local educational agency described in subsection (b), the Secretary of Education shall not use a local contribution rate for the fiscal year that is less than the local contribution rate used for the local educational agency for fiscal year 1998.

(b) **LOCAL EDUCATIONAL AGENCIES.**—A local educational agency referred to in subsection (a) is any local educational agency that—

(1) is eligible to receive a payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 for fiscal year 1999 or 2000, as the case may be; and

(2) received a payment under such section for fiscal year 1998 that was calculated on the basis of a local contribution rate based on generally comparable school districts using the special additional factors method.

(c) **EFFECTIVE DATE.**—This section shall be effective for fiscal years 1999 and 2000.

**SEC. 314. VOTER REGISTRATION OF COLLEGE STUDENTS.**

Subparagraph (C) of section 487(a)(23) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)) is amended to read as follows:

“(C) This paragraph shall apply to general and special elections for Federal office, as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)), and to the elections for Governor or other chief executive within such State).”.

This title may be cited as the “Department of Education Appropriations Act, 2000”.

**TITLE IV—RELATED AGENCIES**

**ARMED FORCES RETIREMENT HOME**

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$68,295,000, of which \$12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause “availability of funds” found at 48 CFR 52.232-18 and 252.232-7007, Limitation of Government Obligations.



## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

## DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, \$295,645,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends to volunteers or volunteer leaders whose incomes exceed the income guidelines established for payment of stipends under the Foster Grandparent and Senior Companion programs: *Provided further*, That the foregoing proviso shall not apply to the Seniors for Schools program.

## CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2002, \$350,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, \$10,000,000 shall be for digitalization, only if specifically authorized by subsequent legislation enacted by September 30, 2000.

## FEDERAL MEDIATION AND CONCILIATION SERVICE

## SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171-180, 182-183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95-454 (5 U.S.C. ch. 71), \$36,834,000, including \$1,500,000, to remain available through September 30, 2001, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States

gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), \$6,159,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, \$166,885,000, of which \$22,991,000 shall be awarded to national leadership projects, notwithstanding any other provision of law: *Provided*, That of the amount provided, \$700,000 shall be awarded to the Library and Archives of New Hampshire's Political Tradition at the New Hampshire State Library, \$1,000,000 shall be awarded to the Vermont Department of Libraries in Montpelier, Vermont, \$750,000 shall be awarded to consolidation and preservation of archives and special collections at the University of Miami Library in Coral Gables, Florida, \$1,900,000 shall be awarded to exhibits and library improvements for the Mississippi River Museum and Discovery Center in Dubuque, Iowa, \$750,000 shall be awarded to the Alaska Native Heritage Center in Anchorage, Alaska, \$750,000 shall be awarded to the Peabody-Essex Museum in Salem, Massachusetts, \$750,000 shall be awarded to the Bishop Museum in Hawaii, \$200,000 shall be awarded to Ocean-side Public Library in California for a local cultural heritage project, \$1,000,000 shall be awarded to the Urban Children's Museum Collaborative to develop and implement pilot programs dedicated to serving at-risk children and their families, \$150,000 shall be awarded to the Troy State University Dothan in Alabama for archival of a special collection, \$450,000 shall be awarded to Chadron State College in Nebraska for the Mari Sandoz Center, \$350,000 shall be awarded to the Alabama A&M University Alabama State Black Archives Research Center and Museum, \$350,000 shall be awarded to Mystic Seaport, the Museum of America and the Sea, in Connecticut to develop an educational outreach and informal learning laboratory, \$100,000 shall be awarded to the Museum for African Art in New York City, New York for community programming, \$35,000 shall be awarded to the Children's Museum of Manhattan in New York City, New York for family programming, \$400,000 shall be awarded to the Full Service Library in Molalla, Oregon for technology training and community education programs, \$250,000 shall be awarded to Temple University Libraries African American library digitization initiative, and \$1,000,000 shall be awarded to the Natural History Museum of Los Angeles County, for a science education program that targets a Spanish speaking audience, \$1,000,000 for Dakota Wesleyan University to support enhanced use of technology in the delivery of library services and \$500,000 shall be for the Portland State Millar Library for technology based information and research networks.

PUBLIC LAW 106–113—APPENDIX D 113 STAT. 1501A–269

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, \$7,015,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), \$1,300,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, \$2,400,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, \$2,250,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, \$206,500,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, \$9,600,000: *Provided*, That unobligated balances at the end of fiscal year 2000 not needed

for emergency boards shall remain available for other statutory purposes through September 30, 2001.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), \$8,500,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, \$174,000,000, which shall include amounts becoming available in fiscal year 2000 pursuant to section 224(c)(1)(B) of Public Law 98-76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds \$174,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, \$150,000, to remain available through September 30, 2001, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98-76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, \$91,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than \$5,400,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

## SOCIAL SECURITY ADMINISTRATION

## PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, \$20,764,000.

## SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, \$383,638,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2001, \$124,000,000, to remain available until expended.

## SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, \$21,503,085,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

From funds provided under the previous paragraph, not less than \$100,000,000 shall be available for payment to the Social Security trust funds for administrative expenses for conducting continuing disability reviews.

In addition, \$200,000,000, to remain available until September 30, 2001, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term “continuing disability reviews” means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2001, \$9,890,000,000, to remain available until expended.

## LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed \$10,000 for official reception and representation expenses, not more than \$6,111,871,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than \$1,800,000 shall be for the Social

Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2000 not needed for fiscal year 2000 shall remain available until expended to invest in the Social Security Administration computing network, including related equipment and non-payroll administrative expenses associated solely with this network: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 105-277 regarding unobligated balances at the end of fiscal year 1999 not needed for such fiscal year, an amount not to exceed \$100,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 2000, be available for necessary expenses.

From funds provided under the first paragraph, not less than \$200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, \$405,000,000, to remain available until September 30, 2001, for continuing disability reviews as authorized by section 103 of Public Law 104-121 and section 10203 of Public Law 105-33. The term “continuing disability reviews” means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, \$80,000,000 to be derived from administration fees in excess of \$5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93-66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2000 exceed \$80,000,000, the amounts shall be available in fiscal year 2001 only to the extent provided in advance in appropriations Acts.

From amounts previously made available under this heading for a state-of-the-art computing network, not to exceed \$100,000,000 shall be available for necessary expenses under this heading, subject to the same terms and conditions.

From funds provided under the first paragraph, the Commissioner of Social Security may direct up to \$3,000,000, in addition to funds previously appropriated for this purpose, to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

#### OFFICE OF INSPECTOR GENERAL

#### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$15,000,000, together with not to exceed

\$51,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the “Limitation on Administrative Expenses”, Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

#### UNITED STATES INSTITUTE OF PEACE

##### OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$13,000,000.

#### TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed \$20,000 and \$15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed \$2,500 from the funds available for “Salaries and expenses, Federal Mediation and Conciliation Service”; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed \$2,500 from funds available for “Salaries and expenses, National Mediation Board”.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out

any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term “health benefits coverage” means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).



(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) LIMITATION ON USE OF FUNDS FOR PROMOTION OF LEGALIZATION OF CONTROLLED SUBSTANCES.—None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. Except as otherwise specifically provided by law, unobligated balances remaining available at the end of fiscal year 2000 from appropriations made available for salaries and expenses for fiscal year 2000 in this Act, shall remain available through December 31, 2000, for each such account for the purposes authorized: *Provided*, That the House and Senate Committees on Appropriations shall be notified at least 15 days prior to the obligation of such funds.

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer

or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. Section 520(c)(2)(D) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as amended, is further amended by striking “December 31, 1997” and inserting “March 31, 2000”.

SEC. 516. The United States-Mexico Border Health Commission Act (22 U.S.C. 290n et seq.) is amended—

(1) by striking section 2 and inserting the following:

**“SEC. 2. APPOINTMENT OF MEMBERS OF BORDER HEALTH COMMISSION.**

“Not later than 30 days after the date of the enactment of this section, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.”; and

(2) in section 3—

(A) in paragraph (1), by striking the semicolon and inserting “; and”;

(B) in paragraph (2)(B), by striking “; and” and inserting a period; and

(C) by striking paragraph (3).

SEC. 517. The applicable time limitations with respect to the giving of notice of injury and the filing of a claim for compensation for disability or death by an individual under the Federal Employees’ Compensation Act, as amended, for injuries sustained as a result of the person’s exposure to a nitrogen or sulfur mustard agent in the performance of official duties as an employee at the Department of the Army’s Edgewood Arsenal before March 20, 1944, shall not begin to run until the date of the enactment of this Act.

SEC. 518. Section 169(d)(2)(B) of Public Law 105-220, the Workforce Investment Act of 1998, is amended by striking “or Alaska Native villages or Native groups (as such terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).” and inserting “or Alaska Natives.”.

**TITLE VI—EARLY DETECTION, DIAGNOSIS, AND INTERVENTIONS FOR NEWBORNS AND INFANTS WITH HEARING LOSS**

SEC. 601. (a) DEFINITIONS.—For the purposes of this section only, the following terms in this section are defined as follows:

(1) HEARING SCREENING.—Newborn and infant hearing screening consists of objective physiologic procedures to detect possible hearing loss and to identify newborns and infants who, after rescreening, require further audiologic and medical evaluations.

(2) AUDIOLOGIC EVALUATION.—Audiologic evaluation consists of procedures to assess the status of the auditory system; to establish the site of the auditory disorder; the type and degree of hearing loss, and the potential effects of hearing loss on communication; and to identify appropriate treatment and referral options. Referral options should include linkage to State IDEA part C coordinating agencies or other appropriate agencies, medical evaluation, hearing aid/sensory aid assessment, audiologic rehabilitation treatment, national and local

consumer, self-help, parent, and education organizations, and other family-centered services.

(3) **MEDICAL EVALUATION.**—Medical evaluation by a physician consists of key components including history, examination, and medical decision making focused on symptomatic and related body systems for the purpose of diagnosing the etiology of hearing loss and related physical conditions, and for identifying appropriate treatment and referral options.

(4) **MEDICAL INTERVENTION.**—Medical intervention is the process by which a physician provides medical diagnosis and direction for medical and/or surgical treatment options of hearing loss and/or related medical disorder associated with hearing loss.

(5) **AUDIOLOGIC REHABILITATION.**—Audiologic rehabilitation (intervention) consists of procedures, techniques, and technologies to facilitate the receptive and expressive communication abilities of a child with hearing loss.

(6) **EARLY INTERVENTION.**—Early intervention (e.g., non-medical) means providing appropriate services for the child with hearing loss and ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, communication options and are given the opportunity to consider the full range of educational and program placements and options for their child.

(b) **PURPOSES.**—The purposes of this section are to clarify the authority within the Public Health Service Act to authorize statewide newborn and infant hearing screening, evaluation and intervention programs and systems, technical assistance, a national applied research program, and interagency and private sector collaboration for policy development, in order to assist the States in making progress toward the following goals:

(1) All babies born in hospitals in the United States and its territories should have a hearing screening before leaving the birthing facility. Babies born in other countries and residing in the United States via immigration or adoption should have a hearing screening as early as possible.

(2) All babies who are not born in hospitals in the United States and its territories should have a hearing screening within the first 3 months of life.

(3) Appropriate audiologic and medical evaluations should be conducted by 3 months for all newborns and infants suspected of having hearing loss to allow appropriate referral and provisions for audiologic rehabilitation, medical and early intervention before the age of 6 months.

(4) All newborn and infant hearing screening programs and systems should include a component for audiologic rehabilitation, medical and early intervention options that ensures linkage to any new and existing statewide systems of intervention and rehabilitative services for newborns and infants with hearing loss.

(5) Public policy in regard to newborn and infant hearing screening and intervention should be based on applied research and the recognition that newborns, infants, toddlers, and children who are deaf or hard-of-hearing have unique language, learning, and communication needs, and should be the result of consultation with pertinent public and private sectors.

(c) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—Under the existing authority of the Public Health Service Act, the Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the Administrator of the Health Resources and Services Administration, shall make awards of grants or cooperative agreements to develop statewide newborn and infant hearing screening, evaluation and intervention programs and systems for the following purposes:

(1) To develop and monitor the efficacy of statewide newborn and infant hearing screening, evaluation and intervention programs and systems. Early intervention includes referral to schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard-of-hearing newborns, infants, toddlers, and children.

(2) To collect data on statewide newborn and infant hearing screening, evaluation and intervention programs and systems that can be used for applied research, program evaluation and policy development.

(d) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH.—

(1) CENTERS FOR DISEASE CONTROL AND PREVENTION.—Under the existing authority of the Public Health Service Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall make awards of grants or cooperative agreements to provide technical assistance to State agencies to complement an intramural program and to conduct applied research related to newborn and infant hearing screening, evaluation and intervention programs and systems. The program shall develop standardized procedures for data management and program effectiveness and costs, such as—

(A) to ensure quality monitoring of newborn and infant hearing loss screening, evaluation, and intervention programs and systems;

(B) to provide technical assistance on data collection and management;

(C) to study the costs and effectiveness of newborn and infant hearing screening, evaluation and intervention programs and systems conducted by State-based programs in order to answer issues of importance to State and national policymakers;

(D) to identify the causes and risk factors for congenital hearing loss;

(E) to study the effectiveness of newborn and infant hearing screening, audiologic and medical evaluations and intervention programs and systems by assessing the health, intellectual and social developmental, cognitive, and language status of these children at school age; and

(F) to promote the sharing of data regarding early hearing loss with State-based birth defects and developmental disabilities monitoring programs for the purpose of identifying previously unknown causes of hearing loss.

(2) NATIONAL INSTITUTES OF HEALTH.—Under the existing authority of the Public Health Service Act, the Director of

the National Institutes of Health, acting through the Director of the National Institute on Deafness and Other Communication Disorders, shall for purposes of this section, continue a program of research and development on the efficacy of new screening techniques and technology, including clinical studies of screening methods, studies on efficacy of intervention, and related research.

(e) COORDINATION AND COLLABORATION.—

(1) IN GENERAL.—Under the existing authority of the Public Health Service Act, in carrying out programs under this section, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall collaborate and consult with other Federal agencies; State and local agencies, including those responsible for early intervention services pursuant to title XIX of the Social Security Act (Medicaid Early and Periodic Screening, Diagnosis and Treatment Program); title XXI of the Social Security Act (State Children's Health Insurance Program); title V of the Social Security Act (Maternal and Child Health Block Grant Program); and part C of the Individuals with Disabilities Education Act; consumer groups of and that serve individuals who are deaf and hard-of-hearing and their families; appropriate national medical and other health and education specialty organizations; persons who are deaf and hard-of-hearing and their families; other qualified professional personnel who are proficient in deaf or hard-of-hearing children's language and who possess the specialized knowledge, skills, and attributes needed to serve deaf and hard-of-hearing newborns, infants, toddlers, children, and their families; third-party payers and managed care organizations; and related commercial industries.

(2) POLICY DEVELOPMENT.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration, the Director of the Centers for Disease Control and Prevention, and the Director of the National Institutes of Health shall coordinate and collaborate on recommendations for policy development at the Federal and State levels and with the private sector, including consumer, medical and other health and education professional-based organizations, with respect to newborn and infant hearing screening, evaluation and intervention programs and systems.

(3) STATE EARLY DETECTION, DIAGNOSIS, AND INTERVENTION PROGRAMS AND SYSTEMS; DATA COLLECTION.—Under the existing authority of the Public Health Service Act, the Administrator of the Health Resources and Services Administration and the Director of the Centers for Disease Control and Prevention shall coordinate and collaborate in assisting States to establish newborn and infant hearing screening, evaluation and intervention programs and systems under subsection (c) and to develop a data collection system under subsection (d).

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt any State law.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) STATEWIDE NEWBORN AND INFANT HEARING SCREENING, EVALUATION AND INTERVENTION PROGRAMS AND SYSTEMS.—For

the purpose of carrying out subsection (c) under the existing authority of the Public Health Service Act, there are authorized to the Health Resources and Services Administration appropriations in the amount of \$5,000,000 for fiscal year 2000, \$8,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(2) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; CENTERS FOR DISEASE CONTROL AND PREVENTION.—For the purpose of carrying out subsection (d)(1) under the existing authority of the Public Health Service Act, there are authorized to the Centers for Disease Control and Prevention, appropriations in the amount of \$5,000,000 for fiscal year 2000, \$7,000,000 for fiscal year 2001, and such sums as may be necessary for fiscal year 2002.

(3) TECHNICAL ASSISTANCE, DATA MANAGEMENT, AND APPLIED RESEARCH; NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—For the purpose of carrying out subsection (d)(2) under the existing authority of the Public Health Service Act, there are authorized to the National Institute on Deafness and Other Communication Disorders appropriations for such sums as may be necessary for each of the fiscal years 2000 through 2002.

#### TITLE VII—DENALI COMMISSION

SEC. 701. DENALI COMMISSION.—Section 307 of Title III—Denali Commission of Division C—Other Matters of Public Law 105-277 is amended by adding a new subsection at the end thereof as follows:

“(c) DEMONSTRATION HEALTH PROJECTS.—In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health and Human Services is authorized to make grants to the Denali Commission to plan, construct, and equip demonstration health, nutrition, and child care projects, including hospitals, health care clinics, and mental health facilities (including drug and alcohol treatment centers) in accordance with the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105-277. No grant for construction or equipment of a demonstration project shall exceed 50 percentum of such costs, unless the project is located in a severely economically distressed community, as identified in the Work Plan referred to under section 304 of Title III—Denali Commission of Division C—Other Matters of Public Law 105-277, in which case no grant shall exceed 80 percentum of such costs. To carry out this section, there is authorized to be appropriated such sums as may be necessary.

#### TITLE VIII—WELFARE-TO-WORK AND CHILD SUPPORT AMENDMENTS OF 1999

##### SEC. 801. FLEXIBILITY IN ELIGIBILITY FOR PARTICIPATION IN WELFARE-TO-WORK PROGRAM.

(a) IN GENERAL.—Section 403(a)(5)(C)(ii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(ii)) is amended to read as follows:

“(ii) GENERAL ELIGIBILITY.—An entity that operates a project with funds provided under this paragraph may expend funds provided to the project for the benefit of recipients of assistance under the program funded under this part of the State in which the entity is located who—

“(I) has received assistance under the State program funded under this part (whether in effect before or after the amendments made by section 103 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 first apply to the State) for at least 30 months (whether or not consecutive); or

“(II) within 12 months, will become ineligible for assistance under the State program funded under this part by reason of a durational limit on such assistance, without regard to any exemption provided pursuant to section 408(a)(7)(C) that may apply to the individual.”.

(b) NONCUSTODIAL PARENTS.—

(1) IN GENERAL.—Section 403(a)(5)(C) of such Act (42 U.S.C. 603(a)(5)(C)) is amended—

(A) by redesignating clauses (iii) through (viii) as clauses (iv) through (ix), respectively; and

(B) by inserting after clause (ii) the following:

“(iii) NONCUSTODIAL PARENTS.—An entity that operates a project with funds provided under this paragraph may use the funds to provide services in a form described in clause (i) to noncustodial parents with respect to whom the requirements of the following subclauses are met:

“(I) The noncustodial parent is unemployed, underemployed, or having difficulty in paying child support obligations.

“(II) At least 1 of the following applies to a minor child of the noncustodial parent (with preference in the determination of the noncustodial parents to be provided services under this paragraph to be provided by the entity to those noncustodial parents with minor children who meet, or who have custodial parents who meet, the requirements of item (aa)):

“(aa) The minor child or the custodial parent of the minor child meets the requirements of subclause (I) or (II) of clause (ii).

“(bb) The minor child is eligible for, or is receiving, benefits under the program funded under this part.

“(cc) The minor child received benefits under the program funded under this part in the 12-month period preceding the date of the determination but no longer receives such benefits.

“(dd) The minor child is eligible for, or is receiving, assistance under the Food Stamp Act of 1977, benefits under the supplemental security income program under title XVI of

this Act, medical assistance under title XIX of this Act, or child health assistance under title XXI of this Act.

“(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility contract entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project, and which, at a minimum, includes the following:

“(aa) A commitment by the noncustodial parent to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child, through voluntary acknowledgement or other procedures, and in the establishment of a child support order.

“(bb) A commitment by the noncustodial parent to cooperate in the payment of child support for the minor child, which may include a modification of an existing support order to take into account the ability of the noncustodial parent to pay such support and the participation of such parent in the project.

“(cc) A commitment by the noncustodial parent to participate in employment or related activities that will enable the noncustodial parent to make regular child support payments, and if the noncustodial parent has not attained 20 years of age, such related activities may include completion of high school, a general equivalency degree, or other education directly related to employment.

“(dd) A description of the services to be provided under this paragraph, and a commitment by the noncustodial parent to participate in such services, that are designed to assist the noncustodial parent obtain and retain employment, increase earnings, and enhance the financial and emotional contributions to the well-being of the minor child.

In order to protect custodial parents and children who may be at risk of domestic violence, the preceding provisions of this subclause shall not be construed to affect any other provision of law requiring a custodial parent to cooperate in establishing the paternity of a child or establishing or enforcing a support order with respect to a



child, or entitling a custodial parent to refuse, for good cause, to provide such cooperation as a condition of assistance or benefit under any program, shall not be construed to require such cooperation by the custodial parent as a condition of participation of either parent in the program authorized under this paragraph, and shall not be construed to require a custodial parent to cooperate with or participate in any activity under this clause. The entity operating a project under this clause with funds provided under this paragraph shall consult with domestic violence prevention and intervention organizations in the development of the project.”

(2) CONFORMING AMENDMENT.—Section 412(a)(3)(C)(ii) of such Act (42 U.S.C. 612(a)(3)(C)(ii)) is amended by striking “(vii)” and inserting “(viii)”.

(c) RECIPIENTS WITH CHARACTERISTICS OF LONG-TERM DEPENDENCY; CHILDREN AGING OUT OF FOSTER CARE.—

(1) IN GENERAL.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) by striking “or” at the end of subclause (I); and

(B) by striking subclause (II) and inserting the following:

“(II) to children—

“(aa) who have attained 18 years of age but not 25 years of age; and

“(bb) who, before attaining 18 years of age, were recipients of foster care maintenance payments (as defined in section 475(4)) under part E or were in foster care under the responsibility of a State;

“(III) to recipients of assistance under the State program funded under this part, determined to have significant barriers to self-sufficiency, pursuant to criteria established by the local private industry council; or

“(IV) to custodial parents with incomes below 100 percent of the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section, applicable to a family of the size involved).”

(2) CONFORMING AMENDMENTS.—Section 403(a)(5)(C)(iv) of such Act (42 U.S.C. 603(a)(5)(C)(iv)), as so redesignated by subsection (b)(1)(A) of this section, is amended—

(A) in the heading by inserting “HARD TO EMPLOY” before “INDIVIDUALS”; and

(B) in the last sentence by striking “clause (ii)” and inserting “clauses (ii) and (iii) and, as appropriate, clause (v)”.

(d) CONFORMING AMENDMENT.—Section 404(k)(1)(C)(iii) of such Act (42 U.S.C. 604(k)(1)(C)(iii)) is amended by striking “item (aa) or (bb) of section 403(a)(5)(C)(ii)(II)” and inserting “section 403(a)(5)(C)(iii)”.

(e) EFFECTIVE DATE.—The amendments made by this section—

(1) shall be effective January 1, 2000, with respect to the determination of eligible individuals for purposes of section 403(a)(5)(B) of the Social Security Act (relating to competitive grants);

(2) shall be effective July 1, 2000, except that expenditures from allotments to the States shall not be made before October 1, 2000—

(A) with respect to the determination of eligible individuals for purposes of section 403(a)(5)(A) of the Social Security Act (relating to formula grants) in the case of those individuals who may be determined to be so eligible, but would not have been eligible before July 1, 2000; or

(B) for allowable activities described in section 403(a)(5)(C)(i)(VII) of the Social Security Act (as added by section 802 of this title) provided to any individuals determined to be eligible for purposes of section 403(a)(5)(A) of the Social Security Act (relating to formula grants).

(f) REGULATIONS.—Interim final regulations shall be prescribed to implement the amendments made by this section not later than January 1, 2000. Final regulations shall be prescribed within 90 days after the date of the enactment of this Act to implement the amendments made by this Act to section 403(a)(5) of the Social Security Act, in the same manner as described in section 403(a)(5)(C)(ix) of the Social Security Act (as so redesignated by subsection (b)(1)(A) of this section).

**SEC. 802. LIMITED VOCATIONAL EDUCATIONAL AND JOB TRAINING INCLUDED AS ALLOWABLE ACTIVITIES UNDER THE TANF PROGRAM.**

Section 403(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)) is amended by inserting after subclause (VI) the following:

“(VII) Not more than 6 months of vocational educational or job training.”.

**SEC. 803. CERTAIN GRANTEEES AUTHORIZED TO PROVIDE EMPLOYMENT SERVICES DIRECTLY.**

Section 403(a)(5)(C)(i)(IV) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(i)(IV)) is amended by inserting “, or if the entity is not a private industry council or workforce investment board, the direct provision of such services” before the period.

**SEC. 804. SIMPLIFICATION AND COORDINATION OF REPORTING REQUIREMENTS.**

(a) ELIMINATION OF CURRENT REQUIREMENTS.—Section 411(a)(1)(A) of the Social Security Act (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting “(except for information relating to activities carried out under section 403(a)(5))” after “part”; and

(2) by striking clause (xviii).

(b) ESTABLISHMENT OF REPORTING REQUIREMENT.—Section 403(a)(5)(C) of the Social Security Act (42 U.S.C. 603(a)(5)(C)), as amended by section 801(b)(1) of this title, is amended by adding at the end the following:

“(x) REPORTING REQUIREMENTS.—The Secretary of Labor, in consultation with the Secretary of Health and Human Services, States, and organizations that

represent State or local governments, shall establish requirements for the collection and maintenance of financial and participant information and the reporting of such information by entities carrying out activities under this paragraph.”.

**SEC. 805. USE OF STATE INFORMATION TO AID ADMINISTRATION OF WELFARE-TO-WORK GRANT FUNDS.**

(a) **AUTHORITY OF STATE AGENCIES TO DISCLOSE TO PRIVATE INDUSTRY COUNCILS THE NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF POTENTIAL WELFARE-TO-WORK PROGRAM PARTICIPANTS.**—

(1) **STATE IV-D AGENCIES.**—Section 454A(f) of the Social Security Act (42 U.S.C. 654a(f)) is amended by adding at the end the following:

“(5) **PRIVATE INDUSTRY COUNCILS RECEIVING WELFARE-TO-WORK GRANTS.**—Disclosing to a private industry council (as defined in section 403(a)(5)(D)(ii)) to which funds are provided under section 403(a)(5) the names, addresses, telephone numbers, and identifying case number information in the State program funded under part A, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under section 403(a)(5).”.

(2) **STATE TANF AGENCIES.**—Section 403(a)(5) of such Act (42 U.S.C. 603(a)(5)) is amended by adding at the end the following:

“(K) **INFORMATION DISCLOSURE.**—If a State to which a grant is made under section 403 establishes safeguards against the use or disclosure of information about applicants or recipients of assistance under the State program funded under this part, the safeguards shall not prevent the State agency administering the program from furnishing to a private industry council the names, addresses, telephone numbers, and identifying case number information in the State program funded under this part, of noncustodial parents residing in the service delivery area of the private industry council, for the purpose of identifying and contacting noncustodial parents regarding participation in the program under this paragraph.”.

(b) **SAFEGUARDING OF INFORMATION DISCLOSED TO PRIVATE INDUSTRY COUNCILS.**—Section 403(a)(5)(A)(ii)(I) of such Act (42 U.S.C. 603(a)(5)(A)(ii)(I)) is amended—

(1) by striking “and” at the end of item (dd);

(2) by striking the period at the end of item (ee) and inserting “; and”; and

(3) by adding at the end the following:

“(ff) describes how the State will ensure that a private industry council to which information is disclosed pursuant to section 403(a)(5)(K) or 454A(f)(5) has procedures for safeguarding the information and for ensuring that the information is used solely for the purpose described in that section.”.

**SEC. 806. REDUCTION OF SET-ASIDE OF PORTION OF WELFARE-TO-WORK FUNDS FOR SUCCESSFUL PERFORMANCE BONUS.**

(a) IN GENERAL.—Section 403(a)(5)(E) of the Social Security Act (42 U.S.C. 603(a)(5)(E)) is amended in each of clauses (iv) and (vi) by striking “\$100,000,000” and inserting “\$50,000,000”.

(b) CONFORMING AMENDMENTS.—

(1) Section 403(a)(5)(F) of such Act (42 U.S.C. 603(a)(5)(F)) is amended by inserting “\$1,500,000” before “of the amount so specified”.

(2) Section 403(a)(5)(G) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by inserting “\$900,000” before “of the amount so specified”.

(3) Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(H)) is amended by inserting “\$300,000” before “of the amount so specified”.

(4) Section 403(a)(5)(I)(i) of such Act (42 U.S.C. 603(a)(5)(I)(i)) is amended by striking “\$1,500,000,000” and all that follows and inserting “for grants under this paragraph—  
“(I) \$1,500,000,000 for fiscal year 1998; and  
“(II) \$1,450,000,000 for fiscal year 1999.”.

(c) NO OUTLAY UNTIL FY2001.—Section 403(a)(5)(E)(i) of such Act (42 U.S.C. 603(a)(5)(E)(i)) is amended—

(1) by striking “make” and insert “award”; and

(2) by inserting “, but shall not make any outlay to pay any such grant before October 1, 2000” before the period.

**SEC. 807. ALTERNATIVE PENALTY PROCEDURE RELATING TO STATE DISBURSEMENT UNITS.**

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

“(5)(A)(i) If—

“(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27), and that the State has made and is continuing to make a good faith effort to so comply; and

“(II) the State has submitted to the Secretary, not later than April 1, 2000, a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

“(ii) All failures of a State during a fiscal year to comply with any of the requirements of section 454B shall be considered a single failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) during the fiscal year for purposes of this paragraph.

“(B) In this paragraph:

“(i) The term ‘penalty amount’ means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27)—

“(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs (regardless of whether a penalty is imposed in that fiscal

year under this paragraph with respect to the failure), except as provided in subparagraph (C)(ii) of this paragraph;

“(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

“(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year;

“(IV) 25 percent of the penalty base, in the case of the 4th such fiscal year; or

“(V) 30 percent of the penalty base, in the case of the 5th or any subsequent such fiscal year.

“(ii) The term ‘penalty base’ means, with respect to a failure of a State to comply with subparagraphs (A) and (B)(i) of section 454(27) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

“(C)(i) The Secretary shall waive all penalties imposed against a State under this paragraph for any failure of the State to comply with subparagraphs (A) and (B)(i) of section 454(27) if the Secretary determines that, before April 1, 2000, the State has achieved such compliance.

“(ii) If a State with respect to which a reduction is required to be made under this paragraph with respect to a failure to comply with subparagraphs (A) and (B)(i) of section 454(27) achieves such compliance on or after April 1, 2000, and on or before September 30, 2000, then the penalty amount applicable to the State shall be 1 percent of the penalty base with respect to the failure involved.

“(D) The Secretary may not impose a penalty under this paragraph against a State for a fiscal year for which the amount otherwise payable to the State under paragraph (1)(A) of this subsection is reduced under paragraph (4) of this subsection for failure to comply with section 454(24)(A).”.

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by striking “section 454(24)” and inserting “paragraph (24), or subparagraph (A) or (B)(i) of paragraph (27), of section 454”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

This Act may be cited as the “Departments of Labor, Health, and Human Services, and Education, and Related Agencies Appropriations Act, 2000”.



## APPENDIX E—H.R. 3425

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, and for other purposes, namely:

### TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

#### CHAPTER 1

#### DEPARTMENT OF AGRICULTURE

##### FARM SERVICE AGENCY

##### AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund to meet the needs resulting from natural disasters, as follows: farm ownership loans, \$590,578,000, of which \$568,627,000 shall be for guaranteed loans; operating loans, \$1,404,716,000, of which \$302,158,000 shall be for unsubsidized guaranteed loans and \$702,558,000 shall be for subsidized guaranteed loans; and for emergency loans, \$547,000,000.

For the additional cost of direct and guaranteed loans to meet the needs resulting from natural disasters, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: farm ownership loans, \$4,012,000, of which \$3,184,000 shall be for guaranteed loans; operating loans, \$89,596,000, of which \$4,260,000 shall be for unsubsidized guaranteed loans and \$61,895,000 shall be for subsidized guaranteed loans; and for emergency loans, \$84,949,000.

##### EMERGENCY CONSERVATION PROGRAM

For an additional amount for the “Emergency Conservation Program” for expenses resulting from natural disasters, \$50,000,000, to remain available until expended.

##### COMMODITY CREDIT CORPORATION FUND

##### CROP LOSS ASSISTANCE

For an additional amount for crop loss assistance authorized by section 801 of Public Law 106–78, \$186,000,000: *Provided*, That this assistance shall be under the same terms and conditions as in section 801 of Public Law 106–78.

SPECIALTY CROP ASSISTANCE

For an additional amount for specialty crop assistance authorized by section 803(c)(1) of Public Law 106-78, \$2,800,000: *Provided*, That the definition of eligible persons in section 803(c)(2) of Public Law 106-78 shall include producers who have suffered quality or quantity losses due to natural disasters on crops harvested and placed in a warehouse and not sold.

LIVESTOCK ASSISTANCE

For an additional amount for livestock assistance authorized by section 805 of Public Law 106-78, \$10,000,000: *Provided*, That the Secretary of Agriculture may use this additional amount to provide assistance to persons who raise livestock owned by other persons for income losses sustained with respect to livestock during 1999 if the Secretary finds that such losses are the result of natural disasters.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations” to repair damages to the waterways and watersheds resulting from natural disasters, \$80,000,000, to remain available until expended.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of direct loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund to meet the needs resulting from natural disasters, as follows: \$50,000,000 for loans to section 502 borrowers, as determined by the Secretary; \$15,000,000 for section 504 housing repair loans; and \$5,000,000 for section 514 farm labor housing.

For the additional cost of direct loans to meet the needs resulting from natural disasters, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, to remain available until expended, as follows: section 502 loans, \$4,265,000; section 504 loans, \$4,584,000; and section 514 farm labor housing, \$2,250,000.

RURAL HOUSING ASSISTANCE GRANTS

For the additional cost of grants and contracts for domestic farm labor and very low-income housing repair made available by the Rural Housing Service, as authorized by 42 U.S.C. 1474 and 1486, to meet the needs resulting from natural disasters, \$14,500,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. Notwithstanding section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333), the Secretary of Agriculture shall provide up to \$20,000,000 in assistance under the noninsured



crop assistance program under that section, without any requirement for an area loss, to producers located in a county with respect to which a natural disaster was declared by the Secretary, or a major disaster or emergency was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 102. Section 814 of Public Law 106–78 is amended by inserting the following after “year”: “(and 2001 crop year for citrus fruit, avocados in California, and macadamia nuts)”.

SEC. 103. Of the funds made available under section 802 of Public Law 106–78 not otherwise needed to fully implement that section, the Secretary of Agriculture may use up to \$4,700,000 to carry out title IX of Public Law 106–78.

SEC. 104. (a) Of the funds made available under section 802 of Public Law 106–78 (excluding any funds authorized by this Act to carry out title IX of Public Law 106–78) and under section 1111 of Public Law 105–277 not otherwise needed to fully implement those sections, the Secretary of Agriculture may provide assistance to producers or first-handlers for the 1999 crop of cottonseed.

(b) Of the funds made available under section 802 of Public Law 106–78 and section 1111 of Public Law 105–277 not otherwise needed to fully implement those sections (excluding any funds authorized by this Act to carry out title IX and to provide assistance to producers or first-handlers for the 1999 crop of cottonseed under subsection (a) of this section), the Secretary may provide funds to carry out subsection (c) of this section.

(c) The Agricultural Market Transition Act is amended by inserting after section 136 (7 U.S.C. 7236), the following new section:

**“SEC. 136A. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.**

“(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on October 1, 1999, and ending on July 31, 2003, the Secretary shall carry out a program to maintain and expand the domestic use of extra long staple cotton produced in the United States, to increase exports of extra long staple cotton produced in the United States, and to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

“(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

“(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

“(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

“(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple

cotton produced in the United States and exporters of extra long staple cotton produced in the United States who enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

“(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

“(e) FORM OF PAYMENT.—Payments under this section shall be made through the issuance of cash or marketing certificates, at the option of eligible recipients of the payments.”.

SEC. 105. The entire amount necessary to carry out this chapter and the amendments made by this chapter shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

## CHAPTER 2

### FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

Of the unobligated balances made available under the second paragraph under the heading “Federal Emergency Management Agency, Disaster Relief” in Public Law 106-74, in addition to other amounts made available, up to \$215,000,000 may be used by the Director of the Federal Emergency Management Agency for the buyout of homeowners (or the relocation of structures) for principal residences that have been made uninhabitable by flooding caused by Hurricane Floyd and surrounding events and are located in a 100-year floodplain: *Provided*, That no homeowner may receive any assistance for buyouts in excess of the fair market value of the residence on September 1, 1999 (reduced by any proceeds from insurance or any other source paid or owed as a result of the flood damage to the residence): *Provided further*, That each State shall ensure that there is a contribution from non-Federal sources of not less than 25 percent in matching funds (other than administrative costs) for any funds allocated to the State for buyout assistance: *Provided further*, That all buyouts under this section shall be subject to the terms and conditions specified under 42 U.S.C. 5170c(b)(2)(B): *Provided further*, That none of the funds made available for buyouts under this paragraph may be used in any calculation of a State’s section 404 allocation: *Provided further*, That the Director shall report quarterly to the House and Senate Committees on Appropriations on the use of all funds allocated under this paragraph and certify that the use of all funds are consistent with all applicable laws and requirements: *Provided further*, That the Inspector General for the Federal Emergency Management Agency shall establish a task force to review all uses of funds allocated under this paragraph to ensure compliance with all applicable laws and requirements: *Provided further*, That no funds

shall be allocated for buyouts under this paragraph except in accordance with regulations promulgated by the Director: *Provided further*, That the Director shall promulgate regulations not later than December 31, 1999, pertaining to the buyout program which shall include eligibility criteria, procedures for prioritizing projects, requirements for the submission of State and local buyout plans, an identification of the Federal Emergency Management Agency's oversight responsibilities, procedures for cost-benefit analysis, and the process for measuring program results: *Provided further*, That the Director shall report to Congress not later than December 31, 1999, on the feasibility and justification of reducing buyout assistance to those who fail to purchase and maintain flood insurance: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

## TITLE II—OTHER APPROPRIATIONS MATTERS

SEC. 201. Section 733 of Public Law 106-78 is amended by striking after “Missouri” “, or the Food and Drug Administration Detroit, Michigan, District Office Laboratory; or to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office”.

SEC. 202. None of the funds made available to the Food and Drug Administration by Public Law 106-78 or any other Act for fiscal year 2000 shall be used to reduce the Detroit, Michigan, Food and Drug Administration District Office below the operating and full-time equivalent staffing level of July 31, 1999; or to change the Detroit District Office to a station, residence post or similarly modified office; or to reassign residence posts assigned to the Detroit District Office: *Provided*, That this section shall not apply to Food and Drug Administration field laboratory facilities or operations currently located in Detroit, Michigan, if the full-time equivalent staffing level of laboratory personnel as of July 31, 1999, is assigned to locations in the general vicinity of Detroit, Michigan, pursuant to cooperative agreements between the Food and Drug Administration and other laboratory facilities associated with the State of Michigan.

SEC. 203. Notwithstanding any other provision of law, the Secretary of Agriculture may use funds provided for rural housing assistance grants in Public Law 106-78 for a pilot project to provide home ownership for farm workers and workers involved in the processing of farm products in Salinas, California, and the surrounding area.

SEC. 204. Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act), the Secretary of Agriculture shall use not more than \$9,000,000 of Commodity Credit Corporation funds for a cooperative program with the State

of Florida to replace commercial trees removed to control citrus canker until the earlier of December 31, 1999, or the date crop insurance coverage is made available with respect to citrus canker; and the Secretary of Agriculture shall use not more than \$7,000,000 of Commodity Credit Corporation funds to replace non-commercial trees (known as dooryard citrus trees), owned by private homeowners, and removed to control citrus canker.

SEC. 205. (a) CONTINUATION OF REVENUE INSURANCE PILOT.—Section 508(h)(9)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(h)(9)(A)) is amended by striking “1997, 1998, 1999, and 2000” and inserting “1997 through 2001”.

(b) EXPANSION OF CROP INSURANCE PILOTS.—In the case of any pilot program offered under the Federal Crop Insurance Act that was approved by the Board of Directors of the Federal Crop Insurance Corporation on or before September 30, 1999, the pilot program may be offered on a regional, whole State, or national basis for the 2000 and 2001 crop years notwithstanding section 553 of title 5, United States Code.

SEC. 206. SALES CLOSING DATES FOR CROP INSURANCE.—Section 508(f)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)(2)) is amended—

(1) by inserting “(A) IN GENERAL.—” before the first sentence;

(2) by striking the last sentence; and

(3) by adding at the end the following:

“(B) ESTABLISHED DATES.—Except as provided in subparagraph (C), the Corporation shall establish, for an insurance policy for each insurable crop that is planted in the spring, a sales closing date that is 30 days earlier than the corresponding sales closing date that was established for the 1994 crop year.

“(C) EXCEPTION.—If compliance with subparagraph (B) results in a sales closing date for an agricultural commodity that is earlier than January 31, the sales closing date for that commodity shall be January 31 beginning with the 2000 crop year.”.

SEC. 207. The Secretary of Agriculture may use not more than \$1,090,000 of funds of the Commodity Credit Corporation to provide emergency assistance to producers on farms located in Harney County, Oregon, who suffered flood-related crop and forage losses in 1999 and several previous years and are expected to suffer continuing economic losses until the floodwaters recede. The amount made available under this section shall be available for such losses for such years as determined appropriate by the Secretary to compensate such producers for hay, grain, and pasture losses due to the floods and for related economic losses.

SEC. 208. TILLAMOOK RAILROAD DISASTER REPAIRS. In addition to amounts appropriated or otherwise made available for rural development programs of the United States Department of Agriculture by Public Law 106-78, there are appropriated \$5,000,000 which may be made available to repair damage to the Tillamook Railroad caused by flooding and high winds (FEMA Disaster Number 1099-DR-OR) notwithstanding any other provision of law.

SEC. 209. At the end of section 746 of Public Law 106-78, insert the following before the period: “: *Provided*, That the Congressional Hunger Center may invest such funds and expend the income from such funds in a manner consistent with this section: *Provided*

*further*, That notwithstanding any other provision of law, funds appropriated pursuant to this section may be paid directly to the Congressional Hunger Center.”

SEC. 210. The Secretary of Agriculture may reprogram funds appropriated by Public Law 106-78 for the cost of rural electrification and telecommunications loans to provide up to \$100,000 for the cost of guaranteed loans authorized by section 306 of the Rural Electrification Act of 1936.

SEC. 211. Section 755(b) of Public Law 106-78 is hereby repealed.

SEC. 212. Section 602(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 657a note) is amended—

- (1) in subparagraph (I), by striking “and” at the end;
- (2) in subparagraph (J), by striking the period at the end and inserting “;”;
- (3) by inserting at the end the following:
  - “(K) the Department of Commerce;
  - “(L) the Department of Justice; and
  - “(M) the Department of State.”.

SEC. 213. (a) REVISED SCHEDULE FOR COMPETITIVE BIDDING OF SPECTRUM.—(1) Section 337(b) of the Communications Act of 1934 (47 U.S.C. 337(b)) is amended by striking “shall—” and all that follows and inserting “shall commence assignment of licenses for public safety services created pursuant to subsection (a) no later than September 30, 1998.”.

(2) Commencing on the date of the enactment of this Act, the Federal Communications Commission shall initiate the competitive bidding process previously required under section 337(b)(2) of the Communications Act of 1934 (as repealed by the amendment made by paragraph (1)).

(3) The Federal Communications Commission shall conduct the competitive bidding process described in paragraph (2) in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)) not later than September 30, 2000.

(4)(A) To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Communications Act of 1934 (47 U.S.C. 337(a)(2)), the rules governing such frequencies shall be effective immediately upon publication in the Federal Register without regard to sections 553(d), 801(a)(3), 804(2), and 806(a) of title 5, United States Code.

(B) Chapter 6 of title 5, United States Code, section 3 of the Small Business Act (15 U.S.C. 632), and sections 3507 and 3512 of title 44, United States Code, shall not apply to the rules and competitive bidding procedures governing the frequencies described in subparagraph (A).

(5) Notwithstanding section 309(b) of the Communications Act of 1934 (47 U.S.C. 309(b)), no application for an instrument of authorization for the frequencies described in paragraph (4) may be granted by the Federal Communications Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto.

(6) Notwithstanding section 309(d)(1) of the Communications Act of 1934 (47 U.S.C. 309(d)(1)), the Federal Communications Commission may specify a period (which shall be not less than 5 days following issuance of the public notice described in paragraph

(5)) for the filing of petitions to deny any application for an instrument of authorization for the frequencies described in paragraph (4).

(b) REPORTS.—(1) Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process; and

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a).

(2) Not later than 60 days after the date of the enactment of this Act, the Federal Communications Commission shall submit to the appropriate congressional committees a report which shall set forth for each spectrum auction held by the Commission since January 1, 1998, information on—

(A) the time required for each stage of preparation for the auction;

(B) the date of the commencement and of the completion of the auction;

(C) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(D) the amounts, summarized by month, of all subsequent deposits in a Treasury receipt account from the auction.

(3) Not later than October 31, 2000, the Federal Communications Commission shall submit to the appropriate congressional committees a report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(4) Each report required by this subsection shall be prepared by the agency concerned without influence of any other Federal department or agency.

(5) In this subsection, the term “appropriate congressional committees” means the following:

(A) The Committees on Appropriations, the Budget, and Commerce, Science, and Transportation of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

(c) CONSTRUCTION.—Nothing in this section shall be construed to supersede the requirements placed on the Federal Communications Commission by section 337(d)(4) of the Communications Act of 1934 (47 U.S.C. 337(d)(4)).

(d) REPEAL OF SUPERSEDED PROVISIONS.—Section 8124 of the Department of Defense Appropriations Act, 2000 is repealed.

SEC. 214. (a) Section 8175 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) is amended by striking section 8175 and inserting the following new section 8175:

“SEC. 8175. Notwithstanding any other provision of law, the Department of Defense shall make progress payments based on progress no less than 12 days after receiving a valid billing and the Department of Defense shall make progress payments based on cost no less than 19 days after receiving a valid billing: *Provided*, That this provision shall be effective only with respect to billings received during the last month of the fiscal year.”

(b) The amendment made by subsection (a) shall take effect as if included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), to which such amendment relates.

SEC. 215. (a) Section 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79) is amended by striking section 8176 and inserting the following new section 8176:

“SEC. 8176. Notwithstanding any other provision of law, the Department of Defense shall make adjustments in payment procedures and policies to ensure that payments are made no earlier than one day before the date on which the payments would otherwise be due under any other provision of law: *Provided*, That this provision shall be effective only with respect to invoices received during the last month of the fiscal year.”

(b) The amendment made by subsection (a) shall take effect as if included in the Department of Defense Appropriations Act, 2000 (Public Law 106–79), to which such amendment relates.

SEC. 216. The Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit, through the Under Secretary of Defense (Policy), a report to Congress no later than 270 days after the enactment of this Act which addresses the following issues: (1) A review of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979; and (2) a review of evaluation of all gaps in relevant knowledge about the People’s Republic of China’s capabilities and intentions as they might affect the current and future military balance between Taiwan and the People’s Republic of China, including both classified United States intelligence information and Chinese open source writing. The report shall be submitted in classified form, with an unclassified summary.

SEC. 217. The Secretary of Defense, jointly with the Secretary of Veterans Affairs, shall submit a report to Congress no later than 90 days after the enactment of this Act assessing the adequacy of medical research activities currently underway or planned to commence in fiscal year 2000 to investigate the health effects of low-level chemical exposures of Persian Gulf military forces while serving in the Southwest Asia theater of operations. This report

shall also identify and assess valid proposals (including the cost of such proposals) to accelerate medical research in this area, especially those aimed at studying, diagnosing, and developing treatment protocols for Gulf War veterans with multi-system symptoms and multiple chemical intolerances.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. In addition to amounts appropriated or otherwise made available in Public Law 106-79, \$100,000,000 is hereby appropriated to the Department of the Army and shall be made available only for transfer to titles II, III, IV, and V of Public Law 106-79 to meet readiness needs: *Provided*, That these funds may be used to initiate the fielding and equipping, to include leasing of vehicles for test and evaluation, of two prototype brigade combat teams at Fort Lewis, Washington: *Provided further*, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this section is in addition to any transfer authority available to the Department of Defense: *Provided further*, That none of the funds made available under this section may be obligated or expended until 30 days after the Chief of Staff of the Army submits a detailed plan for the expenditure of the funds to the congressional defense committees.

(TRANSFER OF FUNDS)

SEC. 219. Of the funds appropriated in Public Law 106-79, \$500,000 shall be transferred from "Research, Development, Test, and Evaluation, Army" to "Operation and Maintenance, Defense-Wide": *Provided*, That funds transferred pursuant to this section shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred.

SEC. 220. EXEMPTION FOR WASTE MANAGEMENT FACILITIES OWNED OR OPERATED BY THE UNITED STATES. No form of financial responsibility requirement shall be imposed on the Federal Government or its contractors as to the operation of any waste management facility which is designed to manage transuranic waste material and is owned or operated by a department, agency, or instrumentality of the executive branch of the Federal Government and subject to regulation by the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) or by a State program authorized under that Act.

SEC. 221. (a) That portion of the project for navigation, Newport Harbor, Rhode Island, authorized by the Rivers and Harbors Act of 1907, House Document 438, 59th Congress, 2nd Session, described by the following: N148,697.62, E548,281.70, thence running south 9 degrees 42 minutes 14 seconds east 720.92 feet to a point N147,987.01, E548,403.21, thence running south 80 degrees 17 minutes 45.2 seconds west 313.60 feet to a point N147,934.15, E548,094.10, thence running north 8 degrees 4 minutes 50 seconds west 776.9 feet to a point N148,703.30, E547,984.90, thence running south 88 degrees 54 minutes 13 seconds east 296.85 feet returning to a point N148,697.62, E548,281.70 shall no longer be authorized after the date of enactment of this Act.

(b) The area described by the following: N150,482.96, E548,057.84, thence running south 6 degrees 9 minutes 49 seconds east 1300 feet to a point N149,190.47, E548,197.42, thence running



south 9 degrees 42 minutes 14 seconds east 500 feet to a point N148,697.62, E548,281.70, thence running north 88 degrees 54 minutes 13 seconds west 377.89 feet to a point N148,704.85, E547,903.88, thence running north 8 degrees 4 minutes 52 seconds west 1571.83 feet to a point N150,261.08, E547,682.92, thence running north 59 degrees 22 minutes 58 seconds east 435.66 feet returning to a point N150,482.96, E548,057.84 shall be redesignated as an anchorage area.

(c) The area described by the following: N147,427.22, E548,464.05, thence running south 2 degrees 10 minutes 32 seconds east 273.7 feet to a point N147,153.72, E548,474.44, thence running south 5 degrees 18 minutes 48 seconds west 2375.34 feet to a point N144,788.59, E548,254.48, thence running south 73 degrees 11 minutes 48 seconds west 93.40 feet to a point N144,761.59, E548,165.07, thence running north 2 degrees 10 minutes 39 seconds west 2589.81 feet to a point N147,349.53, E548,066.67, thence running north 78 degrees 56 minutes 16 seconds east 404.9 feet returning to a point N147,427.22, E548,464.05 shall be redesignated as an anchorage area.

SEC. 222. There is hereby appropriated to the Department of the Interior \$1,250,000 for the acquisition of lands in the Wertheim National Wildlife Refuge, to be derived from the Land and Water Conservation Fund.

SEC. 223. For a payment to Virginia C. Chafee, widow of John H. Chafee, late a Senator from Rhode Island, \$136,700.

SEC. 224. Paragraph (5) of section 201(a) of the Congressional Budget Act of 1974 (2 U.S.C. 601(a)) is amended to read as follows:

“(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

“(i) the highest annual rate of compensation of any officer of the Senate; or

“(ii) the highest annual rate of compensation of any officer of the House of Representatives.

“(B) The Deputy Director shall receive compensation at an annual rate of pay that is \$1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).”.

SEC. 225. In addition to amounts otherwise made available in Public Law 106-69 (Department of Transportation and Related Agencies Appropriations Act, 2000) to carry out 49 United States Code, 5309(m)(1)(C), \$1,750,000 is made available from the Mass Transit Account of the Highway Trust Fund for Twin Cities, Minnesota metropolitan buses and bus facilities; \$750,000 is made available from the Mass Transit Account of the Highway Trust Fund for Santa Clarita, California bus maintenance facility; \$1,000,000 is made available from the Mass Transit Account of the Highway Trust Fund for a Lincoln, Nebraska bus maintenance facility; and \$2,500,000 is made available from the Mass Transit Account of the Highway Trust Fund for Anchorage, Alaska 2001 Special Olympics Winter Games buses and bus facilities: *Provided*, That notwithstanding any other provision of law, \$2,000,000 of the funds available in fiscal year 2000 under section 1101(a)(9) of Public Law 105-178, as amended, for the National corridor planning and development and coordinated border infrastructure programs shall be made available for the planning and design of a highway corridor between Dothan, Alabama and Panama City, Florida: *Provided further*, That under “Capital Investment Grants”

in Public Law 106-69, item number 66 shall be amended by striking “Colorado Association of Transit Agencies” and inserting “Colorado buses and bus facilities”, item number 107 shall be amended by striking “Kansas Public Transit Association buses and bus facilities” and inserting “Kansas buses and bus facilities”, the figure in item number 92 shall be amended to read “3,340,000”, item number 251 shall be amended by inserting after “buses” the following: “and bus facilities”, and there shall be inserted after item number 279 under “Capital Investment Grants” the following:

“280. Iowa ..... Mason City, bus facility ..... 160,000”:

*Provided further*, That Public Law 105-277, 112 Stat. 2681-458, item number 243 shall be amended by inserting after the word “buses” the following: “and bus facilities”.

SEC. 226. No funds made available in Public Law 106-69 or any other Act shall be used to decommission or otherwise reduce operations of U.S. Coast Guard WYTL harbor tug boats.

SEC. 227. Section 351 of Public Law 106-69 is amended by striking “provided” and inserting “appropriated or limited”.

SEC. 228. For purposes of section 5117(b)(5) of the Transportation Equity Act for the 21st Century, for fiscal years 1998, 1999 and 2000 the cost-sharing provision of section 5001(b) shall not apply.

SEC. 229. Section 366 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (Public Law 106-69) is amended—

(1) by striking “and subject to subsection (b),”; and

(2) by striking “under subsection (a)” and inserting “under this section”.

SEC. 230. Section 408 of the Woodrow Wilson Memorial Bridge Authority Act of 1995 (109 Stat. 631) is amended—

(1) by striking “The” and inserting “(a) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(b) TRANSPORTATION IMPROVEMENT PROGRAM.—Notwithstanding sections 134(g)(2)(B), 134(h)(3)(D) and 135(f)(2)(D) of title 23, United States Code, the Project may be included in a metropolitan long-range transportation plan, a metropolitan transportation improvement program, and a State transportation improvement program under sections 134 and 135, respectively, of that title.”.

SEC. 231. (a) EXEMPTION FOR AIRCRAFT MODIFICATION OR DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING-RELATED FLIGHTS.—Section 47528 is amended—

(1) by striking “subsection (b)” in subsection (a) and inserting “subsection (b) or (f)”; and

(2) by adding at the end of subsection (e) the following:

“(4) An air carrier operating Stage 2 aircraft under this subsection may transport Stage 2 aircraft to or from the 48 contiguous States on a non-revenue basis in order—

“(A) to perform maintenance (including major alterations) or preventative maintenance on aircraft operated, or to be operated, within the limitations of paragraph (2)(B); or

“(B) conduct operations within the limitations of paragraph (2)(B).”; and

(3) adding at the end thereof the following:

“(f) AIRCRAFT MODIFICATION, DISPOSAL, SCHEDULED HEAVY MAINTENANCE, OR LEASING.—

“(1) IN GENERAL.—The Secretary shall permit a person to operate after December 31, 1999, a Stage 2 aircraft in nonrevenue service through the airspace of the United States or to or from an airport in the contiguous 48 States in order to—

“(A) sell, lease, or use the aircraft outside the contiguous 48 States;

“(B) scrap the aircraft;

“(C) obtain modifications to the aircraft to meet Stage 3 noise levels;

“(D) perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States;

“(E) deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

“(F) prepare or park or store the aircraft in anticipation of any of the activities described in subparagraphs (A) through (E); or

“(G) divert the aircraft to an alternative airport in the contiguous 48 States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in subparagraphs (A) through (F).

“(2) PROCEDURE TO BE PUBLISHED.—The Secretary shall establish and publish, not later than 30 days after the date of enactment of this Act a procedure to implement paragraph (1) of this subsection through the use of categorical waivers, ferry permits, or other means.”

(b) NOISE STANDARDS FOR EXPERIMENTAL AIRCRAFT.—

(1) IN GENERAL.—Section 47528(a) of title 49 is amended by inserting “(for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator)” after “civil subsonic turbojet”.

(2) FAR MODIFIED.—The Federal Aviation Regulations, contained in Part 14 of the Code of Federal Regulations, that implement section 47528 and related provisions shall be deemed to incorporate this change on the effective date of this Act.

(3) OTHER.—Notwithstanding any other provision of law, none of the funds in this or any other Act may be used to implement or otherwise enforce Stage 3 noise limitations in title 49 United States Code, section 47528(a) for aircraft operating under an experimental airworthiness certification issued by the Department of Transportation.

SEC. 232. In addition to amounts provided to the Federal Railroad Administration in Public Law 106-69, for necessary expenses for engineering, design and construction activities to enable the James A. Farley Post Office in New York City to be used as a train station and commercial center, to become available on October 1 of the fiscal year specified and to remain available until expended: fiscal year 2001, \$20,000,000; fiscal year 2002, \$20,000,000; fiscal year 2003, \$20,000,000.

SEC. 233. (a) Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “December 31, 1999.” and inserting “July 31, 2000.”.

(b) During the period beginning January 1, 2000, and ending July 31, 2000, the Administrator may convey any property for which an application for the transfer of property is under consideration and pending on the date of the enactment of this Act.

SEC. 234. Effective on November 15, 1999, or the last day of the 1st session of the 106th Congress, whichever is later, in addition to amounts otherwise provided to address the expenses of Year 2000 conversion of Federal information technology systems, not to exceed 10 percent of any appropriation for salaries and expenses made available to an agency for fiscal year 2000 in this or any other Act may be used by the agency for implementation of agency business continuity and contingency plans in furtherance of Year 2000 compliance by Federal agencies: *Provided*, That such amounts may be transferred between agency accounts: *Provided further*, That the transfer authority provided in this section is in addition to any other transfer authority provided in this or any other Act: *Provided further*, That notice of any transfer under this section shall be transmitted to House and Senate Committees on Appropriations, the Senate Special Committee on the Year 2000 Technology Problem, the House Committee on Science, and the House Committee on Government Reform 10 days in advance of such transfer: *Provided further*, That, under circumstances reasonably requiring immediate action, such notice shall be transmitted as soon as possible but in no case more than 5 days after such transfer: *Provided further*, That the authority granted in this section shall expire on February 29, 2000.

SEC. 235. Title III of Public Law 106-58, under the heading “Office of Administration, Salaries and Expenses”, is amended by inserting after “infrastructure” the following: “: *Provided*, That the funds for the capital investment plan shall remain available until September 30, 2001”.

SEC. 236. POSTPONEMENT OF DATE OF TERMINATION OF FEDERAL AGENCY REPORTING REQUIREMENTS. Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) is amended by striking “4 years after the date of the enactment of this Act” and inserting “May 15, 2000”.

SEC. 237. In addition to amounts appropriated to the Office of National Drug Control Policy, \$3,000,000 is appropriated: *Provided*, That this amount shall be made available by grant to the United States Olympic Committee for its anti-doping program within 30 days of the enactment of this Act.

SEC. 238. (a) IN GENERAL.—(1) Section 5315 of title 5, United States Code, is amended by striking the following item: “Commissioner of Customs, Department of the Treasury”.

(2) Section 5314 of title 5, United States Code, is amended by inserting at the end the following item: “Commissioner of Customs, Department of the Treasury”.

(b) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on January 1, 2000.

SEC. 239. (a) Section 101(d)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277, 112 Stat. 2681-584, 585) is amended by inserting “not” after “the Inspector General Act of 1978 (5 U.S.C. App.) shall”.

(b) The amendment made by subsection (a) shall be effective as if included in the enactment of section 101 of title I of division

C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999.

SEC. 240. For necessary expenses of the United States Secret Service, an additional \$10,000,000 is appropriated for “Salaries and Expenses”. In addition, for the purposes of meeting additional requirements of the United States Secret Service for fiscal year 2000, the Secretary of the Treasury is authorized and directed to transfer \$21,000,000 to the United States Secret Service out of all the funds available to the Department of the Treasury no later than 120 days after enactment of this Act: *Provided*, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this or any other Act: *Provided further*, That such transfers pursuant to this section be taken from programs, projects, and activities as determined by the Secretary of the Treasury and subject to the advance approval of the Committee on Appropriations.

SEC. 241. Section 404(b) of the Government Management Reform Act of 1994 (31 U.S.C. 501 note) is amended by striking: “December 31, 1999” and inserting “April 30, 2000”.

SEC. 242. (a) The seventh paragraph under the heading “Community Development Block Grants” in title II of H.R. 2684 (Public Law 106–74) is amended by striking the figure making individual grants for targeted economic investments and inserting “\$250,175,000” in lieu thereof.

(b) The statement of the managers of the committee of conference accompanying H.R. 2684 (Public Law 106–74; House Report No. 106–379) is deemed to be amended under the heading “Community Development Block Grants” to include in the description of targeted economic development initiatives the following:

“—\$500,000 to Saint John’s County, Florida for water, wastewater, and sewer system improvements;

“—\$1,000,000 to the City of San Dimas, California for structural improvements, earthquake reinforcement, and compliance with the Americans with Disabilities Act, to the Walker House;

“—\$2,000,000 to the City of Youngstown in Youngstown, Ohio for site acquisition, planning, architectural design, and preliminary construction activities of a convocation/community center;

“—\$875,000 to Chippewa County, Wisconsin for development of the Lake Wissota Business Park;

“—\$1,500,000 to Lake Marion Regional Water Agency in South Carolina, for continued development of water supply needs;

“—\$650,000 to Santa Fe County, New Mexico, for the Santa Fe Regional Water Management and River Restoration Strategy (including activities of partner governments and agencies);

“—\$650,000 to the Dunbar Community Center in Springfield, Massachusetts to expand its facilities”.

### TITLE III—FISCAL YEAR 2000 OFFSETS AND RESCISSIONS

SEC. 301. (a) GOVERNMENT-WIDE RESCISSIONS.—There is hereby rescinded an amount equal to 0.38 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2000 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government.

(b) RESTRICTIONS.—In carrying out the rescissions made by subsection (a)—

(1) no program, project, or activity of any department, agency, instrumentality, or entity may be reduced by more than 15 percent (with “programs, projects, and activities” as delineated in the appropriations Act or accompanying report for the relevant account, or for accounts and items not included in appropriations Acts, as delineated in the most recently submitted President’s budget);

(2) no reduction shall be taken from any military personnel account; and

(3) the reduction for the Department of Defense and Department of Energy Defense Activities shall be applied proportionately to all Defense accounts.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President’s budget submitted for fiscal year 2001 a report specifying the reductions made to each account pursuant to this section.

SEC. 302. Section 7 of the Federal Reserve Act (12 U.S.C. 289) is amended as follows:

(1) by striking subsection (a)(3); and

(2) by inserting the following new subsection (b):

“(b) TRANSFER FOR FISCAL YEAR 2000.—

“(1) IN GENERAL.—The Federal reserve banks shall transfer from the surplus funds of such banks to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, a total amount of \$3,752,000,000 in fiscal year 2000.

“(2) ALLOCATED BY FED.—Of the total amount required to be paid by the Federal reserve banks under paragraph (1) for fiscal year 2000, the Board shall determine the amount each such bank shall pay in such fiscal year.

“(3) REPLENISHMENT OF SURPLUS FUND PROHIBITED.—During fiscal year 2000, no Federal reserve bank may replenish such bank’s surplus fund by the amount of any transfer by such bank under paragraph (1).”.

SEC. 303. (a) Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following:

“(6) INFORMATION COMPARISONS AND DISCLOSURE FOR ENFORCEMENT OF OBLIGATIONS ON HIGHER EDUCATION ACT LOANS AND GRANTS.—

“(A) FURNISHING OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall furnish to the Secretary, on a quarterly basis or at such less frequent intervals as may be determined by the Secretary of Education, information in the custody of the Secretary of Education for comparison with information in the National Directory of New Hires, in order to obtain the information in such directory with respect to individuals who—

“(i) are borrowers of loans made under title IV of the Higher Education Act of 1965 that are in default; or

“(ii) owe an obligation to refund an overpayment of a grant awarded under such title.

“(B) REQUIREMENT TO SEEK MINIMUM INFORMATION NECESSARY.—The Secretary of Education shall seek

information pursuant to this section only to the extent essential to improving collection of the debt described in subparagraph (A).

“(C) DUTIES OF THE SECRETARY.—

“(i) INFORMATION COMPARISON; DISCLOSURE TO THE SECRETARY OF EDUCATION.—The Secretary, in cooperation with the Secretary of Education, shall compare information in the National Directory of New Hires with information in the custody of the Secretary of Education, and disclose information in that Directory to the Secretary of Education, in accordance with this paragraph, for the purposes specified in this paragraph.

“(ii) CONDITION ON DISCLOSURE.—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part. Support collection under section 466(b) shall be given priority over collection of any defaulted student loan or grant overpayment against the same income.

“(D) USE OF INFORMATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education may use information resulting from a data match pursuant to this paragraph only—

“(i) for the purpose of collection of the debt described in subparagraph (A) owed by an individual whose annualized wage level (determined by taking into consideration information from the National Directory of New Hires) exceeds \$16,000; and

“(ii) after removal of personal identifiers, to conduct analyses of student loan defaults.

“(E) DISCLOSURE OF INFORMATION BY THE SECRETARY OF EDUCATION.—

“(i) DISCLOSURES PERMITTED.—The Secretary of Education may disclose information resulting from a data match pursuant to this paragraph only to—

“(I) a guaranty agency holding a loan made under part B of title IV of the Higher Education Act of 1965 on which the individual is obligated;

“(II) a contractor or agent of the guaranty agency described in subclause (I);

“(III) a contractor or agent of the Secretary; and

“(IV) the Attorney General.

“(ii) PURPOSE OF DISCLOSURE.—The Secretary of Education may make a disclosure under clause (i) only for the purpose of collection of the debts owed on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

“(iii) RESTRICTION ON REDISCLOSURE.—An entity to which information is disclosed under clause (i) may use or disclose such information only as needed for the purpose of collecting on defaulted student loans, or overpayments of grants, made under title IV of the Higher Education Act of 1965.

“(F) REIMBURSEMENT OF HHS COSTS.—The Secretary of Education shall reimburse the Secretary, in accordance with subsection (k)(3), for the additional costs incurred by the Secretary in furnishing the information requested under this subparagraph.”.

(b) PENALTIES FOR MISUSE OF INFORMATION.—Section 402(a) of the Child Support Performance and Incentive Act of 1998 (112 Stat. 669) is amended in the matter added by paragraph (2) by inserting “or any other person” after “officer or employee of the United States”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 304. Section 110 of title 23, United States Code, is amended by adding at the end the following:

“(e) After making any calculation necessary to implement this section for fiscal year 2001, the amount available under paragraph (a)(1) shall be increased by \$128,752,000. The amounts added under this subsection shall not apply to any calculation in any other fiscal year.

“(f) For fiscal year 2001, prior to making any distribution under this section, \$22,029,000 of the allocation under paragraph (a)(1) shall be available only for each program authorized under chapter 53 of title 49, United States Code, and title III of Public Law 105–178, in proportion to each such program’s share of the total authorization in section 5338 (other than 5338(h)) of such title and sections 3037 and 3038 of such Public Law, under the terms and conditions of chapter 53 of such title.

“(g) For fiscal year 2001, prior to making any distribution under this section, \$399,000 of the allocation under paragraph (a)(1) shall be available only for motor carrier safety programs under sections 31104 and 31107 of title 49, United States Code; \$274,000 for NHTSA operations and research under section 403 of title 23, United States Code; and \$787,000 for NHTSA highway traffic safety grants under chapter 4 of title 23, United States Code.”.

SEC. 305. Notwithstanding section 3324 of title 31, United States Code, and section 1006(h) of title 37, United States Code, the basic pay and allowances that accrues to members of the Army, Navy, Marine Corps, and Air Force for the pay period ending on September 30, 2000, shall be paid, whether by electronic transfer of funds or otherwise, no earlier than October 1, 2000.

SEC. 306. The pay of any Federal officer or employee that would be payable on September 29, 2000, or September 30, 2000, for the preceding applicable pay period (if not for this section) shall be paid, whether by electronic transfer of funds or otherwise, on October 1, 2000.

SEC. 307. Under the terms of section 251(b)(2) of Public Law 99–177, an adjustment for rounding shall be provided for the first amount referred to in section 251(c)(4)(A) of such Act equal to 0.2 percent of such amount.



## TITLE IV—CANYON FERRY RESERVOIR, MONTANA

### SEC. 401. DEFINITION OF INDIVIDUAL PROPERTY PURCHASER.

Section 1003 of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681–711) is amended—

(1) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively; and

(2) by inserting after paragraph (3) the following:

“(4) INDIVIDUAL PROPERTY PURCHASER.—The term ‘individual property purchaser’, with respect to an individual cabin site described in section 1004(b), means a person (including CFRA or a lessee) that purchases that cabin site.

### SEC. 402. SALE OF PROPERTIES.

Section 1004 of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, is amended—

(1) in subsection (c)(2) (112 Stat. 2681–713), by striking subparagraph (B) and inserting the following:

“(B) APPRAISAL.—

“(i) IN GENERAL.—The appraisal under subparagraph (A) shall be based on the Canyon Ferry Cabin Site appraisal with a completion date of March 29, 1999, and amended June 11, 1999, with an effective date of valuation of October 15, 1998, for the Bureau of Reclamation, on the conditions stated in this subparagraph.

“(ii) MODIFICATIONS.—The contract appraisers that conducted the original appraisal having an effective date of valuation of October 15, 1998, for the Bureau of Reclamation shall make appropriate modifications to permit recalculation of the lot values established in the original appraisal into an updated appraisal, the function of which shall be to provide market values for the sale of each of the 265 Canyon Ferry Cabin site lots.

“(iii) CHANGES IN PROPERTY CHARACTERISTICS.—If there are any changes in the characteristic of a property that form part of the basis of the updated appraisal (including a change in size, easement considerations, or updated analyses of the physical characteristics of a lot), the contract appraisers shall make an appropriate adjustment to the updated appraisal.

“(iv) UPDATING.—Subject to the approval of CFRA and the Secretary, the fair market values established by the appraisers under this paragraph may be further updated periodically by the contract appraisers through appropriate market analyses.

“(v) RECONSIDERATION.—The Bureau of Reclamation and the 265 Canyon Ferry cabin owners have the right to seek reconsideration, before commencement of the updated appraisal, of the assumptions that the appraisers used in arriving at the fair market values derived in the original appraisal.

“(vi) CONTINUING VALIDITY.—Notwithstanding any other provision of law, the October 15, 1998, Canyon Ferry Cabin Site original appraisal, as provided for in this paragraph, shall remain valid for use by the Bureau of Reclamation in the sale process for a period of not less than 3 years from the date of completion of the updated appraisal.”;

(2) in subsection (d) (112 Stat. 2681-713)—

(A) in paragraph (1)(D), by adding at the end the following:

“(iii) REMAINING LEASES.—

“(I) CONTINUATION OF LEASES.—The remaining lessees shall have a right to continue leasing through August 31, 2014.

“(II) RIGHT TO CLOSE.—The remaining leases shall have the right to close under the terms of the sale at any time before August 31, 2014. On termination of the lease either by expiration under the terms of the lease or by violation of the terms of the lease, all personal property and improvements will be removed, and the cabin site shall remain in Federal ownership.”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting “or if no one (including CFRA) bids,” after “bid”; and

(ii) in subparagraph (D)—

(I) by striking “12 months” and inserting “36 months”; and

(II) by adding at the end the following: “If the requirement of the preceding sentence is not met, CFRA may close on all remaining cabin sites or up to the 75 percent requirement. If CFRA does not exercise either such option, the Secretary shall conduct another sale for the remaining cabin sites to close immediately, with proceeds distributed in accordance with section 1008.”;

(3) by striking subsection (e) (112 Stat. 2681-714) and inserting the following:

“(e) ADMINISTRATIVE COSTS.—

“(1) ALLOCATION OF FUNDING.—The Secretary shall allocate all funding necessary to conduct the sales process for the sale of property under this title.

“(2) REIMBURSEMENT.—Any reasonable administrative costs incurred by the Secretary (including the costs of survey and appraisals incident to the conveyance under subsection (a)) shall be proportionately reimbursed by the property owner at the time of closing.”; and

(4) by striking subsection (f) (112 Stat. 2681-714) and inserting the following:

“(f) TIMING.—The Secretary shall—

“(1) immediately begin preparing for the sales process on enactment of this Act; and

“(2) not later than 1 year after the date of enactment of this Act, begin conveying the property described in subsection (b).”.

**SEC. 403. MONTANA FISH AND WILDLIFE CONSERVATION TRUST.**

Section 1007(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-715), is amended—

(1) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “trust manager” and inserting “trust manager (referred to in this section as the ‘trust manager’)”;

(B) in paragraph (2)(A), in the matter preceding clause (i), by striking “agency Board” and inserting “Agency Board (referred to in this section as the ‘Joint State-Federal Agency Board’)”; and

(C) in paragraph (3)(A), by striking “Advisory Board” and inserting “Advisory Board (referred to in this section as the ‘Citizen Advisory Board’)”; and

(2) by adding at the end the following:

“(f) RECREATION TRUST AGREEMENT.—

“(1) IN GENERAL.—The Trust, acting through the trust manager, in consultation with the Joint State-Federal Agency Board and the Citizen Advisory Board, shall enter into a legally enforceable agreement with CFRA (referred to in this section as the ‘Recreation Trust Agreement’).

“(2) CONTENTS.—The Recreation Trust Agreement shall provide that—

“(A) on receipt of proceeds of the sale of a property under section 1004, the Trust shall loan up to \$3,000,000 of the proceeds to CFRA;

“(B) CFRA shall deposit all funds borrowed under subparagraph (A) in the Canyon Ferry-Broadwater County Trust;

“(C) CFRA and the individual purchasers shall repay the principal of the loan to the Trust as soon as reasonably practicable in accordance with a repayment schedule specified in the loan agreement; and

“(D) until such time as the principal is repaid in full, CFRA and the individual purchasers shall make an annual interest payment on the outstanding principal of the loan to the Trust at an interest rate determined in accordance with paragraph (4)(C).

“(3) TREATMENT OF INTEREST PAYMENTS.—All interest payments received by the Trust under paragraph (2)(D) shall be treated as earnings under subsection (d)(2).

“(4) FIDUCIARY RESPONSIBILITY.—In negotiating the Recreation Trust Agreement, the trust manager shall act in the best interests of the Trust to ensure—

“(A) the security of the loan;

“(B) timely repayment of the principal; and

“(C) payment of a fair interest rate, of not less than 6 nor more than 8 percent per year, based on the length of the term of a loan that is comparable to the term of a traditional home mortgage.

“(g) RESTRICTION ON DISBURSEMENT.—Except as provided in subsection (f), the trust manager shall not disburse any funds from the Trust until August 1, 2001, as provided for in the Recreation Trust Agreement, unless Broadwater County, at an earlier date, certifies that the Canyon Ferry-Broadwater County Trust has been fully funded in accordance with this title.

“(h) CONDITION TO SALE.—No closing of property under section 1004 shall be made until the Recreation Trust Agreement is entered into under subsection (f)”.

**SEC. 404. CANYON FERRY-BROADWATER COUNTY TRUST.**

Section 1008(b) of title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-718), is amended—

(1) by striking paragraph (1) and inserting the following:  
“(1) AGREEMENT.—

“(A) CONDITION TO SALE.—No closing of property under section 1004 shall be made until CFRA and Broadwater County enter into a legally enforceable agreement (referred to in this paragraph as the ‘Contributions Agreement’) concerning contributions to the Trust.

“(B) CONTENTS.—The Contributions Agreement shall require that on or before August 1, 2001, CFRA shall ensure that \$3,000,000 in value is deposited in the Canyon Ferry-Broadwater County Trust from 1 or more of the following sources:

“(i) Direct contributions made by the purchasers on the sale of each cabin site.

“(ii) Annual contributions made by the purchasers.

“(iii) All other monetary contributions.

“(iv) In-kind contributions, subject to the approval of the County.

“(v) All funds borrowed by CFRA under section 1007(f).

“(vi) Assessments made against the cabin sites made under a county park district or any similar form of local government under the laws of the State of Montana.

“(vii) Any other contribution, subject to the approval of the County.”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

“(2) ALTERNATIVE FUNDING SOURCE.—If CFRA agrees to form a county park district under section 7-16-2401 et seq., of the Montana Code Annotated, or any other similar form of local government under the laws of the State of Montana, for the purpose of providing funding for the Trust pursuant to the Contributions Agreement, CFRA and Broadwater County may amend the Contributions Agreement as appropriate, so long as the monetary obligations of individual property purchases under the Contributions Agreement as amended are substantially similar to those specified in paragraph (1).”; and

(4) in paragraph (4) (as redesignated by paragraph (2)), by striking “until the condition stated in paragraph (1) is met”.

**SEC. 405. TECHNICAL CORRECTIONS.**

Title X of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 is amended—

(1) in section 1001 (112 Stat. 2681-710), by striking “section 4(b)” and inserting “section 1004(b)”;

(2) in section 1003 (112 Stat. 2681-711)—

(A) in paragraph (1), by striking “section 8” and inserting “section 1008”;

(B) in paragraph (6), by striking “section 7” and inserting “section 1007”;

(C) in paragraph (8)—

(i) in subparagraph (A), by striking “section 4(b)” and inserting “1004(b)”; and

(ii) in subparagraph (B), by striking “section 4(b)(1)(B)” and inserting “section 1004(b)(1)(B)”; and

(D) in paragraph (9), by striking “section 4” and inserting “section 104”; and

(3) in section 1004 (112 Stat. 2681–712)—

(A) in subsection (b)(3)(B)(ii)(II), by striking “section 4(a)” and inserting “section 1004(a)”; and

(B) in subsection (d)(2)(G), by striking “section 6” and inserting “section 1006”.

## TITLE V—INTERNATIONAL DEBT RELIEF

### SEC. 501. ACTIONS TO PROVIDE BILATERAL DEBT RELIEF.

(a) CANCELLATION OF DEBT.—Subject to the availability of amounts provided in advance in appropriations Acts, the President shall cancel all amounts owed to the United States (or any agency of the United States) by any country eligible for debt reduction under this section, as a result of loans made or credits extended prior to June 20, 1999, under any of the provisions of law specified in subsection (b).

(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are the following:

(1) Sections 221 and 222 of the Foreign Assistance Act.

(2) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

(3) Section 5(f) of the Commodity Credit Corporation Charter Act, section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), or section 202 of such Act (7 U.S.C. 5622), or predecessor provisions under the Food for Peace Act of 1966.

(4) Title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

(c) OTHER DEBT REDUCTION AUTHORITIES.—The authority provided in this section is in addition to any other debt relief authority and does not in any way limit such authority.

(d) ELIGIBLE COUNTRIES.—A country that is performing satisfactorily under an economic reform program shall be eligible for cancellation of debt under this section if—

(1) the country, as of December 31, 2000, is eligible to borrow from the International Development Association;

(2) the country, as of December 31, 2000, is not eligible to borrow from the International Bank for Reconstruction and Development; and

(3)(A) the country has outstanding public and publicly guaranteed debt, the net present value of which on December 31, 1996, was at least 150 percent of the average annual value of the exports of the country for the period 1994 through 1996; or

(B)(i) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 150 percent of the annual value of the exports of the country; or

(ii) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 250 percent of the annual fiscal revenues of the country, and has minimum ratios of exports to Gross Domestic Product of 30 percent, and of fiscal revenues to Gross Domestic Product of 15 percent.

(e) PRIORITY.—In carrying out subsection (a), the President should seek to leverage scarce foreign assistance and give priority to heavily indebted poor countries with demonstrated need and the capacity to use such relief effectively.

(f) EXCEPTIONS.—A country shall not be eligible for cancellation of debt under this section if the government of the country—

(1) has an excessive level of military expenditures;

(2) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

(3) is failing to cooperate on international narcotics control matters; or

(4) (including its military or other security forces), engages in a consistent pattern of gross violations of internationally recognized human rights.

(g) ADDITIONAL REQUIREMENT.—A country which is otherwise eligible to receive cancellation of debt under this section may receive such cancellation only if the country has committed, in connection with a social and economic reform program—

(1) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

(2) to adopt an integrated development strategy of the type described in section 1624(a) of the International Financial Institutions Act, to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

(3) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

(4) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

(5) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

(6) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

(7) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

(h) CERTAIN PROHIBITIONS INAPPLICABLE.—Except as the President may otherwise determine for reasons of national security, a cancellation of debt under this section shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country. The authority to provide for cancellation of debt under this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961, or any similar provision of law.

(i) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the cancellation of any debt under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000 through 2004, which shall remain available until expended.

(j) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall prepare and transmit to the Committees on Banking and Financial Services, Appropriations, and International Relations of the House of Representatives, and the Committees on Banking, Housing, and Urban Affairs, Foreign Relations, and Appropriations of the Senate a report, which shall be made available to the public, concerning the cancellation of debt under subsection (a), and a detailed description of debt relief provided by the United States as a member of the Paris Club of Official Creditors for the prior fiscal year.

**SEC. 502. ACTIONS TO IMPROVE THE PROVISION OF MULTILATERAL DEBT RELIEF.**

Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–5) is amended by adding at the end the following:

**“SEC. 1623. IMPROVEMENT OF THE HEAVILY INDEBTED POOR COUNTRIES INITIATIVE.**

“(a) IMPROVEMENT OF THE HIPC INITIATIVE.—In order to accelerate multilateral debt relief and promote human and economic development and poverty alleviation in heavily indebted poor countries, the Congress urges the President to commence immediately efforts, with the Paris Club of Official Creditors, as well as the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and other appropriate multilateral development institutions to accomplish the following modifications to the Heavily Indebted Poor Countries Initiative:

“(1) FOCUS ON POVERTY REDUCTION, GOOD GOVERNANCE, TRANSPARENCY, AND PARTICIPATION OF CITIZENS.—A country which is otherwise eligible to receive cancellation of debt under the modified Heavily Indebted Poor Countries Initiative may receive such cancellation only if the country has committed, in connection with social and economic reform programs that are jointly developed, financed, and administered by the World Bank and the IMF—

“(A) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

“(B) to adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

“(C) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

“(D) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

“(E) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

“(F) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

“(G) to promote the participation of citizens and non-governmental organizations in the economic policy choices of the government.

“(2) FASTER DEBT RELIEF.—The Secretary of the Treasury should urge the IMF and the World Bank to complete a debt sustainability analysis by December 31, 2000, and determine eligibility for debt relief, for as many of the countries under the modified Heavily Indebted Poor Countries Initiative as possible.

“(b) HEAVILY INDEBTED POOR COUNTRIES REVIEW.—The Secretary of the Treasury, after consulting with the Committees on Banking and Financial Services and International Relations of the House of Representatives, and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, shall make every effort (including instructing the United States Directors at the IMF and World Bank) to ensure that an external assessment of the modified Heavily Indebted Poor Countries Initiative, including the reformed Enhanced Structural Adjustment Facility program as it relates to that Initiative, takes place by December 31, 2001, incorporating the views of debtor governments and civil society, and that such assessment be made public.

“(c) DEFINITION.—The term ‘modified Heavily Indebted Poor Countries Initiative’ means the multilateral debt initiative presented in the Report of G–7 Finance Ministers on the Koln Debt Initiative to the Koln Economic Summit, Cologne, Germany, held from June 18–20, 1999.

**“SEC. 1624. REFORM OF THE ENHANCED STRUCTURAL ADJUSTMENT FACILITY.**

“The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development (World Bank) and the International Monetary Fund (IMF) to use the voice and vote of the United States to promote the establishment of poverty reduction strategy policies and procedures at the World Bank and the IMF that support



countries' efforts under programs developed and jointly administered by the World Bank and the IMF that have the following components:

“(1) The development of country-specific poverty reduction strategies (Poverty Reduction Strategies) under the leadership of such countries that—

“(A) will be set out in poverty reduction strategy papers (PRSPs) that provide the basis for the lending operations of the International Development Association (IDA) and the reformed Enhanced Structural Adjustment Facility (ESAF);

“(B) will reflect the World Bank's role in poverty reduction and the IMF's role in macroeconomic issues;

“(C) will make the IMF's and the World Bank's advice and operations fully consistent with the objectives of poverty reduction through broad-based economic growth; and

“(D) should include—

“(i) implementation of transparent budgetary procedures and mechanisms to help ensure that the financial benefits of debt relief under the modified Heavily Indebted Poor Countries Initiative (as defined in section 1623) are applied to programs that combat poverty; and

“(ii) monitorable indicators of progress in poverty reduction.

“(2) The adoption of procedures for periodic comprehensive reviews of reformed ESAF and IDA programs to help ensure progress toward longer-term poverty goals outlined in the Poverty Reduction Strategies and to allow adjustments in such programs.

“(3) The publication of the PRSPs prior to Executive Board review of related programs under IDA and the reformed ESAF.

“(4) The establishment of a standing evaluation unit at the IMF, similar to the Operations Evaluation Department of the World Bank, that would report directly to the Executive Board of the IMF and that would undertake periodic reviews of IMF operations, including the operations of the reformed ESAF, including—

“(A) assessments of experience under the reformed ESAF programs in the areas of poverty reduction, economic growth, and access to basic social services;

“(B) assessments of the extent and quality of participation in program design by citizens;

“(C) verifications that reformed ESAF programs are designed in a manner consistent with the Poverty Reduction Strategies; and

“(D) prompt release to the public of all reviews by the standing evaluation unit.

“(5) The promotion of clearer conditionality in IDA and reformed ESAF programs that focuses on reforms most likely to support poverty reduction through broad-based economic growth.

“(6) The adoption by the IMF of policies aimed at reforming ESAF so that reformed ESAF programs are consistent with the Poverty Reduction Strategies.

“(7) The adoption by the World Bank of policies to help ensure that its lending operations in countries eligible for debt

relief under the modified Heavily Indebted Poor Countries Initiative are consistent with the Poverty Reduction Strategies.

“(8) Strengthening the linkage between borrower country performance and lending operations by IDA and the reformed ESAF on the basis of clear and monitorable indicators.

“(9) Full public disclosure of the proposed objectives and financial organization of the successor to the ESAF at least 90 days before any decision by the Executive Board of the IMF to consider its adoption.”.

**SEC. 503. ACTIONS TO FUND THE PROVISION OF MULTILATERAL DEBT RELIEF.**

(a) CONTRIBUTIONS FOR DEBT REDUCTIONS FOR THE POOREST COUNTRIES.—The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end the following:

**“SEC. 62. APPROVAL OF CONTRIBUTIONS FOR DEBT REDUCTIONS FOR THE POOREST COUNTRIES.**

“For the purpose of mobilizing the resources of the Fund in order to help reduce poverty and improve the lives of residents of poor countries and, in particular, to allow those poor countries with unsustainable debt burdens to receive deeper, broader, and faster debt relief, without allowing gold to reach the open market or otherwise adversely affecting the market price of gold, the Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote—

“(1) to approve an arrangement whereby the Fund—

“(A) sells a quantity of its gold at prevailing market prices to a member or members in nonpublic transactions sufficient to generate 2.226 billion Special Drawing Rights in profits on such sales;

“(B) immediately after, and in conjunction with each such sale, accepts payment by such member or members of such gold to satisfy existing repurchase obligations of such member or members so that the Fund retains ownership of the gold at the conclusion of such payment;

“(C) uses the earnings on the investment of the profits of such sales through a separate subaccount, only for the purpose of providing debt relief from the Fund under the modified Heavily Indebted Poor Countries (HIPC) Initiative (as defined in section 1623 of the International Financial Institutions Act); and

“(D) shall not use more than  $\frac{9}{14}$  of the earnings on the investment of the profits of such sales; and

“(2) to support a decision that shall terminate the Special Contingency Account 2 (SCA-2) of the Fund so that the funds in the SCA-2 shall be made available to the poorest countries. Any funds attributable to the United States participation in SCA-2 shall be used only for debt relief from the Fund under the modified HIPC Initiative.”.

(b) CERTIFICATION.—Within 15 days after the United States Executive Director casts the votes necessary to carry out the instruction described in section 62 of the Bretton Woods Agreements Act, the Secretary of the Treasury shall certify to the Congress that neither the profits nor the earnings on the investment of profits from the gold sales made pursuant to the instruction or of the funds attributable to United States participation in SCA-2 will be used to augment the resources of any reserve account

of the International Monetary Fund for the purpose of making loans.

**SEC. 504. ADDITIONAL PROVISIONS.**

(a) PUBLICATION OF IMF OPERATIONAL BUDGETS.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to publish the operational budgets of the International Monetary Fund, on a quarterly basis, not later than one year after the end of the period covered by the budget.

(b) REPORT TO THE CONGRESS SHOWING COSTS OF UNITED STATES PARTICIPATION IN THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall prepare and transmit to the Committees on Banking and Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Foreign Relations, and on Appropriations of the Senate a quarterly report, which shall be made readily available to the public, on the costs or benefits of United States participation in the International Monetary Fund and which shall detail the costs and benefits to the United States, as well as valuation gains or losses on the United States reserve position in the International Monetary Fund.

(c) CONTINUATION OF FORGOING OF REIMBURSEMENT OF IMF FOR EXPENSES OF ADMINISTERING ESAF.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to continue to forgo reimbursements of the expenses incurred by the International Monetary Fund in administering the Enhanced Structural Adjustment Facility, until the Heavily Indebted Poor Countries Initiative (as defined in section 1623 of the International Financial Institutions Act) is terminated.

(d) NO GOLD SALES BY INTERNATIONAL MONETARY FUND WITHOUT PRIOR AUTHORIZATION BY THE CONGRESS.—(1) The first sentence of section 5 of the Bretton Woods Agreements Act (22 U.S.C. 286c) is amended in clause (g) by striking “approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the Fund.” and inserting “approve any disposition of Fund gold, unless the Secretary certifies to the Congress that such disposition is necessary for the Fund to reconstitute gold to its members, or for the Fund to provide liquidity that will enable the Fund to meet member country claims on the Fund or to meet threats to the systemic stability of the international financial system.”.

(2) Not less than 30 days prior to the entrance by the United States into international negotiations for the purpose of reaching agreement on the disposition of Fund gold whereby resources of the Fund would be used for the special benefit of a single member, or of a particular segment of the membership of the Fund, the Secretary of the Treasury shall consult with the Committees on

Banking and Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations, on Appropriations, and on Banking, Housing and Urban Affairs of the Senate.

(e) ANNUAL REPORT BY GAO ON CONSISTENCY OF IMF PRACTICES WITH STATUTORY POLICIES.—The Comptroller General of the United States shall annually prepare and submit to the Congress of the United States a written report on the extent to which the practices of the International Monetary Fund are consistent with the policies of the United States, as expressly contained in Federal law applicable to the International Monetary Fund.

## TITLE VI—SURVIVOR BENEFITS

### SEC. 601. PAYMENT.

(a) PAYMENT AUTHORIZATION.—The Secretary of the Treasury shall pay, out of funds not otherwise appropriated, \$100,000 to the survivor, or collectively the survivors, of each of the 14 members of the Armed Forces and the one United States civilian Federal employee who were killed on April 14, 1994, when United States F–15 fighter aircraft mistakenly shot down two UH–60 Black Hawk helicopters over Iraq.

#### (b) SURVIVOR STATUS.—

(1) MEMBERS OF THE ARMED FORCES INSURED BY SGLI.—In the case of a member of the Armed Forces described in subsection (a) who was insured by a Servicemembers' Group Life Insurance policy (issued under chapter 19 of title 38, United States Code), a survivor of such member for the purposes of subsection (a) shall be any person designated as a beneficiary on the individual's policy.

(2) INDIVIDUALS NOT INSURED BY SGLI.—In the case of a member of the Armed Forces described in subsection (a) who was not insured by a Servicemembers' Group Life Insurance policy (issued under chapter 19 of title 38, United States Code) or the civilian Federal employee described in subsection (a), a survivor of such member or employee for the purposes of subsection (a) shall be any person determined to be a survivor by the Secretary of the Treasury using the provisions of section 5582(b) of title 5, United States Code.

### SEC. 602. LIMITATION ON TOTAL AMOUNT OF PAYMENT.

Not more than a total of \$1,500,000 may be paid to survivors under section 1.

### SEC. 603. LIMITATION ON ATTORNEY FEES.

Notwithstanding any contract, no representative of a survivor may receive more than 10 percent of a payment made under section 1 for services rendered in connection with the survivor's claim for such payment. Any person who violates this section shall be guilty of an infraction and shall be subject to a fine in the amount provided in title 18, United States Code.

### SEC. 604. REPORT.

Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall transmit to the Congress a report describing the payments made under section 1.

## TITLE VII—MISCELLANEOUS PROVISIONS

## SEC. 701. GRANT OF NATURALIZATION TO PETRA LOVETINSKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, Petra Lovetinska shall be naturalized as a citizen of the United States upon the filing of the appropriate application and upon being administered the oath of renunciation and allegiance in an appropriate ceremony pursuant to section 337 of the Immigration and Nationality Act.

(b) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 1 year after the date of the enactment of this Act.

SEC. 702. TRADE ADJUSTMENT ASSISTANCE. (a) ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—

(1) in subsection (a), by striking “June 30, 1999” and inserting “September 30, 2001”; and

(2) in subsection (b), by striking “June 30, 1999” and inserting “September 30, 2001”.

(b) NAFTA TRANSITIONAL PROGRAM.—Section 250(d)(2) of the Trade Act of 1974 (19 U.S.C. 2331(d)(2)) is amended by striking “the period beginning October 1, 1998, and ending June 30, 1999, shall not exceed \$15,000,000” and inserting “the period beginning October 1, 1998, and ending September 30, 2001, shall not exceed \$30,000,000 for any fiscal year”.

(c) ADJUSTMENT FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking “June 30, 1999” and inserting “September 30, 2001”.

(d) TERMINATION.—Section 285(c) of the Trade Act of 1974 (19 U.S.C. 2271 note preceding) is amended by striking “June 30, 1999” each place it appears and inserting “September 30, 2001”.

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective as of July 1, 1999.



## APPENDIX F—H.R. 3426

### SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO BBA; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999”.

(b) **AMENDMENTS TO SOCIAL SECURITY ACT.**—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) **REFERENCES TO THE BALANCED BUDGET ACT OF 1997.**—In this Act, the term “BBA” means the Balanced Budget Act of 1997 (Public Law 105–33).

(d) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to BBA; table of contents.

#### TITLE I—PROVISIONS RELATING TO PART A

##### Subtitle A—Adjustments to PPS Payments for Skilled Nursing Facilities

- Sec. 101. Temporary increase in payment for certain high cost patients.
- Sec. 102. Authorizing facilities to elect immediate transition to Federal rate.
- Sec. 103. Part A pass-through payment for certain ambulance services, prostheses, and chemotherapy drugs.
- Sec. 104. Provision for part B add-ons for facilities participating in the NHCMQ demonstration project.
- Sec. 105. Special consideration for facilities serving specialized patient populations.
- Sec. 106. MedPAC study on special payment for facilities located in Hawaii and Alaska.
- Sec. 107. Study and report regarding State licensure and certification standards and respiratory therapy competency examinations.

##### Subtitle B—PPS Hospitals

- Sec. 111. Modification in transition for indirect medical education (IME) percentage adjustment.
- Sec. 112. Decrease in reductions for disproportionate share hospitals; data collection requirements.

##### Subtitle C—PPS-Exempt Hospitals

- Sec. 121. Wage adjustment of percentile cap for PPS-exempt hospitals.
- Sec. 122. Enhanced payments for long-term care and psychiatric hospitals until development of prospective payment systems for those hospitals.
- Sec. 123. Per discharge prospective payment system for long-term care hospitals.
- Sec. 124. Per diem prospective payment system for psychiatric hospitals.
- Sec. 125. Refinement of prospective payment system for inpatient rehabilitation services.

##### Subtitle D—Hospice Care

- Sec. 131. Temporary increase in payment for hospice care.
- Sec. 132. Study and report to Congress regarding modification of the payment rates for hospice care.

Subtitle E—Other Provisions

- Sec. 141. MedPAC study on medicare payment for nonphysician health professional clinical training in hospitals.

Subtitle F—Transitional Provisions

- Sec. 151. Exception to CMI qualifier for one year.
- Sec. 152. Reclassification of certain counties and other areas for purposes of reimbursement under the medicare program.
- Sec. 153. Wage index correction.
- Sec. 154. Calculation and application of wage index floor for a certain area.
- Sec. 155. Special rule for certain skilled nursing facilities.

TITLE II—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

- Sec. 201. Outlier adjustment and transitional pass-through for certain medical devices, drugs, and biologicals.
- Sec. 202. Establishing a transitional corridor for application of OPD PPS.
- Sec. 203. Study and report to Congress regarding the special treatment of rural and cancer hospitals in prospective payment system for hospital outpatient department services.
- Sec. 204. Limitation on outpatient hospital copayment for a procedure to the hospital deductible amount.

Subtitle B—Physician Services

- Sec. 211. Modification of update adjustment factor provisions to reduce update oscillations and require estimate revisions.
- Sec. 212. Use of data collected by organizations and entities in determining practice expense relative values.
- Sec. 213. GAO study on resources required to provide safe and effective outpatient cancer therapy.

Subtitle C—Other Services

- Sec. 221. Revision of provisions relating to therapy services.
- Sec. 222. Update in renal dialysis composite rate.
- Sec. 223. Implementation of the inherent reasonableness (IR) authority.
- Sec. 224. Increase in reimbursement for pap smears.
- Sec. 225. Refinement of ambulance services demonstration project.
- Sec. 226. Phase-in of PPS for ambulatory surgical centers.
- Sec. 227. Extension of medicare benefits for immunosuppressive drugs.
- Sec. 228. Temporary increase in payment rates for durable medical equipment and oxygen.
- Sec. 229. Studies and reports.

TITLE III—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

- Sec. 301. Adjustment to reflect administrative costs not included in the interim payment system; GAO report on costs of compliance with OASIS data collection requirements.
- Sec. 302. Delay in application of 15 percent reduction in payment rates for home health services until one year after implementation of prospective payment system.
- Sec. 303. Increase in per beneficiary limits.
- Sec. 304. Clarification of surety bond requirements.
- Sec. 305. Refinement of home health agency consolidated billing.
- Sec. 306. Technical amendment clarifying applicable market basket increase for PPS.
- Sec. 307. Study and report to Congress regarding the exemption of rural agencies and populations from inclusion in the home health prospective payment system.

Subtitle B—Direct Graduate Medical Education

- Sec. 311. Use of national average payment methodology in computing direct graduate medical education (DGME) payments.
- Sec. 312. Initial residency period for child neurology residency training programs.

Subtitle C—Technical Corrections

- Sec. 321. BBA technical corrections.



## TITLE IV—RURAL PROVIDER PROVISIONS

## Subtitle A—Rural Hospitals

- Sec. 401. Permitting reclassification of certain urban hospitals as rural hospitals.
- Sec. 402. Update of standards applied for geographic reclassification for certain hospitals.
- Sec. 403. Improvements in the critical access hospital (CAH) program.
- Sec. 404. 5-year extension of medicare dependent hospital (MDH) program.
- Sec. 405. Rebasing for certain sole community hospitals.
- Sec. 406. One year sole community hospital payment increase.
- Sec. 407. Increased flexibility in providing graduate physician training in rural and other areas.
- Sec. 408. Elimination of certain restrictions with respect to hospital swing bed program.
- Sec. 409. Grant program for rural hospital transition to prospective payment.
- Sec. 410. GAO study on geographic reclassification.

## Subtitle B—Other Rural Provisions

- Sec. 411. MedPAC study of rural providers.
- Sec. 412. Expansion of access to paramedic intercept services in rural areas.
- Sec. 413. Promoting prompt implementation of informatics, telemedicine, and education demonstration project.

## TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

## Subtitle A—Provisions To Accommodate and Protect Medicare Beneficiaries

- Sec. 501. Changes in Medicare+Choice enrollment rules.
- Sec. 502. Change in effective date of elections and changes of elections of Medicare+Choice plans.
- Sec. 503. 2-year extension of medicare cost contracts.

## Subtitle B—Provisions To Facilitate Implementation of the Medicare+Choice Program

- Sec. 511. Phase-in of new risk adjustment methodology; studies and reports on risk adjustment.
- Sec. 512. Encouraging offering of Medicare+Choice plans in areas without plans.
- Sec. 513. Modification of 5-year re-entry rule for contract terminations.
- Sec. 514. Continued computation and publication of medicare original fee-for-service expenditures on a county-specific basis.
- Sec. 515. Flexibility to tailor benefits under Medicare+Choice plans.
- Sec. 516. Delay in deadline for submission of adjusted community rates.
- Sec. 517. Reduction in adjustment in national per capita Medicare+Choice growth percentage for 2002.
- Sec. 518. Deeming of Medicare+Choice organization to meet requirements.
- Sec. 519. Timing of Medicare+Choice health information fairs.
- Sec. 520. Quality assurance requirements for preferred provider organization plans.
- Sec. 521. Clarification of nonapplicability of certain provisions of discharge planning process to Medicare+Choice plans.
- Sec. 522. User fee for Medicare+Choice organizations based on number of enrolled beneficiaries.
- Sec. 523. Clarification regarding the ability of a religious fraternal benefit society to operate any Medicare+Choice plan.
- Sec. 524. Rules regarding physician referrals for Medicare+Choice program.

## Subtitle C—Demonstration Projects and Special Medicare Populations

- Sec. 531. Extension of social health maintenance organization demonstration (SHMO) project authority.
- Sec. 532. Extension of medicare community nursing organization demonstration project.
- Sec. 533. Medicare+Choice competitive bidding demonstration project.
- Sec. 534. Extension of medicare municipal health services demonstration projects.
- Sec. 535. Medicare coordinated care demonstration project.
- Sec. 536. Medigap protections for PACE program enrollees.

## Subtitle D—Medicare+Choice Nursing and Allied Health Professional Education Payments

- Sec. 541. Medicare+Choice nursing and allied health professional education payments.

## Subtitle E—Studies and Reports

- Sec. 551. Report on accounting for VA and DOD expenditures for medicare beneficiaries.

Sec. 552. Medicare Payment Advisory Commission studies and reports.  
 Sec. 553. GAO studies, audits, and reports.

**TITLE VI—MEDICAID**

Sec. 601. Increase in DSH allotment for certain States and the District of Columbia.  
 Sec. 602. Removal of fiscal year limitation on certain transitional administrative costs assistance.  
 Sec. 603. Modification of the phase-out of payment for Federally-qualified health center services and rural health clinic services based on reasonable costs.  
 Sec. 604. Parity in reimbursement for certain utilization and quality control services; elimination of duplicative requirements for external quality review of medicaid managed care organizations.  
 Sec. 605. Inapplicability of enhanced match under the State children's health insurance program to medicaid DSH payments.  
 Sec. 606. Optional deferment of the effective date for outpatient drug agreements.  
 Sec. 607. Making medicaid DSH transition rule permanent.  
 Sec. 608. Medicaid technical corrections.

**TITLE VII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)**

Sec. 701. Stabilizing the State children's health insurance program allotment formula.  
 Sec. 702. Increased allotments for territories under the State children's health insurance program.  
 Sec. 703. Improved data collection and evaluations of the State children's health insurance program.  
 Sec. 704. References to SCHIP and State children's health insurance program.  
 Sec. 705. SCHIP technical corrections.

**TITLE I—PROVISIONS RELATING TO  
 PART A**

**Subtitle A—Adjustments to PPS Payments  
 for Skilled Nursing Facilities**

**SEC. 101. TEMPORARY INCREASE IN PAYMENT FOR CERTAIN HIGH  
 COST PATIENTS.**

(a) **ADJUSTMENT FOR MEDICALLY COMPLEX PATIENTS UNTIL ESTABLISHMENT OF REFINED CASE-MIX ADJUSTMENT.**—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for such services furnished on or after April 1, 2000, and before the date described in subsection (c), the Secretary of Health and Human Services shall increase by 20 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG–III groups described in subsection (b) furnished to an individual during the period in which such individual is classified in such a RUG–III category.

(b) **GROUPS DESCRIBED.**—The RUG–III groups for which the adjustment described in subsection (a) applies are SE3, SE2, SE1, SSC, SSB, SSA, CC2, CC1, CB2, CB1, CA2, CA1, RHC, RMC, and RMB as specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 30, 1999 (64 Fed. Reg. 41684).

(c) **DATE DESCRIBED.**—For purposes of subsection (a), the date described in this subsection is the later of—

- (1) October 1, 2000; or
- (2) the date on which the Secretary implements a refined case mix classification system under section 1888(e)(4)(G)(i)

of the Social Security Act (42 U.S.C. 1395yy(e)(4)(G)(i)) to better account for medically complex patients.

(d) INCREASE FOR FISCAL YEARS 2001 AND 2002.—

(1) IN GENERAL.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for covered skilled nursing facility services furnished during fiscal years 2001 and 2002, the Secretary of Health and Human Services shall increase by 4.0 percent for each such fiscal year the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section).

(2) ADDITIONAL PAYMENT NOT BUILT INTO THE BASE.—The Secretary of Health and Human Services shall not include any additional payment made under this subsection in updating the Federal per diem rate under section 1888(e)(4) of that Act (42 U.S.C. 1395yy(e)(4)).

**SEC. 102. AUTHORIZING FACILITIES TO ELECT IMMEDIATE TRANSITION TO FEDERAL RATE.**

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “paragraph (7)” and inserting “paragraphs (7) and (11)”; and

(2) by adding at the end the following new paragraph:  
 “(11) PERMITTING FACILITIES TO WAIVE 3-YEAR TRANSITION.—Notwithstanding paragraph (1)(A), a facility may elect to have the amount of the payment for all costs of covered skilled nursing facility services for each day of such services furnished in cost reporting periods beginning no earlier than 30 days before the date of such election determined pursuant to paragraph (1)(B).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to elections made on or after December 15, 1999, except that no election shall be effective under such amendments for a cost reporting period beginning before January 1, 2000.

**SEC. 103. PART A PASS-THROUGH PAYMENT FOR CERTAIN AMBULANCE SERVICES, PROSTHESES, AND CHEMOTHERAPY DRUGS.**

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)) is amended—

(1) in paragraph (2)(A)(i)(II), by striking “services described in clause (ii)” and inserting “items and services described in clauses (ii) and (iii)”; and

(2) by adding at the end of paragraph (2)(A) the following new clause:

“(iii) EXCLUSION OF CERTAIN ADDITIONAL ITEMS AND SERVICES.—Items and services described in this clause are the following:

“(I) Ambulance services furnished to an individual in conjunction with renal dialysis services described in section 1861(s)(2)(F).

“(II) Chemotherapy items (identified as of July 1, 1999, by HCPCS codes J9000–J9020; J9040–J9151; J9170–J9185; J9200–J9201; J9206–J9208; J9211; J9230–J9245; and J9265–J9600 (and as subsequently modified by the Secretary)) and any

additional chemotherapy items identified by the Secretary.

“(III) Chemotherapy administration services (identified as of July 1, 1999, by HCPCS codes 36260–36262; 36489; 36530–36535; 36640; 36823; and 96405–96542 (and as subsequently modified by the Secretary)) and any additional chemotherapy administration services identified by the Secretary.

“(IV) Radioisotope services (identified as of July 1, 1999, by HCPCS codes 79030–79440 (and as subsequently modified by the Secretary)) and any additional radioisotope services identified by the Secretary.

“(V) Customized prosthetic devices (commonly known as artificial limbs or components of artificial limbs) under the following HCPCS codes (as of July 1, 1999 (and as subsequently modified by the Secretary)), and any additional customized prosthetic devices identified by the Secretary, if delivered to an inpatient for use during the stay in the skilled nursing facility and intended to be used by the individual after discharge from the facility: L5050–L5340; L5500–L5611; L5613–L5986; L5988; L6050–L6370; L6400–L6880; L6920–L7274; and L7362–7366.”; and

(3) by adding at the end of paragraph (9) the following: “In the case of an item or service described in clause (iii) of paragraph (2)(A) that would be payable under part A but for the exclusion of such item or service under such clause, payment shall be made for the item or service, in an amount otherwise determined under part B of this title for such item or service, from the Federal Hospital Insurance Trust Fund under section 1817 (rather than from the Federal Supplementary Medical Insurance Trust Fund under section 1841).”.

(b) CONFORMING FOR BUDGET NEUTRALITY BEGINNING WITH FISCAL YEAR 2001.—

(1) IN GENERAL.—Section 1888(e)(4)(G) (42 U.S.C. 1395yy(e)(4)(G)) is amended by adding at the end the following new clause:

“(iii) ADJUSTMENT FOR EXCLUSION OF CERTAIN ADDITIONAL ITEMS AND SERVICES.—The Secretary shall provide for an appropriate proportional reduction in payments so that beginning with fiscal year 2001, the aggregate amount of such reductions is equal to the aggregate increase in payments attributable to the exclusion effected under clause (iii) of paragraph (2)(A).”.

(2) CONFORMING AMENDMENT.—Section 1888(e)(8)(A) (42 U.S.C. 1395yy(e)(8)(A)) is amended by striking “and adjustments for variations in labor-related costs under paragraph (4)(G)(ii)” and inserting “adjustments for variations in labor-related costs under paragraph (4)(G)(ii), and adjustments under paragraph (4)(G)(iii)”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments made for items and services furnished on or after April 1, 2000.

**SEC. 104. PROVISION FOR PART B ADD-ONS FOR FACILITIES PARTICIPATING IN THE NHCMQ DEMONSTRATION PROJECT.**

(a) IN GENERAL.—Section 1888(e)(3) (42 U.S.C. 1395yy(e)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting “or, in the case of a facility participating in the Nursing Home Case-Mix and Quality Demonstration (RUGS–III), the RUGS–III rate received by the facility during the cost reporting period beginning in 1997” after “to non-settled cost reports”; and

(B) in clause (ii), by striking “furnished during such period” and inserting “furnished during the applicable cost reporting period described in clause (i)”; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) UPDATE TO FIRST COST REPORTING PERIOD.—The Secretary shall update the amount determined under subparagraph (A), for each cost reporting period after the applicable cost reporting period described in subparagraph (A)(i) and up to the first cost reporting period by a factor equal to the skilled nursing facility market basket percentage increase minus 1.0 percentage point.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 4432(a) of BBA.

**SEC. 105. SPECIAL CONSIDERATION FOR FACILITIES SERVING SPECIALIZED PATIENT POPULATIONS.**

(a) IN GENERAL.—Section 1888(e) (42 U.S.C. 1395yy(e)), as amended by section 102(a)(1), is further amended—

(1) in paragraph (1), by striking “subject to paragraphs (7) and (11)” and inserting “subject to paragraphs (7), (11), and (12)”; and

(2) by adding at the end the following new paragraph:

“(12) PAYMENT RULE FOR CERTAIN FACILITIES.—

“(A) IN GENERAL.—In the case of a qualified acute skilled nursing facility described in subparagraph (B), the per diem amount of payment shall be determined by applying the non-Federal percentage and Federal percentage specified in paragraph (2)(C)(ii).

“(B) FACILITY DESCRIBED.—For purposes of subparagraph (A), a qualified acute skilled nursing facility is a facility that—

“(i) was certified by the Secretary as a skilled nursing facility eligible to furnish services under this title before July 1, 1992;

“(ii) is a hospital-based facility; and

“(iii) for the cost reporting period beginning in fiscal year 1998, the facility had more than 60 percent of total patient days comprised of patients who are described in subparagraph (C).

“(C) DESCRIPTION OF PATIENTS.—For purposes of subparagraph (B), a patient described in this subparagraph is an individual who—

“(i) is entitled to benefits under part A; and

“(ii) is immuno-compromised secondary to an infectious disease, with specific diagnoses as specified by the Secretary.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply for the period beginning on the date on which the first cost reporting period of the facility begins after the date of the enactment of this Act and ending on September 30, 2001, and applies to skilled nursing facilities furnishing covered skilled nursing facility services on the date of the enactment of this Act for which payment is made under title XVIII of the Social Security Act.

(c) **REPORT TO CONGRESS.**—Not later than March 1, 2001, the Secretary of Health and Human Services shall assess the resource use of patients of skilled nursing facilities furnishing services under the medicare program who are immuno-compromised secondary to an infectious disease, with specific diagnoses as specified by the Secretary (under paragraph (12)(C), as added by subsection (a), of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e))) to determine whether any permanent adjustments are needed to the RUGs to take into account the resource uses and costs of these patients.

**SEC. 106. MEDPAC STUDY ON SPECIAL PAYMENT FOR FACILITIES LOCATED IN HAWAII AND ALASKA.**

(a) **IN GENERAL.**—The Medicare Payment Advisory Commission shall conduct a study of skilled nursing facilities furnishing covered skilled nursing facility services (as defined in section 1888(e)(2)(A) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(A))) to determine the need for an additional payment amount under section 1888(e)(4)(G) of such Act (42 U.S.C. 1395yy(e)(4)(G)) to take into account the unique circumstances of skilled nursing facilities located in Alaska and Hawaii.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall submit a report to Congress on the study conducted under subsection (a).

**SEC. 107. STUDY AND REPORT REGARDING STATE LICENSURE AND CERTIFICATION STANDARDS AND RESPIRATORY THERAPY COMPETENCY EXAMINATIONS.**

(a) **STUDY.**—The Secretary of Health and Human Services shall conduct a study that—

(1) identifies variations in State licensure and certification standards for health care providers (including nursing and allied health professionals) and other individuals providing respiratory therapy in skilled nursing facilities;

(2) examines State requirements relating to respiratory therapy competency examinations for such providers and individuals; and

(3) determines whether regular respiratory therapy competency examinations or certifications should be required under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for such providers and individuals.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the results of the study conducted under this section, together with any recommendations

for legislation that the Secretary determines to be appropriate as a result of such study.

## Subtitle B—PPS Hospitals

### SEC. 111. MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

- (1) in subclause (IV), by striking “and” at the end;
- (2) by redesignating subclause (V) as subclause (VI);
- (3) by inserting after subclause (IV) the following new subclause:

“(V) during fiscal year 2001, ‘c’ is equal to 1.54; and”;

- (4) in subclause (VI), as so redesignated, by striking “2000” and inserting “2001”.

(b) SPECIAL PAYMENTS TO MAINTAIN 6.5 PERCENT IME PAYMENT FOR FISCAL YEAR 2000.—

(1) ADDITIONAL PAYMENT.—In addition to payments made to each subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B))) which receives payment for the direct costs of medical education for discharges occurring in fiscal year 2000, the Secretary of Health and Human Services shall make one or more payments to each such hospital in an amount which, as estimated by the Secretary, is equal in the aggregate to the difference between the amount of payments to the hospital under such section for such discharges and the amount of payments that would have been paid under such section for such discharges if “c” in clause (ii)(IV) of such section equalled 1.6 rather than 1.47. Additional payments made under this subsection shall be made applying the same structure as applies to payments made under section 1886(d)(5)(B) of such Act.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—In making such additional payments, the Secretary shall not change payments, determinations, or budget neutrality adjustments made for such period under section 1886(d) of such Act (42 U.S.C. 1395ww(d)).

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting “or any additional payments under such paragraph resulting from the application of section 111 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999” after “Balanced Budget Act of 1997”.

### SEC. 112. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITALS; DATA COLLECTION REQUIREMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

- (1) in subclause (III), by striking “during fiscal year 2000” and inserting “during each of fiscal years 2000 and 2001”;
- (2) by striking subclause (IV);

(3) by redesignating subclauses (V) and (VI) as subclauses (IV) and (V), respectively; and

(4) in subclause (IV), as so redesignated, by striking “reduced by 5 percent” and inserting “reduced by 4 percent”.

(b) DATA COLLECTION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall require any subsection (d) hospital (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B))) to submit to the Secretary, in the cost reports submitted to the Secretary by such hospital for discharges occurring during a fiscal year, data on the costs incurred by the hospital for providing inpatient and outpatient hospital services for which the hospital is not compensated, including non-medicare bad debt, charity care, and charges for medicaid and indigent care.

(2) EFFECTIVE DATE.—The Secretary shall require the submission of the data described in paragraph (1) in cost reports for cost reporting periods beginning on or after October 1, 2001.

## Subtitle C—PPS-Exempt Hospitals

### SEC. 121. WAGE ADJUSTMENT OF PERCENTILE CAP FOR PPS-EXEMPT HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(H) (42 U.S.C. 1395ww(b)(3)(H)) is amended—

(1) in clause (i), by inserting “, as adjusted under clause (iii)” before the period;

(2) in clause (ii), by striking “clause (i)” and “such clause” and inserting “subclause (I)” and “such subclause” respectively;

(3) by striking “(H)(i)” and inserting “(ii)(I)”;

(4) by redesignating clauses (ii) and (iii) as subclauses (II) and (III);

(5) by inserting after clause (ii), as so redesignated, the following new clause:

“(iii) In applying clause (ii)(I) in the case of a hospital or unit, the Secretary shall provide for an appropriate adjustment to the labor-related portion of the amount determined under such subparagraph to take into account differences between average wage-related costs in the area of the hospital and the national average of such costs within the same class of hospital.”; and

(6) by inserting before clause (ii), as so redesignated, the following new clause:

“(H)(i) In the case of a hospital or unit that is within a class of hospital described in clause (iv), for a cost reporting period beginning during fiscal years 1998 through 2002, the target amount for such a hospital or unit may not exceed the amount as updated up to or for such cost reporting period under clause (ii).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to cost reporting periods beginning on or after October 1, 1999.



**SEC. 122. ENHANCED PAYMENTS FOR LONG-TERM CARE AND PSYCHIATRIC HOSPITALS UNTIL DEVELOPMENT OF PROSPECTIVE PAYMENT SYSTEMS FOR THOSE HOSPITALS.**

Section 1886(b)(2) (42 U.S.C. 1395ww(b)(2)) is amended—

(1) in subparagraph (A), by striking “In addition to” and inserting “Except as provided in subparagraph (E), in addition to”; and

(2) by adding at the end the following new subparagraph:

“(E)(i) In the case of an eligible hospital that is a hospital or unit that is within a class of hospital described in clause (ii) with a 12-month cost reporting period beginning before the enactment of this subparagraph, in determining the amount of the increase under subparagraph (A), the Secretary shall substitute for the percentage of the target amount applicable under subparagraph (A)(ii)—

“(I) for a cost reporting period beginning on or after October 1, 2000, and before September 30, 2001, 1.5 percent; and

“(II) for a cost reporting period beginning on or after October 1, 2001, and before September 30, 2002, 2 percent.

“(ii) For purposes of clause (i), each of the following shall be treated as a separate class of hospital:

“(I) Hospitals described in clause (i) of subsection (d)(1)(B) and psychiatric units described in the matter following clause (v) of such subsection.

“(II) Hospitals described in clause (iv) of such subsection.”.

**SEC. 123. PER DISCHARGE PROSPECTIVE PAYMENT SYSTEM FOR LONG-TERM CARE HOSPITALS.**

(a) DEVELOPMENT OF SYSTEM.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a per discharge prospective payment system for payment for inpatient hospital services of long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program. Such system shall include an adequate patient classification system that is based on diagnosis-related groups (DRGs) and that reflects the differences in patient resource use and costs, and shall maintain budget neutrality.

(2) COLLECTION OF DATA AND EVALUATION.—In developing the system described in paragraph (1), the Secretary may require such long-term care hospitals to submit such information to the Secretary as the Secretary may require to develop the system.

(b) REPORT.—Not later than October 1, 2001, the Secretary shall submit to the appropriate committees of Congress a report that includes a description of the system developed under subsection (a)(1).

(c) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—Notwithstanding section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2002, for payments for inpatient hospital services furnished by long-term care hospitals under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in accordance with the system described in subsection (a).

**SEC. 124. PER DIEM PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS.****(a) DEVELOPMENT OF SYSTEM.—**

(1) IN GENERAL.—The Secretary of Health and Human Services shall develop a per diem prospective payment system for payment for inpatient hospital services of psychiatric hospitals and units (as defined in paragraph (3)) under the medicare program. Such system shall include an adequate patient classification system that reflects the differences in patient resource use and costs among such hospitals and shall maintain budget neutrality.

(2) COLLECTION OF DATA AND EVALUATION.—In developing the system described in paragraph (1), the Secretary may require such psychiatric hospitals and units to submit such information to the Secretary as the Secretary may require to develop the system.

(3) DEFINITION.—In this section, the term “psychiatric hospitals and units” means a psychiatric hospital described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric units described in the matter following clause (v) of such section.

(b) REPORT.—Not later than October 1, 2001, the Secretary shall submit to the appropriate committees of Congress a report that includes a description of the system developed under subsection (a)(1).

(c) IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—Notwithstanding section 1886(b)(3) of the Social Security Act (42 U.S.C. 1395ww(b)(3)), the Secretary shall provide, for cost reporting periods beginning on or after October 1, 2002, for payments for inpatient hospital services furnished by psychiatric hospitals and units under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) in accordance with the prospective payment system established by the Secretary under this section in a budget neutral manner.

**SEC. 125. REFINEMENT OF PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT REHABILITATION SERVICES.****(a) USE OF DISCHARGE AS PAYMENT UNIT.—**

(1) IN GENERAL.—Section 1886(j)(1)(D) (42 U.S.C. 1395ww(j)(1)(D)) is amended by striking “, day of inpatient hospital services, or other unit of payment defined by the Secretary”.

(2) CONFORMING AMENDMENT TO CLASSIFICATION.—Section 1886(j)(2)(A)(i) (42 U.S.C. 1395ww(j)(2)(A)(i)) is amended to read as follows:

“(i) classes of patient discharges of rehabilitation facilities by functional-related groups (each in this subsection referred to as a ‘case mix group’), based on impairment, age, comorbidities, and functional capability of the patient and such other factors as the Secretary deems appropriate to improve the explanatory power of functional independence measure-function related groups; and”.

(3) CONSTRUCTION RELATING TO TRANSFER AUTHORITY.—Section 1886(j)(1) (42 U.S.C. 1395ww(j)(1)) is amended by adding at the end the following new subparagraph:

“(E) CONSTRUCTION RELATING TO TRANSFER AUTHORITY.—Nothing in this subsection shall be construed

as preventing the Secretary from providing for an adjustment to payments to take into account the early transfer of a patient from a rehabilitation facility to another site of care.”.

(b) **STUDY ON IMPACT OF IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.**—

(1) **STUDY.**—The Secretary of Health and Human Services shall conduct a study of the impact on utilization and beneficiary access to services of the implementation of the medicare prospective payment system for inpatient hospital services or rehabilitation facilities under section 1886(j) of the Social Security Act (42 U.S.C. 1395ww(j)).

(2) **REPORT.**—Not later than 3 years after the date such system is first implemented, the Secretary shall submit to Congress a report on such study.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) are effective as if included in the enactment of section 4421(a) of BBA.

## Subtitle D—Hospice Care

### SEC. 131. TEMPORARY INCREASE IN PAYMENT FOR HOSPICE CARE.

(a) **INCREASE FOR FISCAL YEARS 2001 AND 2002.**—For purposes of payments under section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) for hospice care furnished during fiscal years 2001 and 2002, the Secretary of Health and Human Services shall increase the payment rate in effect (but for this section) for—

(1) fiscal year 2001, by 0.5 percent, and

(2) fiscal year 2002, by 0.75 percent.

(b) **ADDITIONAL PAYMENT NOT BUILT INTO THE BASE.**—The Secretary of Health and Human Services shall not include any additional payment made under this subsection (a) in updating the payment rate, as increased by the applicable market basket percentage increase for the fiscal year involved under section 1814(i)(1)(C)(ii) of that Act (42 U.S.C. 1395f(i)(1)(C)(ii)).

### SEC. 132. STUDY AND REPORT TO CONGRESS REGARDING MODIFICATION OF THE PAYMENT RATES FOR HOSPICE CARE.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study to determine the feasibility and advisability of updating the payment rates and the cap amount determined with respect to a fiscal year under section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) for routine home care and other services included in hospice care. Such study shall examine the cost factors used to determine such rates and such amount and shall evaluate whether such factors should be modified, eliminated, or supplemented with additional cost factors.

(b) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

## Subtitle E—Other Provisions

### SEC. 141. MEDPAC STUDY ON MEDICARE PAYMENT FOR NONPHYSICIAN HEALTH PROFESSIONAL CLINICAL TRAINING IN HOSPITALS.

(a) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study of medicare payment policy with respect to professional clinical training of different classes of nonphysician health care professionals (such as nurses, nurse practitioners, allied health professionals, physician assistants, and psychologists) and the basis for any differences in treatment among such classes.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit a report to Congress on the study conducted under subsection (a).

## Subtitle F—Transitional Provisions

### SEC. 151. EXCEPTION TO CMI QUALIFIER FOR ONE YEAR.

Notwithstanding any other provision of law, for purposes of fiscal year 2000, the Northwest Mississippi Regional Medical Center located in Clarksdale, Mississippi shall be deemed to have satisfied the case mix index criteria under section 1886(d)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(C)(ii)) for classification as a rural referral center.

### SEC. 152. RECLASSIFICATION OF CERTAIN COUNTIES AND AREAS FOR PURPOSES OF REIMBURSEMENT UNDER THE MEDICARE PROGRAM.

(a) FISCAL YEAR 2000.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2000, for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) to hospitals in Iredell County, North Carolina, such county is deemed to be located in the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Metropolitan Statistical Area;

(2) to hospitals in Orange County, New York, the large urban area of New York, New York is deemed to include such county;

(3) to hospitals in Lake County, Indiana, and to hospitals in Lee County, Illinois, such counties are deemed to be located in the Chicago, Illinois Metropolitan Statistical Area;

(4) to hospitals in Hamilton-Middletown, Ohio, Hamilton-Middletown, Ohio, is deemed to be located in the Cincinnati, Ohio-Kentucky-Indiana Metropolitan Statistical Area;

(5) to hospitals in Brazoria County, Texas, such county is deemed to be located in the Houston, Texas Metropolitan Statistical Area; and

(6) to hospitals in Chittenden County, Vermont, such county is deemed to be located in the Boston-Worcester-Lawrence-Lowell-Brockton, Massachusetts-New Hampshire Metropolitan Statistical Area.

(b) FISCAL YEAR 2001.—Notwithstanding any other provision of law, effective for discharges occurring during fiscal year 2001,

for purposes of making payments under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))—

(1) Iredell County, North Carolina is deemed to be located in the Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina Metropolitan Statistical Area;

(2) the large urban area of New York, New York is deemed to include Orange County, New York;

(3) Lake County, Indiana, and Lee County, Illinois, are deemed to be located in the Chicago, Illinois Metropolitan Statistical Area;

(4) Hamilton-Middletown, Ohio, is deemed to be located in the Cincinnati, Ohio-Kentucky-Indiana Metropolitan Statistical Area;

(5) Brazoria County, Texas, is deemed to be located in the Houston, Texas Metropolitan Statistical Area; and

(6) Chittenden County, Vermont is deemed to be located in the Boston-Worcester-Lawrence-Lowell-Brockton, Massachusetts-New Hampshire Metropolitan Statistical Area.

For purposes of that section, any reclassification under this subsection shall be treated as a decision of the Medicare Geographic Classification Review Board under paragraph (10) of that section.

#### **SEC. 153. WAGE INDEX CORRECTION.**

Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), the Secretary of Health and Human Services shall calculate and apply the Hattiesburg, Mississippi Metropolitan Statistical Area wage index under that section for discharges occurring during fiscal year 2000 using fiscal year 1996 wage and hour data for Wesley Medical Center for purposes of payment under that section for that fiscal year. Such recalculation shall not affect the wage index for any other area.

#### **SEC. 154. CALCULATION AND APPLICATION OF WAGE INDEX FLOOR FOR A CERTAIN AREA.**

(a) **FISCAL YEAR 2000.**—Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), for discharges occurring during fiscal year 2000, the Secretary of Health and Human Services shall calculate and apply the wage index for the Allentown-Bethlehem-Easton Metropolitan Statistical Area under that section as if the Lehigh Valley Hospital were classified in such area for purposes of payment under that section for such fiscal year. Such recalculation shall not affect the wage index for any other area.

(b) **FISCAL YEAR 2001.**—Notwithstanding any other provision of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)), in calculating and applying the wage indices under that section for discharges occurring during fiscal year 2001, Lehigh Valley Hospital shall be treated as being classified in the Allentown-Bethlehem-Easton Metropolitan Statistical Area.

#### **SEC. 155. SPECIAL RULE FOR CERTAIN SKILLED NURSING FACILITIES.**

(a) **IN GENERAL.**—Notwithstanding any provision of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)), for the cost reporting period beginning in fiscal year 2000 and for the cost reporting period beginning in fiscal year 2001, if a skilled nursing facility which meets the criteria described in subsection (b) elects to be paid in accordance with subsection (c), the Secretary of Health and Human Services shall establish a per diem payment

amount for such facility according to the methodology described in subsection (c) for such cost reporting periods in lieu of the payment amount that would otherwise be established for such facility under section 1888(e)(1) of such Act (42 U.S.C. 1395yy(e)(1)).

(b) FACILITY ELIGIBILITY CRITERIA.—For purposes of this subsection, a skilled nursing facility is one—

(1) that began participation in the Medicare program under title XVIII of the Social Security Act before January 1, 1995;

(2) for which at least 80 percent of the total inpatient days of the facility in the cost reporting period beginning in fiscal year 1998 were comprised of individuals entitled to benefits under such title; and

(3) that is located in Baldwin or Mobile County, Alabama.

(c) DETERMINATION OF PER DIEM AMOUNT.—For purposes of subsection (a), the per diem payment amount shall be equal to 100 percent of the amount determined under section 1888(e)(3) of the Social Security Act (42 U.S.C. 1395yy(e)(3)) except that, in determining such amount, the Secretary shall—

(1) substitute the allowable costs of the facility for the cost reporting period beginning in fiscal year 1998 for those allowable costs of the cost reporting period beginning in fiscal year 1995; and

(2) exclude the update to the first cost reporting period (from fiscal year 1995 to fiscal year 1998) described in section 1888(e)(3)(B)(i) of such Act (42 U.S.C. 1395yy(e)(3)(B)(i)).

## TITLE II—PROVISIONS RELATING TO PART B

### Subtitle A—Hospital Outpatient Services

#### SEC. 201. OUTLIER ADJUSTMENT AND TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL DEVICES, DRUGS, AND BIOLOGICALS.

(a) OUTLIER ADJUSTMENT.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

“(5) OUTLIER ADJUSTMENT.—

“(A) IN GENERAL.—Subject to subparagraph (D), the Secretary shall provide for an additional payment for each covered OPD service (or group of services) for which a hospital’s charges, adjusted to cost, exceed—

“(i) a fixed multiple of the sum of—

“(I) the applicable medicare OPD fee schedule amount determined under paragraph (3)(D), as adjusted under paragraph (4)(A) (other than for adjustments under this paragraph or paragraph (6)); and

“(II) any transitional pass-through payment under paragraph (6); and

“(ii) at the option of the Secretary, such fixed dollar amount as the Secretary may establish.

“(B) AMOUNT OF ADJUSTMENT.—The amount of the additional payment under subparagraph (A) shall be determined by the Secretary and shall approximate the marginal cost of care beyond the applicable cutoff point under such subparagraph.

“(C) LIMIT ON AGGREGATE OUTLIER ADJUSTMENTS.—

“(i) IN GENERAL.—The total of the additional payments made under this paragraph for covered OPD services furnished in a year (as estimated by the Secretary before the beginning of the year) may not exceed the applicable percentage (specified in clause (ii)) of the total program payments estimated to be made under this subsection for all covered OPD services furnished in that year. If this paragraph is first applied to less than a full year, the previous sentence shall apply only to the portion of such year.

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the term ‘applicable percentage’ means a percentage specified by the Secretary up to (but not to exceed)—

“(I) for a year (or portion of a year) before 2004, 2.5 percent; and

“(II) for 2004 and thereafter, 3.0 percent.

“(D) TRANSITIONAL AUTHORITY.—In applying subparagraph (A) for covered OPD services furnished before January 1, 2002, the Secretary may—

“(i) apply such subparagraph to a bill for such services related to an outpatient encounter (rather than for a specific service or group of services) using OPD fee schedule amounts and transitional pass-through payments covered under the bill; and

“(ii) use an appropriate cost-to-charge ratio for the hospital involved (as determined by the Secretary), rather than for specific departments within the hospital.”

(b) TRANSITIONAL PASS-THROUGH FOR ADDITIONAL COSTS OF INNOVATIVE MEDICAL DEVICES, DRUGS, AND BIOLOGICALS.—Such section is further amended by inserting after paragraph (5) the following new paragraph:

“(6) TRANSITIONAL PASS-THROUGH FOR ADDITIONAL COSTS OF INNOVATIVE MEDICAL DEVICES, DRUGS, AND BIOLOGICALS.—

“(A) IN GENERAL.—The Secretary shall provide for an additional payment under this paragraph for any of the following that are provided as part of a covered OPD service (or group of services):

“(i) CURRENT ORPHAN DRUGS.—A drug or biological that is used for a rare disease or condition with respect to which the drug or biological has been designated as an orphan drug under section 526 of the Federal Food, Drug and Cosmetic Act if payment for the drug or biological as an outpatient hospital service under this part was being made on the first date that the system under this subsection is implemented.

“(ii) CURRENT CANCER THERAPY DRUGS AND BIOLOGICALS AND BRACHYTHERAPY.—A drug or biological that is used in cancer therapy, including (but not limited to) a chemotherapeutic agent, an

antiemetic, a hematopoietic growth factor, a colony stimulating factor, a biological response modifier, a bisphosphonate, and a device of brachytherapy, if payment for such drug, biological, or device as an outpatient hospital service under this part was being made on such first date.

“(iii) CURRENT RADIOPHARMACEUTICAL DRUGS AND BIOLOGICAL PRODUCTS.—A radiopharmaceutical drug or biological product used in diagnostic, monitoring, and therapeutic nuclear medicine procedures if payment for the drug or biological as an outpatient hospital service under this part was being made on such first date.

“(iv) NEW MEDICAL DEVICES, DRUGS, AND BIOLOGICALS.—A medical device, drug, or biological not described in clause (i), (ii), or (iii) if—

“(I) payment for the device, drug, or biological as an outpatient hospital service under this part was not being made as of December 31, 1996; and

“(II) the cost of the device, drug, or biological is not insignificant in relation to the OPD fee schedule amount (as calculated under paragraph (3)(D)) payable for the service (or group of services) involved.

“(B) LIMITED PERIOD OF PAYMENT.—The payment under this paragraph with respect to a medical device, drug, or biological shall only apply during a period of at least 2 years, but not more than 3 years, that begins—

“(i) on the first date this subsection is implemented in the case of a drug, biological, or device described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a device, drug, or biological described in subparagraph (A)(iv) and for which payment under this part is made as an outpatient hospital service before such first date; or

“(ii) in the case of a device, drug, or biological described in subparagraph (A)(iv) not described in clause (i), on the first date on which payment is made under this part for the device, drug, or biological as an outpatient hospital service.

“(C) AMOUNT OF ADDITIONAL PAYMENT.—Subject to subparagraph (D)(iii), the amount of the payment under this paragraph with respect to a device, drug, or biological provided as part of a covered OPD service is—

“(i) in the case of a drug or biological, the amount by which the amount determined under section 1842(o) for the drug or biological exceeds the portion of the otherwise applicable medicare OPD fee schedule that the Secretary determines is associated with the drug or biological; or

“(ii) in the case of a medical device, the amount by which the hospital’s charges for the device, adjusted to cost, exceeds the portion of the otherwise applicable medicare OPD fee schedule that the Secretary determines is associated with the device.

“(D) LIMIT ON AGGREGATE ANNUAL ADJUSTMENT.—



“(i) IN GENERAL.—The total of the additional payments made under this paragraph for covered OPD services furnished in a year (as estimated by the Secretary before the beginning of the year) may not exceed the applicable percentage (specified in clause (ii)) of the total program payments estimated to be made under this subsection for all covered OPD services furnished in that year. If this paragraph is first applied to less than a full year, the previous sentence shall apply only to the portion of such year.

“(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the term ‘applicable percentage’ means—

“(I) for a year (or portion of a year) before 2004, 2.5 percent; and

“(II) for 2004 and thereafter, a percentage specified by the Secretary up to (but not to exceed) 2.0 percent.

“(iii) UNIFORM PROSPECTIVE REDUCTION IF AGGREGATE LIMIT PROJECTED TO BE EXCEEDED.—If the Secretary estimates before the beginning of a year that the amount of the additional payments under this paragraph for the year (or portion thereof) as determined under clause (i) without regard to this clause will exceed the limit established under such clause, the Secretary shall reduce pro rata the amount of each of the additional payments under this paragraph for that year (or portion thereof) in order to ensure that the aggregate additional payments under this paragraph (as so estimated) do not exceed such limit.”.

(c) APPLICATION OF NEW ADJUSTMENTS ON A BUDGET NEUTRAL BASIS.—Section 1833(t)(2)(E) (42 U.S.C. 1395l(t)(2)(E)) is amended by striking “other adjustments, in a budget neutral manner, as determined to be necessary to ensure equitable payments, such as outlier adjustments or” and inserting “, in a budget neutral manner, outlier adjustments under paragraph (5) and transitional pass-through payments under paragraph (6) and other adjustments as determined to be necessary to ensure equitable payments, such as”.

(d) LIMITATION ON JUDICIAL REVIEW FOR NEW ADJUSTMENTS.—Section 1833(t)(11), as redesignated by subsection (a)(1), is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following:

“(E) the determination of the fixed multiple, or a fixed dollar cutoff amount, the marginal cost of care, or applicable percentage under paragraph (5) or the determination of insignificance of cost, the duration of the additional payments (consistent with paragraph (6)(B)), the portion of the medicare OPD fee schedule amount associated with particular devices, drugs, or biologicals, and the application of any pro rata reduction under paragraph (6).”.

(e) INCLUSION OF CERTAIN IMPLANTABLE ITEMS UNDER SYSTEM.—

(1) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(A) in paragraph (1)(B)(ii), by striking “clause (iii)” and inserting “clause (iv)” and by striking “but”;

(B) by redesignating clause (iii) of paragraph (1)(B) as clause (iv) and inserting after clause (ii) of such paragraph the following new clause:

“(iii) includes implantable items described in paragraph (3), (6), or (8) of section 1861(s); but”; and

(C) in paragraph (2)(B), by inserting after “resources” the following: “and so that an implantable item is classified to the group that includes the service to which the item relates”.

(2) CONFORMING AMENDMENT.—(A) Section 1834(a)(13) (42 U.S.C. 1395m(a)(13)) is amended by striking “1861(m)(5))” and inserting “1861(m)(5), but not including implantable items for which payment may be made under section 1833(t)”.

(B) Section 1834(h)(4)(B) (42 U.S.C. 1395m(h)(4)(B)) is amended by inserting before the semicolon the following: “and does not include an implantable item for which payment may be made under section 1833(t)”.

(f) AUTHORIZING PAYMENT WEIGHTS BASED ON MEAN HOSPITAL COSTS.—Section 1833(t)(2)(C) (42 U.S.C. 1395l(t)(2)(C)) is amended by inserting “(or, at the election of the Secretary, mean)” after “median”.

(g) LIMITING VARIATION OF COSTS OF SERVICES CLASSIFIED WITH A GROUP.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended by adding at the end the following new flush sentence:

“For purposes of subparagraph (B), items and services within a group shall not be treated as ‘comparable with respect to the use of resources’ if the highest median cost (or mean cost, if elected by the Secretary under subparagraph (C)) for an item or service within the group is more than 2 times greater than the lowest median cost (or mean cost, if so elected) for an item or service within the group; except that the Secretary may make exceptions in unusual cases, such as low volume items and services, but may not make such an exception in the case of a drug or biological that has been designated as an orphan drug under section 526 of the Federal Food, Drug and Cosmetic Act.”.

(h) ANNUAL REVIEW OF OPD PPS COMPONENTS.—

(1) IN GENERAL.—Section 1833(t)(8)(A) (42 U.S.C. 1395l(t)(8)(A)), as redesignated by subsection (a), is amended—

(A) by striking “may periodically review” and inserting “shall review not less often than annually”; and

(B) by adding at the end the following: “The Secretary shall consult with an expert outside advisory panel composed of an appropriate selection of representatives of providers to review (and advise the Secretary concerning) the clinical integrity of the groups and weights. Such panel may use data collected or developed by entities and organizations (other than the Department of Health and Human Services) in conducting such review.”.

(2) EFFECTIVE DATES.—The Secretary of Health and Human Services shall first conduct the annual review under the amendment made by paragraph (1)(A) in 2001 for application in 2002 and the amendment made by paragraph (1)(B) takes effect on the date of the enactment of this Act.

(i) NO IMPACT ON COPAYMENT.—Section 1833(t)(7) (42 U.S.C. 1395l(t)(7)), as redesignated by subsection (a), is amended by adding at the end the following new subparagraph:

“(D) COMPUTATION IGNORING OUTLIER AND PASS-THROUGH ADJUSTMENTS.—The copayment amount shall be computed under subparagraph (A) as if the adjustments under paragraphs (5) and (6) (and any adjustment made under paragraph (2)(E) in relation to such adjustments) had not occurred.”.

(j) TECHNICAL CORRECTION IN REFERENCE RELATING TO HOSPITAL-BASED AMBULANCE SERVICES.—Section 1833(t)(9) (42 U.S.C. 1395l(t)(9)), as redesignated by subsection (a), is amended by striking “the matter in subsection (a)(1) preceding subparagraph (A)” and inserting “section 1861(v)(1)(U)”.

(k) EXTENSION OF PAYMENT PROVISIONS OF SECTION 4522 OF BBA UNTIL IMPLEMENTATION OF PPS.—Section 1861(v)(1)(S)(ii) (42 U.S.C. 1395x(v)(1)(S)(ii)) is amended in subclauses (I) and (II) by striking “and during fiscal year 2000 before January 1, 2000” and inserting “and until the first date that the prospective payment system under section 1833(t) is implemented” each place it appears.

(l) CONGRESSIONAL INTENTION REGARDING BASE AMOUNTS IN APPLYING THE HOPD PPS.—With respect to determining the amount of copayments described in paragraph (3)(A)(ii) of section 1833(t) of the Social Security Act, as added by section 4523(a) of BBA, Congress finds that such amount should be determined without regard to such section, in a budget neutral manner with respect to aggregate payments to hospitals, and that the Secretary of Health and Human Services has the authority to determine such amount without regard to such section.

(m) EFFECTIVE DATE.—Except as provided in this section, the amendments made by this section shall be effective as if included in the enactment of BBA.

(n) STUDY OF DELIVERY OF INTRAVENOUS IMMUNE GLOBULIN (IVIG) OUTSIDE HOSPITALS AND PHYSICIANS’ OFFICES.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the extent to which intravenous immune globulin (IVIG) could be delivered and reimbursed under the medicare program outside of a hospital or physician’s office. In conducting the study, the Secretary shall—

(A) consider the sites of service that other payors, including Medicare+Choice plans, use for these drugs and biologicals;

(B) determine whether covering the delivery of these drugs and biologicals in a medicare patient’s home raises any additional safety and health concerns for the patient;

(C) determine whether covering the delivery of these drugs and biologicals in a patient’s home can reduce overall spending under the medicare program; and

(D) determine whether changing the site of setting for these services would affect beneficiary access to care.

(2) REPORT.—The Secretary shall submit a report on such study to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate within 18 months after the date of the enactment of this Act. The Secretary shall include in the report recommendations regarding the appropriate manner and settings under which the medicare program should pay for these drugs

and biologicals delivered outside of a hospital or physician's office.

**SEC. 202. ESTABLISHING A TRANSITIONAL CORRIDOR FOR APPLICATION OF OPD PPS.**

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395l(t)), as amended by section 201(a), is further amended—

(1) in paragraph (4), in the matter before subparagraph (A), by inserting “, subject to paragraph (7),” after “is determined”; and

(2) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively; and

(3) by inserting after paragraph (6), as inserted by section 201(b), the following new paragraph:

“(7) TRANSITIONAL ADJUSTMENT TO LIMIT DECLINE IN PAYMENT.—

“(A) BEFORE 2002.—Subject to subparagraph (D), for covered OPD services furnished before January 1, 2002, for which the PPS amount (as defined in subparagraph (E)) is—

“(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount (as defined in subparagraph (F)), the amount of payment under this subsection shall be increased by 80 percent of the amount of such difference;

“(ii) at least 80 percent, but less than 90 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.71 and the pre-BBA amount, exceeds (II) the product of 0.70 and the PPS amount;

“(iii) at least 70 percent, but less than 80 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.63 and the pre-BBA amount, exceeds (II) the product of 0.60 and the PPS amount; or

“(iv) less than 70 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 21 percent of the pre-BBA amount.

“(B) 2002.—Subject to subparagraph (D), for covered OPD services furnished during 2002, for which the PPS amount is—

“(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by 70 percent of the amount of such difference;

“(ii) at least 80 percent, but less than 90 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount by which (I) the product of 0.61 and the pre-BBA amount, exceeds (II) the product of 0.60 and the PPS amount; or

“(iii) less than 80 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 13 percent of the pre-BBA amount.

“(C) 2003.—Subject to subparagraph (D), for covered OPD services furnished during 2003, for which the PPS amount is—

“(i) at least 90 percent, but less than 100 percent, of the pre-BBA amount, the amount of payment under this subsection shall be increased by 60 percent of the amount of such difference; or

“(ii) less than 90 percent of the pre-BBA amount, the amount of payment under this subsection shall be increased by 6 percent of the pre-BBA amount.

“(D) HOLD HARMLESS PROVISIONS.—

“(i) TEMPORARY TREATMENT FOR SMALL RURAL HOSPITALS.—In the case of a hospital located in a rural area and that has not more than 100 beds, for covered OPD services furnished before January 1, 2004, for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.

“(ii) PERMANENT TREATMENT FOR CANCER HOSPITALS.—In the case of a hospital described in section 1886(d)(1)(B)(v), for covered OPD services for which the PPS amount is less than the pre-BBA amount, the amount of payment under this subsection shall be increased by the amount of such difference.

“(E) PPS AMOUNT DEFINED.—In this paragraph, the term ‘PPS amount’ means, with respect to covered OPD services, the amount payable under this title for such services (determined without regard to this paragraph), including amounts payable as copayment under paragraph (8), coinsurance under section 1866(a)(2)(A)(ii), and the deductible under section 1833(b).

“(F) PRE-BBA AMOUNT DEFINED.—

“(i) IN GENERAL.—In this paragraph, the ‘pre-BBA amount’ means, with respect to covered OPD services furnished by a hospital in a year, an amount equal to the product of the reasonable cost of the hospital for such services for the portions of the hospital’s cost reporting period (or periods) occurring in the year and the base OPD payment-to-cost ratio for the hospital (as defined in clause (ii)).

“(ii) BASE PAYMENT-TO-COST-RATIO DEFINED.—For purposes of this subparagraph, the ‘base payment-to-cost ratio’ for a hospital means the ratio of—

“(I) the hospital’s reimbursement under this part for covered OPD services furnished during the cost reporting period ending in 1996, including any reimbursement for such services through cost-sharing described in subparagraph (E), to

“(II) the reasonable cost of such services for such period.

The Secretary shall determine such ratios as if the amendments made by section 4521 of the Balanced Budget Act of 1997 were in effect in 1996.

“(G) INTERIM PAYMENTS.—The Secretary shall make payments under this paragraph to hospitals on an interim basis, subject to retrospective adjustments based on settled cost reports.

“(H) NO EFFECT ON COPAYMENTS.—Nothing in this paragraph shall be construed to affect the unadjusted copayment amount described in paragraph (3)(B) or the copayment amount under paragraph (8).

“(I) APPLICATION WITHOUT REGARD TO BUDGET NEUTRALITY.—The additional payments made under this paragraph—

“(i) shall not be considered an adjustment under paragraph (2)(E); and

“(ii) shall not be implemented in a budget neutral manner.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of BBA.

**SEC. 203. STUDY AND REPORT TO CONGRESS REGARDING THE SPECIAL TREATMENT OF RURAL AND CANCER HOSPITALS IN PROSPECTIVE PAYMENT SYSTEM FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.**

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission (referred to in this section as “MedPAC”) shall conduct a study to determine the appropriateness (and the appropriate method) of providing payments to hospitals described in paragraph (2) for covered OPD services (as defined in paragraph (1)(B) of section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t))) based on the prospective payment system established by the Secretary in accordance with such section.

(2) HOSPITALS DESCRIBED.—The hospitals described in this paragraph are the following:

(A) A medicare-dependent, small rural hospital (as defined in section 1886(d)(5)(G)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)(iv))).

(B) A sole community hospital (as defined in section 1886(d)(5)(D)(iii) of such Act (42 U.S.C. 1395ww(d)(5)(D)(iii))).

(C) Rural health clinics (as defined in section 1861(aa)(2) of such Act (42 U.S.C. 1395x(aa)(2))).

(D) Rural referral centers (as so classified under section 1886(d)(5)(C) of such Act (42 U.S.C. 1395ww(d)(5)(C))).

(E) Any other rural hospital with not more than 100 beds.

(F) Any other rural hospital that the Secretary determines appropriate.

(G) A hospital described in section 1886(d)(1)(B)(v) of such Act (42 U.S.C. 1395ww(d)(1)(B)(v))).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, MedPAC shall submit a report to the Secretary of Health and Human Services and Congress on the study conducted under subsection (a), together with any recommendations for legislation that MedPAC determines to be appropriate as a result of such study.

(c) COMMENTS.—Not later than 60 days after the date on which MedPAC submits the report under subsection (b) to the Secretary of Health and Human Services, the Secretary shall submit comments on such report to Congress.

**SEC. 204. LIMITATION ON OUTPATIENT HOSPITAL COPAYMENT FOR A PROCEDURE TO THE HOSPITAL DEDUCTIBLE AMOUNT.**

(a) IN GENERAL.—Section 1833(t)(8) (42 U.S.C. 1395l(t)(8)), as redesignated by sections 201(a)(1) and 202(a)(2), is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) LIMITING COPAYMENT AMOUNT TO INPATIENT HOSPITAL DEDUCTIBLE AMOUNT.—In no case shall the copayment amount for a procedure performed in a year exceed the amount of the inpatient hospital deductible established under section 1813(b) for that year.”.

(b) INCREASE IN PAYMENT TO REFLECT REDUCTION IN COPAYMENT.—Section 1833(t)(4)(C) (42 U.S.C. 1395l(t)(4)(C)) is amended by inserting “, plus the amount of any reduction in the copayment amount attributable to paragraph (8)(C)” before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section apply as if included in the enactment of BBA and shall only apply to procedures performed for which payment is made on the basis of the prospective payment system under section 1833(t) of the Social Security Act.

**Subtitle B—Physician Services****SEC. 211. MODIFICATION OF UPDATE ADJUSTMENT FACTOR PROVISIONS TO REDUCE UPDATE OSCILLATIONS AND REQUIRE ESTIMATE REVISIONS.**

(a) UPDATE ADJUSTMENT FACTOR.—

(1) IN GENERAL.—Section 1848(d) (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (3)—

(i) in the heading, by inserting “FOR 1999 AND 2000” after “UPDATE”;

(ii) in subparagraph (A), by striking “a year beginning with 1999” and inserting “1999 and 2000”; and

(iii) in subparagraph (C), by inserting “and paragraph (4)” after “For purposes of this paragraph”; and

(B) by adding at the end the following new paragraph:

“(4) UPDATE FOR YEARS BEGINNING WITH 2001.—

“(A) IN GENERAL.—Unless otherwise provided by law, subject to the budget-neutrality factor determined by the Secretary under subsection (c)(2)(B)(ii) and subject to adjustment under subparagraph (F), the update to the single conversion factor established in paragraph (1)(C) for a year beginning with 2001 is equal to the product of—

“(i) 1 plus the Secretary’s estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year (divided by 100); and

“(ii) 1 plus the Secretary’s estimate of the update adjustment factor under subparagraph (B) for the year.

“(B) UPDATE ADJUSTMENT FACTOR.—For purposes of subparagraph (A)(ii), subject to subparagraph (D), the ‘update adjustment factor’ for a year is equal (as estimated by the Secretary) to the sum of the following:

“(i) PRIOR YEAR ADJUSTMENT COMPONENT.—An amount determined by—

“(I) computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians’ services for the prior year (as determined under subparagraph (C)) and the amount of the actual expenditures for such services for that year;

“(II) dividing that difference by the amount of the actual expenditures for such services for that year; and

“(III) multiplying that quotient by 0.75.

“(ii) CUMULATIVE ADJUSTMENT COMPONENT.—An amount determined by—

“(I) computing the difference (which may be positive or negative) between the amount of the allowed expenditures for physicians’ services (as determined under subparagraph (C)) from April 1, 1996, through the end of the prior year and the amount of the actual expenditures for such services during that period;

“(II) dividing that difference by actual expenditures for such services for the prior year as increased by the sustainable growth rate under subsection (f) for the year for which the update adjustment factor is to be determined; and

“(III) multiplying that quotient by 0.33.

“(C) DETERMINATION OF ALLOWED EXPENDITURES.—For purposes of this paragraph:

“(i) PERIOD UP TO APRIL 1, 1999.—The allowed expenditures for physicians’ services for a period before April 1, 1999, shall be the amount of the allowed expenditures for such period as determined under paragraph (3)(C).

“(ii) TRANSITION TO CALENDAR YEAR ALLOWED EXPENDITURES.—Subject to subparagraph (E), the allowed expenditures for—

“(I) the 9-month period beginning April 1, 1999, shall be the Secretary’s estimate of the amount of the allowed expenditures that would be permitted under paragraph (3)(C) for such period; and

“(II) the year of 1999, shall be the Secretary’s estimate of the amount of the allowed expenditures that would be permitted under paragraph (3)(C) for such year.

“(iii) YEARS BEGINNING WITH 2000.—The allowed expenditures for a year (beginning with 2000) is equal to the allowed expenditures for physicians’ services for the previous year, increased by the sustainable growth rate under subsection (f) for the year involved.



“(D) RESTRICTION ON UPDATE ADJUSTMENT FACTOR.—The update adjustment factor determined under subparagraph (B) for a year may not be less than  $-0.07$  or greater than  $0.03$ .

“(E) RECALCULATION OF ALLOWED EXPENDITURES FOR UPDATES BEGINNING WITH 2001.—For purposes of determining the update adjustment factor for a year beginning with 2001, the Secretary shall recompute the allowed expenditures for previous periods beginning on or after April 1, 1999, consistent with subsection (f)(3).

“(F) TRANSITIONAL ADJUSTMENT DESIGNED TO PROVIDE FOR BUDGET NEUTRALITY.—Under this subparagraph the Secretary shall provide for an adjustment to the update under subparagraph (A)—

“(i) for each of 2001, 2002, 2003, and 2004, of  $-0.2$  percent; and

“(ii) for 2005 of  $+0.8$  percent.”.

(2) PUBLICATION CHANGE.—

(A) IN GENERAL.—Section 1848(d)(1)(E) (42 U.S.C. 1395w-4(d)(1)(E)) is amended to read as follows:

“(E) PUBLICATION AND DISSEMINATION OF INFORMATION.—The Secretary shall—

“(i) cause to have published in the Federal Register not later than November 1 of each year (beginning with 2000) the conversion factor which will apply to physicians’ services for the succeeding year, the update determined under paragraph (4) for such succeeding year, and the allowed expenditures under such paragraph for such succeeding year; and

“(ii) make available to the Medicare Payment Advisory Commission and the public by March 1 of each year (beginning with 2000) an estimate of the sustainable growth rate and of the conversion factor which will apply to physicians’ services for the succeeding year and data used in making such estimate.”.

(B) MEDPAC REVIEW OF CONVERSION FACTOR ESTIMATES.—Section 1805(b)(1)(D) (42 U.S.C. 1395b-6(b)(1)(D)) is amended by inserting “and including a review of the estimate of the conversion factor submitted under section 1848(d)(1)(E)(ii)” before the period at the end.

(C) ONE-TIME PUBLICATION OF INFORMATION ON TRANSITION.—The Secretary of Health and Human Services shall cause to have published in the Federal Register, not later than 90 days after the date of the enactment of this section, the Secretary’s determination, based upon the best available data, of—

(i) the allowed expenditures under subclauses (I) and (II) of subsection (d)(4)(C)(ii) of section 1848 of the Social Security Act (42 U.S.C. 1395w-4), as added by subsection (a)(1)(B), for the 9-month period beginning on April 1, 1999, and for 1999;

(ii) the estimated actual expenditures described in subsection (d) of such section for 1999; and

(iii) the sustainable growth rate under subsection (f) of such section for 2000.

(3) CONFORMING AMENDMENTS.—

(A) Section 1848 (42 U.S.C. 1395w-4) is amended—

(i) in subsection (d)(1)(A), by inserting “(for years before 2001) and, for years beginning with 2001, multiplied by the update (established under paragraph (4)) for the year involved” after “for the year involved”; and

(ii) in subsection (f)(2)(D), by inserting “or (d)(4)(B), as the case may be” after “(d)(3)(B)”.

(B) Section 1833(l)(4)(A)(i)(VII) (42 U.S.C. 1395l(l)(4)(A)(i)(VII)) is amended by striking “1848(d)(3)” and inserting “1848(d)”.

(b) SUSTAINABLE GROWTH RATES.—Section 1848(f) (42 U.S.C. 1395w–4(f)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) PUBLICATION.—The Secretary shall cause to have published in the Federal Register not later than—

“(A) November 1, 2000, the sustainable growth rate for 2000 and 2001; and

“(B) November 1 of each succeeding year the sustainable growth rate for such succeeding year and each of the preceding 2 years.”;

(2) in paragraph (2)—

(A) in the matter before subparagraph (A), by striking “fiscal year 1998” and inserting “fiscal year 1998 and ending with fiscal year 2000) and a year beginning with 2000”; and

(B) in subparagraphs (A) through (D), by striking “fiscal year” and inserting “applicable period” each place it appears;

(3) in paragraph (3), by adding at the end the following new subparagraph:

“(C) APPLICABLE PERIOD.—The term ‘applicable period’ means—

“(i) a fiscal year, in the case of fiscal year 1998, fiscal year 1999, and fiscal year 2000; or

“(ii) a calendar year with respect to a year beginning with 2000; as the case may be.”;

(4) by redesignating paragraph (3) as paragraph (4); and

(5) by inserting after paragraph (2) the following new paragraph:

“(3) DATA TO BE USED.—For purposes of determining the update adjustment factor under subsection (d)(4)(B) for a year beginning with 2001, the sustainable growth rates taken into consideration in the determination under paragraph (2) shall be determined as follows:

“(A) FOR 2001.—For purposes of such calculations for 2001, the sustainable growth rates for fiscal year 2000 and the years 2000 and 2001 shall be determined on the basis of the best data available to the Secretary as of September 1, 2000.

“(B) FOR 2002.—For purposes of such calculations for 2002, the sustainable growth rates for fiscal year 2000 and for years 2000, 2001, and 2002 shall be determined on the basis of the best data available to the Secretary as of September 1, 2001.

“(C) FOR 2003 AND SUCCEEDING YEARS.—For purposes of such calculations for a year after 2002—

“(i) the sustainable growth rates for that year and the preceding 2 years shall be determined on the basis of the best data available to the Secretary as of September 1 of the year preceding the year for which the calculation is made; and

“(ii) the sustainable growth rate for any year before a year described in clause (i) shall be the rate as most recently determined for that year under this subsection.

Nothing in this paragraph shall be construed as affecting the sustainable growth rates established for fiscal year 1998 or fiscal year 1999.”

(c) STUDY AND REPORT REGARDING THE UTILIZATION OF PHYSICIANS’ SERVICES BY MEDICARE BENEFICIARIES.—

(1) STUDY BY SECRETARY.—The Secretary of Health and Human Services, acting through the Administrator of the Agency for Health Care Policy and Research, shall conduct a study of the issues specified in paragraph (2).

(2) ISSUES TO BE STUDIED.—The issues specified in this paragraph are the following:

(A) The various methods for accurately estimating the economic impact on expenditures for physicians’ services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) resulting from—

(i) improvements in medical capabilities;

(ii) advancements in scientific technology;

(iii) demographic changes in the types of medicare beneficiaries that receive benefits under such program; and

(iv) geographic changes in locations where medicare beneficiaries receive benefits under such program.

(B) The rate of usage of physicians’ services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) among beneficiaries between ages 65 and 74, 75 and 84, 85 and over, and disabled beneficiaries under age 65.

(C) Other factors that may be reliable predictors of beneficiary utilization of physicians’ services under the original medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to Congress setting forth the results of the study conducted pursuant to paragraph (1), together with any recommendations the Secretary determines are appropriate.

(4) MEDPAC REPORT TO CONGRESS.—Not later than 180 days after the date of submission of the report under paragraph (3), the Medicare Payment Advisory Commission shall submit a report to Congress that includes—

(A) an analysis and evaluation of the report submitted under paragraph (3); and

(B) such recommendations as it determines are appropriate.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall be effective in determining the conversion factor under section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) for years beginning with 2001 and shall not apply to or affect any update (or any update adjustment factor) for any year before 2001.

**SEC. 212. USE OF DATA COLLECTED BY ORGANIZATIONS AND ENTITIES IN DETERMINING PRACTICE EXPENSE RELATIVE VALUES.**

(a) **IN GENERAL.**—The Secretary of Health and Human Services shall establish by regulation (after notice and opportunity for public comment) a process (including data collection standards) under which the Secretary will accept for use and will use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations (other than the Department of Health and Human Services) to supplement the data normally collected by that Department in determining the practice expense component under section 1848(c)(2)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(c)(2)(C)(ii)) for purposes of determining relative values for payment for physicians' services under the fee schedule under section 1848 of such Act (42 U.S.C. 1395w–4). The Secretary shall first promulgate such regulation on an interim final basis in a manner that permits the submission and use of data in the computation of practice expense relative value units for payment rates for 2001.

(b) **PUBLICATION OF INFORMATION.**—The Secretary shall include, in the publication of the estimated and final updates under section 1848(c) of such Act (42 U.S.C. 1395w–4(c)) for payments for 2001 and for 2002, a description of the process established under subsection (a) for the use of external data in making adjustments in relative value units and the extent to which the Secretary has used such external data in making such adjustments for each such year, particularly in cases in which the data otherwise used are inadequate because such data are not based upon a large enough sample size to be statistically reliable.

**SEC. 213. GAO STUDY ON RESOURCES REQUIRED TO PROVIDE SAFE AND EFFECTIVE OUTPATIENT CANCER THERAPY.**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a nationwide study to determine the physician and non-physician clinical resources necessary to provide safe outpatient cancer therapy services and the appropriate payment rates for such services under the medicare program. In making such determination, the Comptroller General shall—

(1) determine the adequacy of practice expense relative value units associated with the utilization of those clinical resources;

(2) determine the adequacy of work units in the practice expense formula; and

(3) assess various standards to assure the provision of safe outpatient cancer therapy services.

(b) **REPORT TO CONGRESS.**—The Comptroller General shall submit to Congress a report on the study conducted under subsection (a). The report shall include recommendations regarding practice expense adjustments to the payment methodology under part B of title XVIII of the Social Security Act, including the development and inclusion of adequate work units to assure the adequacy of payment amounts for safe outpatient cancer therapy

services. The study shall also include an estimate of the cost of implementing such recommendations.

## Subtitle C—Other Services

### SEC. 221. REVISION OF PROVISIONS RELATING TO THERAPY SERVICES.

#### (a) 2-YEAR MORATORIUM ON CAPS.—

(1) IN GENERAL.—Section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) is amended—

(A) in paragraphs (1) and (3), by striking “In the case” each place it appears and inserting “Subject to paragraph (4), in the case”; and

(B) by adding at the end the following:

“(4) This subsection shall not apply to expenses incurred with respect to services furnished during 2000 and 2001.”.

(2) FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—During years in which paragraph (4) of section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) applies (under the amendment made by paragraph (1)(B)), the Secretary of Health and Human Services shall conduct focused medical reviews of claims for reimbursement for services described in paragraph (1) or (3) of such section, with an emphasis on such claims for services that are provided to residents of skilled nursing facilities.

#### (b) TECHNICAL AMENDMENT RELATING TO BEING UNDER THE CARE OF A PHYSICIAN.—

(1) IN GENERAL.—Section 1861 (42 U.S.C. 1395x) is amended—

(A) in subsection (p)(1), by striking “or (3)” and inserting “, (3), or (4)”; and

(B) in subsection (r)(4), by inserting “for purposes of subsection (p)(1) and” after “but only”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to services furnished on or after January 1, 2000.

#### (c) REVISION OF REPORT.—

(1) IN GENERAL.—Section 4541(d)(2) of BBA (42 U.S.C. 1395l note) is amended to read as follows:

“(2) REPORT.—Not later than January 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report that includes recommendations on—

“(A) the establishment of a mechanism for assuring appropriate utilization of outpatient physical therapy services, outpatient occupational therapy services, and speech-language pathology services that are covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395); and

“(B) the establishment of an alternative payment policy for such services based on classification of individuals by diagnostic category, functional status, prior use of services (in both inpatient and outpatient settings), and such other criteria as the Secretary determines appropriate, in place of the uniform dollar limitations specified in section 1833(g) of such Act, as amended by paragraph (1).

The recommendations shall include how such a mechanism or policy might be implemented in a budget-neutral manner.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if included in the enactment of section 4541 of BBA.

(d) STUDY AND REPORT ON UTILIZATION.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study which compares—

(i) utilization patterns (including nationwide patterns, and patterns by region, types of settings, and diagnosis or condition) of outpatient physical therapy services, outpatient occupational therapy services, and speech-language pathology services that are covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395) and provided on or after January 1, 2000; with

(ii) such patterns for such services that were provided in 1998 and 1999.

(B) REVIEW OF CLAIMS.—In conducting the study under this subsection the Secretary of Health and Human Services shall review a statistically significant number of claims for reimbursement for the services described in subparagraph (A).

(2) REPORT.—Not later than June 30, 2001, the Secretary of Health and Human Services shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

#### SEC. 222. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) IN GENERAL.—Section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by adding at the end the following new flush sentence: “The Secretary shall increase the amount of each composite rate payment for dialysis services furnished during 2000 by 1.2 percent above such composite rate payment amounts for such services furnished on December 31, 1999, and for such services furnished on or after January 1, 2001, by 1.2 percent above such composite rate payment amounts for such services furnished on December 31, 2000.”.

(b) CONFORMING AMENDMENT.—The second sentence of section 9335(a)(1) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 1395rr note) is amended by inserting “and before January 1, 2000,” after “on or after January 1, 1991,”.

(c) STUDY ON PAYMENT LEVEL FOR HOME HEMODIALYSIS.—The Medicare Payment Advisory Commission shall conduct a study on the appropriateness of the differential in payment under the medicare program for hemodialysis services furnished in a facility and such services furnished in a home. Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on such study and shall include recommendations regarding changes in medicare payment policy in response to the study.

#### SEC. 223. IMPLEMENTATION OF THE INHERENT REASONABLENESS (IR) AUTHORITY.

(a) LIMITATION ON USE.—The Secretary of Health and Human Services may not use, or permit fiscal intermediaries or carriers to use, the inherent reasonableness authority provided under section

1842(b)(8) of the Social Security Act (42 U.S.C. 1395u(b)(8)) until after—

(1) the Comptroller General of the United States releases a report pursuant to the request for such a report made on March 1, 1999, regarding the impact of the Secretary's, fiscal intermediaries', and carriers' use of such authority; and

(2) the Secretary has published a notice of final rulemaking in the Federal Register that relates to such authority and that responds to such report and to comments received in response to the Secretary's interim final regulation relating to such authority that was published in the Federal Register on January 7, 1998.

(b) REEVALUATION OF IR CRITERIA.—In promulgating the final regulation under subsection (a)(2), the Secretary shall—

(1) reevaluate the appropriateness of the criteria included in such interim final regulation for identifying payments which are excessive or deficient; and

(2) take appropriate steps to ensure the use of valid and reliable data when exercising such authority.

(c) TECHNICAL CORRECTION.—Section 1842(b)(8)(A)(i)(I) (42 U.S.C. 1395u(b)(8)(A)(i)(I)) is amended by striking “the application of this part” and inserting “the application of this title to payment under this part”.

#### **SEC. 224. INCREASE IN REIMBURSEMENT FOR PAP SMEARS.**

(a) PAP SMEAR PAYMENT INCREASE.—Section 1833(h) (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

“(7) Notwithstanding paragraphs (1) and (4), the Secretary shall establish a national minimum payment amount under this subsection for a diagnostic or screening pap smear laboratory test (including all cervical cancer screening technologies that have been approved by the Food and Drug Administration as a primary screening method for detection of cervical cancer) equal to \$14.60 for tests furnished in 2000. For such tests furnished in subsequent years, such national minimum payment amount shall be adjusted annually as provided in paragraph (2).”.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Health Care Financing Administration has been slow to incorporate or provide incentives for providers to use new screening diagnostic health care technologies in the area of cervical cancer;

(2) some new technologies have been developed which optimize the effectiveness of pap smear screening; and

(3) the Health Care Financing Administration should institute an appropriate increase in the payment rate for new cervical cancer screening technologies that have been approved by the Food and Drug Administration and that are significantly more effective than a conventional pap smear.

#### **SEC. 225. REFINEMENT OF AMBULANCE SERVICES DEMONSTRATION PROJECT.**

Effective as if included in the enactment of BBA, section 4532 of BBA (42 U.S.C. 1395m note) is amended—

(1) in subsection (a), by adding at the end the following: “Not later than July 1, 2000, the Secretary shall publish a request for proposals for such projects.”; and

(2) by amending paragraph (2) of subsection (b) to read as follows:

“(2) CAPITATED PAYMENT RATE DEFINED.—In this subsection, the term ‘capitated payment rate’ means, with respect to a demonstration project—

“(A) in its first year, a rate established for the project by the Secretary, using the most current available data, in a manner that ensures that aggregate payments under the project will not exceed the aggregate payment that would have been made for ambulance services under part B of title XVIII of the Social Security Act in the local area of government’s jurisdiction; and

“(B) in a subsequent year, the capitated payment rate established for the previous year increased by an appropriate inflation adjustment factor.”.

**SEC. 226. PHASE-IN OF PPS FOR AMBULATORY SURGICAL CENTERS.**

If the Secretary of Health and Human Services implements a revised prospective payment system for services of ambulatory surgical facilities under section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)), prior to incorporating data from the 1999 Medicare cost survey or a subsequent cost survey, such system shall be implemented in a manner so that—

(1) in the first year of its implementation, only a proportion (specified by the Secretary and not to exceed  $\frac{1}{3}$ ) of the payment for such services shall be made in accordance with such system and the remainder shall be made in accordance with current regulations; and

(2) in the following year a proportion (specified by the Secretary and not to exceed  $\frac{2}{3}$ ) of the payment for such services shall be made under such system and the remainder shall be made in accordance with current regulations.

**SEC. 227. EXTENSION OF MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.**

(a) IN GENERAL.—Section 1861(s)(2)(J)(v) (42 U.S.C. 1395x(s)(2)(J)(v)) is amended by inserting before the semicolon at the end the following: “plus such additional number of months (if any) provided under section 1832(b)”.

(b) SPECIFICATION OF NUMBER OF ADDITIONAL MONTHS.—Section 1832 (42 U.S.C. 1395k) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

“(b) EXTENSION OF COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

“(1) EXTENSION.—

“(A) IN GENERAL.—The Secretary shall specify consistent with this subsection an additional number of months (which may be portions of months) of coverage of immunosuppressive drugs for each cohort (as defined in subparagraph (C)) in a year during the 5-year period beginning with 2000. The number of such months for the cohort—

“(i) for 2000 shall be 8 months; and

“(ii) for 2001 shall, subject to paragraph (2)(A)(i), be 8 months.

“(B) APPLICATION OF ADDITIONAL MONTHS IN A YEAR ONLY TO COHORT IN THAT YEAR.—



“(i) IN GENERAL.—The additional months specified under this subsection for a cohort in a year in such 5-year period shall apply under section 1861(s)(2)(J)(v) only to individuals within such cohort for such year.

“(ii) CONSTRUCTION.—Nothing in this subsection shall be construed as preventing additional months of coverage provided for a cohort for a year from extending coverage to drugs furnished in months in the succeeding year.

“(C) COHORT DEFINED.—In this subsection, the term ‘cohort’ means, with respect to a year, those individuals who would (but for this subsection) exhaust benefits under section 1861(s)(2)(J)(v) for prescription drugs used in immunosuppressive therapy furnished at any time during such year.

“(2) TIMING OF SPECIFICATION.—Consistent with paragraphs (3) and (4)—

“(A) MAY 1, 2001.—Not later than May 1, 2001, the Secretary—

“(i) may increase the number of months for the cohort for 2001 above the 8 months provided under paragraph (1)(A)(ii); and

“(ii) shall compute and specify the number of additional months of benefits that will be available for the cohort for 2002.

“(B) MAY 1, 2002 AND 2003.—Not later than May 1 of 2002 and 2003, the Secretary shall compute and specify the number of additional months of benefits that will be available for the cohort for the following year under this subsection. Such number may be more or less than 8 months.

“(3) BASIS FOR SPECIFICATION.—Using appropriate actuarial methods, the Secretary shall compute the number of additional months for the cohort for a year under this subsection in a manner so that the total expenditures under this part attributable to this subsection, as computed based upon the best available data at the time additional months are specified under this subsection, do not exceed \$150,000,000. Subject to paragraph (4), the Secretary shall seek to compute such months in a manner that provides for a level number of months for each cohort in each year in the last 4 years of the 5-year period described in paragraph (1)(A).

“(4) ANNUAL ADJUSTMENT TO MAINTAIN AGGREGATE EXPENDITURES WITHIN LIMITS.—In computing and specifying the number of additional months under paragraph (2), the Secretary shall adjust the number of additional months under this subsection for a cohort for a year from that provided in the previous year within such 5-year period to the extent necessary to take into account, based upon the best available data, differences between actual and estimated expenditures under this part attributable to this subsection for previous years and to comply with the limitation on total expenditures under paragraph (3).”.

(c) TRANSITIONAL PASS-THROUGH OF ADDITIONAL COSTS UNDER MEDICARE+CHOICE PROGRAM FOR 2000.—The provisions of subparagraphs (A) and (B) of section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w-22(a)(5)) shall apply with respect to the

coverage of additional benefits for immunosuppressive drugs under the amendments made by this section for drugs furnished in 2000 in the same manner as if such amendments constituted a national coverage determination described in the matter in such section before subparagraph (A).

(d) **REPORT ON IMMUNOSUPPRESSIVE DRUG BENEFIT.**—

(1) **IN GENERAL.**—Not later than March 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report on the operation of this section and the amendments made by this section. The report shall include—

(A) an analysis of the impact of this section; and

(B) recommendations regarding an appropriate cost-effective method for providing coverage of immunosuppressive drugs under the medicare program on a permanent basis.

(2) **CONSIDERATIONS.**—In making recommendations under paragraph (1)(B), the Secretary shall identify potential modifications to the immunosuppressive drug benefit that would best promote the objectives of—

(A) improving health outcomes (by decreasing transplant rejection rates that are attributable to failure to comply with immunosuppressive drug regimens);

(B) achieving cost savings to the medicare program (by decreasing the need for secondary transplants and other care relating to post-transplant complications); and

(C) meeting the needs of those medicare beneficiaries who, because of income or other factors, would be less likely to maintain an immunosuppressive drug regimen in the absence of such modifications.

**SEC. 228. TEMPORARY INCREASE IN PAYMENT RATES FOR DURABLE MEDICAL EQUIPMENT AND OXYGEN.**

(a) **IN GENERAL.**—For purposes of payments under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)) for covered items (as defined in paragraph (13) of that section) furnished during 2001 and 2002, the Secretary of Health and Human Services shall increase the payment amount in effect (but for this section) for such items for—

(1) 2001 by 0.3 percent, and

(2) 2002 by 0.6 percent.

(b) **LIMITING APPLICATION TO SPECIFIED YEARS.**—The payment amount increase—

(1) under subsection (a)(1) shall not apply after 2001 and shall not be taken into account in calculating the payment amounts applicable for covered items furnished after such year; and

(2) under subsection (a)(2) shall not apply after 2002 and shall not be taken into account in calculating the payment amounts applicable for covered items furnished after such year.

**SEC. 229. STUDIES AND REPORTS.**

(a) **MEDPAC STUDY ON POSTSURGICAL RECOVERY CARE CENTER SERVICES.**—

(1) **IN GENERAL.**—The Medicare Payment Advisory Commission shall conduct a study on the cost-effectiveness and efficacy of covering under the medicare program under title XVIII of the Social Security Act services of a post-surgical recovery care center (that provides an intermediate level of recovery

care following surgery). In conducting such study, the Commission shall consider data on these centers gathered in demonstration projects.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on such study and shall include in the report recommendations on the feasibility, costs, and savings of covering such services under the medicare program.

(b) AHCPR STUDY ON EFFECT OF CREDENTIALING OF TECHNOLOGISTS AND SONOGRAPHERS ON QUALITY OF ULTRASOUND.—

(1) STUDY.—The Administrator for Health Care Policy and Research shall provide for a study that, with respect to the provision of ultrasound under the medicare and medicaid programs under titles XVIII and XIX of the Social Security Act, compares differences in quality between ultrasound furnished by individuals who are credentialed by private entities or organizations and ultrasound furnished by those who are not so credentialed. Such study shall examine and evaluate differences in error rates, resulting complications, and patient outcomes as a result of the differences in credentialing. In designing the study, the Administrator shall consult with organizations nationally recognized for their expertise in ultrasound.

(2) REPORT.—Not later than two years after the date of the enactment of this Act, the Administrator shall submit a report to Congress on the study conducted under paragraph (1).

(c) MEDPAC STUDY ON THE COMPLEXITY OF THE MEDICARE PROGRAM AND THE LEVELS OF BURDENS PLACED ON PROVIDERS THROUGH FEDERAL REGULATIONS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall undertake a comprehensive study to review the regulatory burdens placed on all classes of health care providers under parts A and B of the medicare program under title XVIII of the Social Security Act and to determine the costs these burdens impose on the nation's health care system. The study shall also examine the complexity of the current regulatory system and its impact on providers.

(2) REPORT.—Not later than December 31, 2001, the Commission shall submit to Congress one or more reports on the study conducted under paragraph (1). The report shall include recommendations regarding—

(A) how the Health Care Financing Administration can reduce the regulatory burdens placed on patients and providers; and

(B) legislation that may be appropriate to reduce the complexity of the medicare program, including improvement of the rules regarding billing, compliance, and fraud and abuse.

(d) GAO CONTINUED MONITORING OF DEPARTMENT OF JUSTICE APPLICATION OF GUIDELINES ON USE OF FALSE CLAIMS ACT IN CIVIL HEALTH CARE MATTERS.—The Comptroller General of the United States shall—

(1) continue the monitoring, begun under section 118 of the Department of Justice Appropriations Act, 1999 (included in Public Law 105-277) of the compliance of the Department of Justice and all United States Attorneys with the “Guidance

on the Use of the False Claims Act in Civil Health Care Matters” issued by the Department of Justice on June 3, 1998, including any revisions to that guidance; and

(2) not later than April 1, 2000, and of each of the two succeeding years, submit a report on such compliance to the appropriate Committees of Congress.

## TITLE III—PROVISIONS RELATING TO PARTS A AND B

### Subtitle A—Home Health Services

#### SEC. 301. ADJUSTMENT TO REFLECT ADMINISTRATIVE COSTS NOT INCLUDED IN THE INTERIM PAYMENT SYSTEM; GAO REPORT ON COSTS OF COMPLIANCE WITH OASIS DATA COLLECTION REQUIREMENTS.

(a) ADJUSTMENT TO REFLECT ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In the case of a home health agency that furnishes home health services to a medicare beneficiary, for each such beneficiary to whom the agency furnished such services during the agency’s cost reporting period beginning in fiscal year 2000, the Secretary of Health and Human Services shall pay the agency, in addition to any amount of payment made under section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)) for the beneficiary and only for such cost reporting period, an aggregate amount of \$10 to defray costs incurred by the agency attributable to data collection and reporting requirements under the Outcome and Assessment Information Set (OASIS) required by reason of section 4602(e) of BBA (42 U.S.C. 1395fff note).

(2) PAYMENT SCHEDULE.—

(A) MIDYEAR PAYMENT.—Not later than April 1, 2000, the Secretary shall pay to a home health agency an amount that the Secretary estimates to be 50 percent of the aggregate amount payable to the agency by reason of this subsection.

(B) UPON SETTLED COST REPORT.—The Secretary shall pay the balance of amounts payable to an agency under this subsection on the date that the cost report submitted by the agency for the cost reporting period beginning in fiscal year 2000 is settled.

(3) PAYMENT FROM TRUST FUNDS.—Payments under this subsection shall be made, in appropriate part as specified by the Secretary, from the Federal Hospital Insurance Trust Fund and from the Federal Supplementary Medical Insurance Trust Fund.

(4) DEFINITIONS.—In this subsection:

(A) HOME HEALTH AGENCY.—The term “home health agency” has the meaning given that term under section 1861(o) of the Social Security Act (42 U.S.C. 1395x(o)).

(B) HOME HEALTH SERVICES.—The term “home health services” has the meaning given that term under section 1861(m) of such Act (42 U.S.C. 1395x(m)).

(C) MEDICARE BENEFICIARY.—The term “medicare beneficiary” means a beneficiary described in section

1861(v)(1)(L)(vi)(II) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)(vi)(II)).

(b) GAO REPORT ON COSTS OF COMPLIANCE WITH OASIS DATA COLLECTION REQUIREMENTS.—

(1) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the matters described in subparagraph (B) with respect to the data collection requirement of patients of such agencies under the Outcome and Assessment Information Set (OASIS) standard as part of the comprehensive assessment of patients.

(B) MATTERS STUDIED.—For purposes of subparagraph (A), the matters described in this subparagraph include the following:

(i) An assessment of the costs incurred by medicare home health agencies in complying with such data collection requirement.

(ii) An analysis of the effect of such data collection requirement on the privacy interests of patients from whom data is collected.

(C) AUDIT.—The Comptroller General shall conduct an independent audit of the costs described in subparagraph (B)(i). Not later than 180 days after receipt of the report under subparagraph (A), the Comptroller General shall submit to Congress a report describing the Comptroller General's findings with respect to such audit, and shall include comments on the report submitted to Congress by the Secretary of Health and Human Services under subparagraph (A).

(2) DEFINITIONS.—In this subsection:

(A) COMPREHENSIVE ASSESSMENT OF PATIENTS.—The term “comprehensive assessment of patients” means the rule published by the Health Care Financing Administration that requires, as a condition of participation in the medicare program, a home health agency to provide a patient-specific comprehensive assessment that accurately reflects the patient's current status and that incorporates the Outcome and Assessment Information Set (OASIS).

(B) OUTCOME AND ASSESSMENT INFORMATION SET.—The term “Outcome and Assessment Information Set” means the standard provided under the rule relating to data items that must be used in conducting a comprehensive assessment of patients.

**SEC. 302. DELAY IN APPLICATION OF 15 PERCENT REDUCTION IN PAYMENT RATES FOR HOME HEALTH SERVICES UNTIL ONE YEAR AFTER IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.**

(a) CONTINGENCY REDUCTION.—Section 4603 of BBA (42 U.S.C. 1395fff note) (as amended by section 5101(c)(3) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277)) is amended by striking subsection (e).

(b) PROSPECTIVE PAYMENT SYSTEM.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) (as amended by section 5101 of the Tax

and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105-277)) is amended to read as follows:

“(i) IN GENERAL.—Under such system the Secretary shall provide for computation of a standard prospective payment amount (or amounts) as follows:

“(I) Such amount (or amounts) shall initially be based on the most current audited cost report data available to the Secretary and shall be computed in a manner so that the total amounts payable under the system for the 12-month period beginning on the date the Secretary implements the system shall be equal to the total amount that would have been made if the system had not been in effect.

“(II) For periods beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) that would have been determined under subclause (I) that would have been made for fiscal year 2001 if the system had not been in effect but if the reduction in limits described in clause (ii) had been in effect, updated under subparagraph (B).

Each such amount shall be standardized in a manner that eliminates the effect of variations in relative case mix and area wage adjustments among different home health agencies in a budget neutral manner consistent with the case mix and wage level adjustments provided under paragraph (4)(A). Under the system, the Secretary may recognize regional differences or differences based upon whether or not the services or agency are in an urbanized area.”.

(c) REPORT.—Not later than the date that is six months after the date the Secretary of Health and Human Services implements the prospective payment system for home health services under section 1895 of the Social Security Act (42 U.S.C. 1395fff), the Secretary shall submit to Congress a report analyzing the need for the 15 percent reduction under subsection (b)(3)(A)(ii) of such section, or for any reduction, in the computation of the base payment amounts under the prospective payment system for home health services established under such section.

#### **SEC. 303. INCREASE IN PER BENEFICIARY LIMITS.**

(a) INCREASE IN PER BENEFICIARY LIMITS.—Section 1861(v)(1)(L) of the Social Security Act (42 U.S.C. 1395x(v)(1)(L)), as amended by section 5101 of the Tax and Trade Relief Extension Act of 1998 (contained in Division J of Public Law 105-277), is amended—

(1) by redesignating clause (ix) as clause (x); and

(2) by inserting after clause (viii) the following new clause:

“(ix) Notwithstanding the per beneficiary limit under clause (viii), if the limit imposed under clause (v) (determined without regard to this clause) for a cost reporting period beginning during or after fiscal year 2000 is less than the median described in clause (vi)(I) (but determined as if any reference in clause (v) to ‘98 percent’ were a reference to ‘100 percent’), the limit otherwise

imposed under clause (v) for such provider and period shall be increased by 2 percent.”.

(b) INCREASE NOT INCLUDED IN PPS BASE.—The second sentence of section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)), as amended by section 302(b), is further amended—

(1) in subclause (I), by inserting “and if section 1861(v)(1)(L)(ix) had not been enacted” before the semicolon; and

(2) in subclause (II), by inserting “and if section 1861(v)(1)(L)(ix) had not been enacted” after “if the system had not been in effect”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished by home health agencies for cost reporting periods beginning on or after October 1, 1999.

#### **SEC. 304. CLARIFICATION OF SURETY BOND REQUIREMENTS.**

(a) HOME HEALTH AGENCIES.—Section 1861(o)(7) (42 U.S.C. 1395x(o)(7)) is amended to read as follows:

“(7) provides the Secretary with a surety bond—

“(A) effective for a period of 4 years (as specified by the Secretary) or in the case of a change in the ownership or control of the agency (as determined by the Secretary) during or after such 4-year period, an additional period of time that the Secretary determines appropriate, such additional period not to exceed 4 years from the date of such change in ownership or control;

“(B) in a form specified by the Secretary; and

“(C) for a year in the period described in subparagraph (A) in an amount that is equal to the lesser of \$50,000 or 10 percent of the aggregate amount of payments to the agency under this title and title XIX for that year, as estimated by the Secretary; and”.

(b) COORDINATION OF SURETY BONDS.—Part A of title XI of the Social Security Act is amended by inserting after section 1128E the following new section:

#### **“COORDINATION OF MEDICARE AND MEDICAID SURETY BOND PROVISIONS**

“SEC. 1128F. In the case of a home health agency that is subject to a surety bond requirement under title XVIII and title XIX, the surety bond provided to satisfy the requirement under one such title shall satisfy the requirement under the other such title so long as the bond applies to guarantee return of overpayments under both such titles.”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act, and in applying section 1861(o)(7) of the Social Security Act (42 U.S.C. 1395x(o)(7)), as amended by subsection (a), the Secretary of Health and Human Services may take into account the previous period for which a home health agency had a surety bond in effect under such section before such date.

#### **SEC. 305. REFINEMENT OF HOME HEALTH AGENCY CONSOLIDATED BILLING.**

(a) IN GENERAL.—Section 1842(b)(6)(F) (42 U.S.C. 1395u(b)(6)(F)) is amended by inserting “(including medical supplies described in section 1861(m)(5), but excluding durable medical

equipment to the extent provided for in such section)” after “home health services”.

(b) CONFORMING AMENDMENT.—Section 1862(a)(21) (42 U.S.C. 1395y(a)(21)) is amended by inserting “(including medical supplies described in section 1861(m)(5), but excluding durable medical equipment to the extent provided for in such section)” after “home health services”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments for services provided on or after the date of enactment of this Act.

**SEC. 306. TECHNICAL AMENDMENT CLARIFYING APPLICABLE MARKET BASKET INCREASE FOR PPS.**

Section 1895(b)(3)(B)(ii)(I) (42 U.S.C. 1395fff(b)(3)(B)(ii)(I)) is amended by striking “fiscal year 2002 or 2003” and inserting “each of fiscal years 2002 and 2003”.

**SEC. 307. STUDY AND REPORT TO CONGRESS REGARDING THE EXEMPTION OF RURAL AGENCIES AND POPULATIONS FROM INCLUSION IN THE HOME HEALTH PROSPECTIVE PAYMENT SYSTEM.**

(a) STUDY.—The Medicare Payment Advisory Commission (referred to in this section as “MedPAC”) shall conduct a study to determine the feasibility and advisability of exempting home health services provided by a home health agency (or by others under arrangements with such agency) located in a rural area, or to an individual residing in a rural area, from payment under the prospective payment system for such services established by the Secretary of Health and Human Services in accordance with section 1895 of the Social Security Act (42 U.S.C. 1395fff).

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, MedPAC shall submit a report to Congress on the study conducted under subsection (a), together with any recommendations for legislation that MedPAC determines to be appropriate as a result of such study.

## **Subtitle B—Direct Graduate Medical Education**

**SEC. 311. USE OF NATIONAL AVERAGE PAYMENT METHODOLOGY IN COMPUTING DIRECT GRADUATE MEDICAL EDUCATION (DGME) PAYMENTS.**

(a) IN GENERAL.—Section 1886(h)(2) (42 U.S.C. 1395ww(h)(2)) is amended—

(1) in subparagraph (D)(i), by striking “clause (ii)” and inserting “a subsequent clause”;

(2) by adding at the end of subparagraph (D) the following new clauses:

“(iii) FLOOR IN FISCAL YEAR 2001 AT 70 PERCENT OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—The approved FTE resident amount for a hospital for the cost reporting period beginning during fiscal year 2001 shall not be less than 70 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for the hospital and period.



“(iv) ADJUSTMENT IN RATE OF INCREASE FOR HOSPITALS WITH FTE APPROVED AMOUNT ABOVE 140 PERCENT OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—

“(I) FREEZE FOR FISCAL YEARS 2001 AND 2002.—

For a cost reporting period beginning during fiscal year 2001 or fiscal year 2002, if the approved FTE resident amount for a hospital for the preceding cost reporting period exceeds 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for that hospital and period, subject to subclause (III), the approved FTE resident amount for the period involved shall be the same as the approved FTE resident amount for the hospital for such preceding cost reporting period.

“(II) 2 PERCENT DECREASE IN UPDATE FOR FISCAL YEARS 2003, 2004, AND 2005.—For a cost reporting period beginning during fiscal year 2003, fiscal year 2004, or fiscal year 2005, if the approved FTE resident amount for a hospital for the preceding cost reporting period exceeds 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for that hospital and preceding period, the approved FTE resident amount for the period involved shall be updated in the manner described in subparagraph (D)(i) except that, subject to subclause (III), the consumer price index applied for a 12-month period shall be reduced (but not below zero) by 2 percentage points.

“(III) NO ADJUSTMENT BELOW 140 PERCENT.—

In no case shall subclause (I) or (II) reduce an approved FTE resident amount for a hospital for a cost reporting period below 140 percent of the locality adjusted national average per resident amount computed under subparagraph (E) for such hospital and period.”;

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

“(E) DETERMINATION OF LOCALITY ADJUSTED NATIONAL AVERAGE PER RESIDENT AMOUNT.—The Secretary shall determine a locality adjusted national average per resident amount with respect to a cost reporting period of a hospital beginning during a fiscal year as follows:

“(i) DETERMINING HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program a single per resident amount equal to the average (weighted by number of full-time equivalent residents, as determined under paragraph (4)) of the primary care per resident amount and the non-primary care per resident amount computed under paragraph (2) for cost reporting periods ending during fiscal year 1997.

“(ii) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall compute a standardized per resident amount for each such hospital by dividing the single per resident amount computed under clause (i) by an average of the 3 geographic index values (weighted by the national average weight for each of the work, practice expense, and malpractice components) as applied under section 1848(e) for 1999 for the fee schedule area in which the hospital is located.

“(iii) COMPUTING OF WEIGHTED AVERAGE.—The Secretary shall compute the average of the standardized per resident amounts computed under clause (ii) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital (as determined under paragraph (4)).

“(iv) COMPUTING NATIONAL AVERAGE PER RESIDENT AMOUNT.—The Secretary shall compute the national average per resident amount, for a hospital’s cost reporting period that begins during fiscal year 2001, equal to the weighted average computed under clause (iii) increased by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning with the month that represents the midpoint of the cost reporting periods described in clause (i) and ending with the midpoint of the hospital’s cost reporting period that begins during fiscal year 2001.

“(v) ADJUSTING FOR LOCALITY.—The Secretary shall compute the product of—

“(I) the national average per resident amount computed under clause (iv) for the hospital, and

“(II) the geographic index value average (described and applied under clause (ii)) for the fee schedule area in which the hospital is located.

“(vi) COMPUTING LOCALITY ADJUSTED AMOUNT.—The locality adjusted national per resident amount for a hospital for—

“(I) the cost reporting period beginning during fiscal year 2001 is the product computed under clause (v); or

“(II) each subsequent cost reporting period is equal to the locality adjusted national per resident amount for the hospital for the previous cost reporting period (as determined under this clause) updated, through the midpoint of the period, by projecting the estimated percentage change in the consumer price index for all urban consumers during the 12-month period ending at that midpoint.”.

(b) CONFORMING AMENDMENTS.—Section 1886(h)(2)(D) (42 U.S.C. 1395ww(h)(2)(D)) is further amended—

(1) in clause (i)—

(A) by striking “PERIODS.—(i)” and inserting the following (and conforming the indentation of the succeeding matter accordingly): “PERIODS.—

“(i) IN GENERAL.—”; and

(B) by striking “the amount determined” and inserting “the approved FTE resident amount determined”; and

(2) in clause (ii)—

(A) by indenting the clause 2 ems to the right; and

(B) by inserting “FREEZE IN UPDATE FOR FISCAL YEARS 1994 AND 1995.—” after “(ii)”.

**SEC. 312. INITIAL RESIDENCY PERIOD FOR CHILD NEUROLOGY RESIDENCY TRAINING PROGRAMS.**

(a) IN GENERAL.—Section 1886(h)(5) (42 U.S.C. 1395ww(h)(5)) is amended—

(1) in the last sentence of subparagraph (F), by striking “The initial residency period” and inserting “Subject to subparagraph (G)(v), the initial residency period”; and

(2) in subparagraph (G)—

(A) in clause (i) by striking “and (iv)” and inserting “(iv), and (v)”; and

(B) by adding at the end the following new clause:

“(v) CHILD NEUROLOGY TRAINING PROGRAMS.—In the case of a resident enrolled in a child neurology residency training program, the period of board eligibility and the initial residency period shall be the period of board eligibility for pediatrics plus 2 years.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply on and after July 1, 2000, to residency programs that began before, on, or after the date of the enactment of this Act.

(c) MEDPAC REPORT.—The Medicare Payment Advisory Commission shall include in its report submitted to Congress in March of 2001 recommendations regarding the appropriateness of the initial residency period used under section 1886(h)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(F)) for other residency training programs in a specialty that require preliminary years of study in another specialty.

## Subtitle C—Technical Corrections

**SEC. 321. BBA TECHNICAL CORRECTIONS.**

(a) SECTION 4201.—Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i–4(c)(2)(B)(i)) is amended by striking “and is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)) that” and inserting “that is located in a county (or equivalent unit of local government) in a rural area (as defined in section 1886(d)(2)(D)), and that”.

(b) SECTION 4204.—(1) Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(A) in clause (i), by striking “or beginning on or after October 1, 1997, and before October 1, 2001,” and inserting “or discharges occurring on or after October 1, 1997, and before October 1, 2001,”; and

(B) in clause (ii)(II), by striking “or beginning on or after October 1, 1997, and before October 1, 2001,” and inserting “or discharges occurring on or after October 1, 1997, and before October 1, 2001.”.

(2) Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended in the matter preceding clause (i) by striking “and for cost reporting periods beginning on or after October 1, 1997, and

before October 1, 2001,” and inserting “and for discharges beginning on or after October 1, 1997, and before October 1, 2001,”.

(c) SECTION 4319.—Section 1847(b)(2) (42 U.S.C. 1395w–3(b)(2)) is amended by inserting “and” after “specified by the Secretary”.

(d) SECTION 4401.—Section 4401(b)(1)(B) of BBA (42 U.S.C. 1395ww note) is amended by striking “section 1886(b)(3)(B)(i)(XIII) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XIII))” and inserting “section 1886(b)(3)(B)(i)(XIV) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(i)(XIV))”.

(e) SECTION 4402.—The last sentence of section 1886(g)(1)(A) (42 U.S.C. 1395ww(g)(1)(A)) is amended by striking “September 30, 2002,” and inserting “October 1, 2002,”.

(f) SECTION 4419.—The first sentence of section 1886(b)(4)(A)(i) (42 U.S.C. 1395ww(b)(4)(A)(i)) is amended by striking “or unit”.

(g) SECTION 4432.—(1) Section 1888(e)(8)(B) (42 U.S.C. 1395yy(e)(8)(B)) is amended by striking “January 1, 1999,” and inserting “July 1, 1999”.

(2) Section 1833(h)(5)(A)(iii) (42 U.S.C. 1395l(h)(5)(A)(iii)) is amended—

(A) by striking “or critical access hospital,” and inserting “, critical access hospital, or skilled nursing facility,”; and

(B) by inserting “or skilled nursing facility” before the period.

(h) SECTION 4416.—Section 1886(b)(7)(A)(i)(II) (42 U.S.C. 1395ww(b)(7)(A)(i)(II)) is amended by inserting “(as estimated by the Secretary)” after “median”.

(i) SECTION 4442.—Section 4442(b) of BBA (42 U.S.C. 1395f note) is amended by striking “applies to cost reporting periods beginning” and inserting “applies to items and services furnished”.

(j) HIPAA SECTION 201.—

(1) IN GENERAL.—Section 1817(k)(2)(C)(i) (42 U.S.C. 1395i(k)(2)(C)(i)) is amended by striking “section 982(a)(6)(B)” and inserting “section 24(a)”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendment made by section 201 of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1992).

(k) OTHER TECHNICAL AMENDMENTS.—

(1) SECTION 4611.—Section 1812(b) (42 U.S.C. 1395d(b)) is amended in the matter following paragraph (3) by inserting “during” after “100 visits”.

(2) SECTION 4511.—Section 1833(a)(1)(O) (42 U.S.C. 1395l(a)(1)(O)) is amended by striking the semicolon and inserting a comma.

(3) SECTION 4551.—Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(A) in clause (i), by striking the comma at the end and inserting a semicolon; and

(B) in clause (v), by striking “, and” and inserting “; and”.

(4) SECTION 4315.—Section 1842(s)(2)(E) (42 U.S.C. 1395u(s)(2)(E)) is amended by inserting a period at the end.

(5) SECTIONS 4103, 4104, AND 4106.—

(A) SECTION 4103.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by striking “1861(o)(2),” and inserting “1861(o)(2)”.

(B) SECTION 4104.—Such section is further amended by striking “(B),” and inserting “(B).”

(C) SECTION 4106.—Such section is further amended by striking “and (15)” and inserting “, and (15).”

(6) SECTION 4001.—(A) Section 1851(i)(2) (42 U.S.C. 1395w-21(i)(2)) is amended by striking “and” after “1857(f)(2).”

(B) Section 1852 (42 U.S.C. 1395w-22) is amended—

(i) in subsection (a)(3)(A)—

(I) by striking the comma after “MSA plan”; and

(II) by inserting a comma after “the coverage”;

(ii) in subsection (g)—

(I) in paragraph (1)(B), by inserting “or” after “in whole”; and

(II) in paragraph (3)(B)(ii), by inserting a period at the end;

(iii) in subsection (h)(2), by striking the comma and inserting a semicolon; and

(iv) in subsection (k)(2)(C)(ii), by striking “balancing” and inserting “balance”.

(C) Section 1854(a) (42 U.S.C. 1395w-24(a)) is amended—

(i) in paragraph (2)—

(I) in subparagraph (A), in the matter preceding clause (i), by inserting “section” before “1852(a)(1)(A);” and

(II) in subparagraph (B), in the matter preceding clause (i), by inserting “section” after “described in”;

(ii) in paragraph (3)—

(I) in subparagraph (A), by inserting “section” after “described in”; and

(II) in subparagraph (B), by inserting “section” after “described in”; and

(iii) in paragraph (4)—

(I) in the matter preceding subparagraph (A), by inserting “section” after “described in”;

(II) in subparagraph (A), in the matter preceding clause (i), by inserting “section” after “described in”; and

(III) in subparagraph (B), by inserting “section” after “described in”.

(7) SECTION 4557.—Section 1861(s)(2)(T)(ii) (42 U.S.C. 1395x(s)(2)(T)(ii)) is amended by striking the period and inserting a semicolon.

(8) SECTION 4205.—Section 1861(aa)(2) (42 U.S.C. 1395x(aa)(2)) is amended—

(A) in subparagraph (I), by striking the comma at the end and inserting a semicolon; and

(B) by realigning subparagraph (I) so as to align the left margin of such subparagraph with the left margin of subparagraph (H); and

(9) SECTION 4454.—Section 1861(ss)(1)(G)(i) (42 U.S.C. 1395x(ss)(1)(G)(i)) is amended—

(A) by striking “owed” and inserting “owned”; and

(B) by striking “of” and inserting “or”.

(10) SECTION 4103.—Section 1862(a)(7) (42 U.S.C. 1395y(a)(7)) is amended by striking “subparagraphs” and inserting “subparagraph”.

(11) SECTION 4002.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(A) in subparagraph (I)(iii), by striking the semicolon and inserting a comma;

(B) in subparagraph (N)(iv), by striking “and” at the end; and

(C) in subparagraph (O), by striking the semicolon at the end and inserting a comma.

(12) SECTION 4321.—Section 1866(a)(1) (42 U.S.C. 1395cc(a)(1)) is amended—

(A) in subparagraph (Q), by striking the semicolon at the end and inserting a comma; and

(B) in subparagraph (R), by inserting “, and” at the end.

(13) SECTION 4003.—Section 1882(g)(1) (42 U.S.C. 1395ss(g)(1)) is amended by striking “or” after “does not include”.

(14) SECTION 4031.—Section 1882(s)(2)(D) (42 U.S.C. 1395ss(s)(2)(D)), is amended in the matter preceding clause (i), by inserting “section” after “as defined in”.

(15) SECTION 4421.—Section 1886(b) (42 U.S.C. 1395ww(b)) is amended—

(A) in paragraph (1), in the matter following subparagraph (C), by inserting a comma after “paragraph (2)”; and

(B) in paragraph (3)(B)(ii)—

(i) in subclause (VI), by striking the semicolon and inserting a comma; and

(ii) in subclause (VII), by striking the semicolon and inserting a comma.

(16) SECTION 4403.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended by inserting a comma after “1986”.

(17) SECTION 4406.—Section 1886(d)(9)(A)(ii) (42 U.S.C. 1395ww(d)(9)(A)(ii)) is amended by inserting a comma after “1987”.

(18) SECTION 4432.—Section 1888(e)(4)(E) (42 U.S.C. 1395yy(e)(4)(E)) is amended—

(A) in clause (i), by striking “federal” and inserting “Federal”; and

(B) in clause (ii), in the matter preceding subclause (I), by striking “federal” each place it appears and inserting “Federal”.

(19) SECTION 4603.—Section 1895(b)(1) (42 U.S.C. 1395fff(b)(1)) is amended by striking “the this section” and inserting “this section”.

(l) SECTION 1135 OF THE SOCIAL SECURITY ACT.—Effective on the date of the enactment of this Act, section 1135 (42 U.S.C. 1320b–5) is repealed.

(m) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall take effect as if included in the enactment of BBA.

## TITLE IV—RURAL PROVIDER PROVISIONS

### Subtitle A—Rural Hospitals

#### SEC. 401. PERMITTING RECLASSIFICATION OF CERTAIN URBAN HOSPITALS AS RURAL HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(8) (42 U.S.C. 1395ww(d)(8)) is amended by adding at the end the following new subparagraph:

“(E)(i) For purposes of this subsection, not later than 60 days after the receipt of an application (in a form and manner determined by the Secretary) from a subsection (d) hospital described in clause (ii), the Secretary shall treat the hospital as being located in the rural area (as defined in paragraph (2)(D)) of the State in which the hospital is located.

“(ii) For purposes of clause (i), a subsection (d) hospital described in this clause is a subsection (d) hospital that is located in an urban area (as defined in paragraph (2)(D)) and satisfies any of the following criteria:

“(I) The hospital is located in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)).

“(II) The hospital is located in an area designated by any law or regulation of such State as a rural area (or is designated by such State as a rural hospital).

“(III) The hospital would qualify as a rural, regional, or national referral center under paragraph (5)(C) or as a sole community hospital under paragraph (5)(D) if the hospital were located in a rural area.

“(IV) The hospital meets such other criteria as the Secretary may specify.”.

(b) CONFORMING CHANGES.—(1) Section 1833(t) (42 U.S.C. 1395l(t)), as amended by sections 201 and 202, is further amended by adding at the end the following new paragraph:

“(13) MISCELLANEOUS PROVISIONS.—

“(A) APPLICATION OF RECLASSIFICATION OF CERTAIN HOSPITALS.—If a hospital is being treated as being located in a rural area under section 1886(d)(8)(E), that hospital shall be treated under this subsection as being located in that rural area.”.

(2) Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i–4(c)(2)(B)(i)) is amended, in the matter preceding subclause (I), by inserting “or is treated as being located in a rural area pursuant to section 1886(d)(8)(E)” after “section 1886(d)(2)(D))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on January 1, 2000.

#### SEC. 402. UPDATE OF STANDARDS APPLIED FOR GEOGRAPHIC RECLASSIFICATION FOR CERTAIN HOSPITALS.

(a) IN GENERAL.—Section 1886(d)(8)(B) (42 U.S.C. 1395ww(d)(8)(B)) is amended—

(1) by inserting “(i)” after “(B)”;

(2) by striking “published in the Federal Register on January 3, 1980” and inserting “described in clause (ii)”; and  
 (3) by adding at the end the following new clause:

“(ii) The standards described in this clause for cost reporting periods beginning in a fiscal year—

“(I) before fiscal year 2003, are the standards published in the Federal Register on January 3, 1980, or, at the election of the hospital with respect to fiscal years 2001 and 2002, standards so published on March 30, 1990; and

“(II) after fiscal year 2002, are the standards published in the Federal Register by the Director of the Office of Management and Budget based on the most recent available decennial population data.

Subparagraphs (C) and (D) shall not apply with respect to the application of subclause (I).”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) apply with respect to discharges occurring during cost reporting periods beginning on or after October 1, 1999.

**SEC. 403. IMPROVEMENTS IN THE CRITICAL ACCESS HOSPITAL (CAH) PROGRAM.**

(a) **APPLYING 96-HOUR LIMIT ON AN ANNUAL, AVERAGE BASIS.**—

(1) **IN GENERAL.**—Section 1820(c)(2)(B)(iii) (42 U.S.C. 1395i–4(c)(2)(B)(iii)) is amended by striking “for a period not to exceed 96 hours” and all that follows and inserting “for a period that does not exceed, as determined on an annual, average basis, 96 hours per patient;”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act.

(b) **PERMITTING FOR-PROFIT HOSPITALS TO QUALIFY FOR DESIGNATION AS A CRITICAL ACCESS HOSPITAL.**—Section 1820(c)(2)(B)(i) (42 U.S.C. 1395i–4(c)(2)(B)(i)) is amended in the matter preceding subclause (I), by striking “nonprofit or public hospital” and inserting “hospital”.

(c) **ALLOWING CLOSED OR DOWNSIZED HOSPITALS TO CONVERT TO CRITICAL ACCESS HOSPITALS.**—Section 1820(c)(2) (42 U.S.C. 1395i–4(c)(2)) is amended—

(1) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B), (C), and (D)”; and

(2) by adding at the end the following new subparagraphs:

“(C) **RECENTLY CLOSED FACILITIES.**—A State may designate a facility as a critical access hospital if the facility—

“(i) was a hospital that ceased operations on or after the date that is 10 years before the date of the enactment of this subparagraph; and

“(ii) as of the effective date of such designation, meets the criteria for designation under subparagraph (B).

“(D) **DOWNSIZED FACILITIES.**—A State may designate a health clinic or a health center (as defined by the State) as a critical access hospital if such clinic or center—

“(i) is licensed by the State as a health clinic or a health center;

“(ii) was a hospital that was downsized to a health clinic or health center; and



“(iii) as of the effective date of such designation, meets the criteria for designation under subparagraph (B).”.

(d) ELECTION OF COST-BASED PAYMENT OPTION FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—

(1) IN GENERAL.—Section 1834(g) (42 U.S.C. 1395m(g)) is amended to read as follows:

“(g) PAYMENT FOR OUTPATIENT CRITICAL ACCESS HOSPITAL SERVICES.—

“(1) IN GENERAL.—The amount of payment for outpatient critical access hospital services of a critical access hospital is the reasonable costs of the hospital in providing such services, unless the hospital makes the election under paragraph (2).

“(2) ELECTION OF COST-BASED HOSPITAL OUTPATIENT SERVICE PAYMENT PLUS FEE SCHEDULE FOR PROFESSIONAL SERVICES.—A critical access hospital may elect to be paid for outpatient critical access hospital services amounts equal to the sum of the following, less the amount that such hospital may charge as described in section 1866(a)(2)(A):

“(A) FACILITY FEE.—With respect to facility services, not including any services for which payment may be made under subparagraph (B), the reasonable costs of the critical access hospital in providing such services.

“(B) FEE SCHEDULE FOR PROFESSIONAL SERVICES.—With respect to professional services otherwise included within outpatient critical access hospital services, such amounts as would otherwise be paid under this part if such services were not included in outpatient critical access hospital services.

“(3) DISREGARDING CHARGES.—The payment amounts under this subsection shall be determined without regard to the amount of the customary or other charge.”.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply for cost reporting periods beginning on or after October 1, 2000.

(e) ELIMINATION OF COINSURANCE FOR CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY A CRITICAL ACCESS HOSPITAL ON AN OUTPATIENT BASIS.—

(1) IN GENERAL.—Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by inserting “or which are furnished on an outpatient basis by a critical access hospital” after “on an assignment-related basis”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to services furnished on or after the date of the enactment of this Act.

(f) PARTICIPATION IN SWING BED PROGRAM.—Section 1883 (42 U.S.C. 1395tt) is amended—

(1) in subsection (a)(1), by striking “(other than a hospital which has in effect a waiver under subparagraph (A) of the last sentence of section 1861(e))”; and

(2) in subsection (c), by striking “, or during which there is in effect for the hospital a waiver under subparagraph (A) of the last sentence of section 1861(e)”.

**SEC. 404. 5-YEAR EXTENSION OF MEDICARE DEPENDENT HOSPITAL (MDH) PROGRAM.**

(a) **EXTENSION OF PAYMENT METHODOLOGY.**—Section 1886(d)(5)(G) (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “and before October 1, 2001,” and inserting “and before October 1, 2006,”; and

(2) in clause (ii)(II), by striking “and before October 1, 2001,” and inserting “and before October 1, 2006,”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENSION OF TARGET AMOUNT.**—Section 1886(b)(3)(D) (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “and before October 1, 2001,” and inserting “and before October 1, 2006,”; and

(B) in clause (iv), by striking “during fiscal year 1998 through fiscal year 2000” and inserting “during fiscal year 1998 through fiscal year 2005”.

(2) **PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.**—Section 13501(e)(2) of Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note), as amended by section 4204(a)(3) of BBA, is amended by striking “or fiscal year 2000” and inserting “or fiscal year 2000 through fiscal year 2005”.

**SEC. 405. REBASING FOR CERTAIN SOLE COMMUNITY HOSPITALS.**

Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(1) in subparagraph (C), by inserting “subject to subparagraph (I),” before “the term ‘target amount’ means”; and

(2) by adding at the end the following new subparagraph:  
 “(I)(i) For cost reporting periods beginning on or after October 1, 2000, in the case of a sole community hospital that for its cost reporting period beginning during 1999 is paid on the basis of the target amount applicable to the hospital under subparagraph (C) and that elects (in a form and manner determined by the Secretary) this subparagraph to apply to the hospital, there shall be substituted for such target amount—

“(I) with respect to discharges occurring in fiscal year 2001, 75 percent of the target amount otherwise applicable to the hospital under subparagraph (C) (referred to in this clause as the ‘subparagraph (C) target amount’) and 25 percent of the rebased target amount (as defined in clause (ii));

“(II) with respect to discharges occurring in fiscal year 2002, 50 percent of the subparagraph (C) target amount and 50 percent of the rebased target amount;

“(III) with respect to discharges occurring in fiscal year 2003, 25 percent of the subparagraph (C) target amount and 75 percent of the rebased target amount; and

“(IV) with respect to discharges occurring after fiscal year 2003, 100 percent of the rebased target amount.

“(ii) For purposes of this subparagraph, the ‘rebased target amount’ has the meaning given the term ‘target amount’ in subparagraph (C) except that—

“(I) there shall be substituted for the base cost reporting period the 12-month cost reporting period beginning during fiscal year 1996;

“(II) any reference in subparagraph (C)(i) to the ‘first cost reporting period’ described in such subparagraph is deemed

a reference to the first cost reporting period beginning on or after October 1, 2000; and

“(III) applicable increase percentage shall only be applied under subparagraph (C)(iv) for discharges occurring in fiscal years beginning with fiscal year 2002.”.

**SEC. 406. ONE YEAR SOLE COMMUNITY HOSPITAL PAYMENT INCREASE.**

Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

- (1) by redesignating subclause (XVII) as subclause (XVIII);
- (2) by striking subclause (XVI); and

(3) by inserting after subclause (XV) the following new subclauses:

“(XVI) for fiscal year 2001, the market basket percentage increase minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals,

“(XVII) for fiscal year 2002, the market basket percentage increase minus 1.1 percentage points for hospitals in all areas, and”.

**SEC. 407. INCREASED FLEXIBILITY IN PROVIDING GRADUATE PHYSICIAN TRAINING IN RURAL AND OTHER AREAS.**

(a) COUNTING PRIMARY CARE RESIDENTS ON CERTAIN APPROVED LEAVES OF ABSENCE IN BASE YEAR FTE COUNT.—

(1) PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

Section 1886(h)(4)(F) (42 U.S.C. 1395ww(h)(4)(F)) is amended—

(A) by redesignating the first sentence as clause (i) with the heading “IN GENERAL.—” and appropriate indentation; and

(B) by adding at the end the following new clause:

“(ii) COUNTING PRIMARY CARE RESIDENTS ON CERTAIN APPROVED LEAVES OF ABSENCE IN BASE YEAR FTE COUNT.—

“(I) IN GENERAL.—In determining the number of such full-time equivalent residents for a hospital’s most recent cost reporting period ending on or before December 31, 1996, for purposes of clause (i), the Secretary shall count an individual to the extent that the individual would have been counted as a primary care resident for such period but for the fact that the individual, as determined by the Secretary, was on maternity or disability leave or a similar approved leave of absence.

“(II) LIMITATION TO 3 FTE RESIDENTS FOR ANY HOSPITAL.—The total number of individuals counted under subclause (I) for a hospital may not exceed 3 full-time equivalent residents.”.

(2) PAYMENT FOR INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended by adding at the end the following: “Rules similar to the rules of subsection (h)(4)(F)(ii) shall apply for purposes of this clause.”.

(3) EFFECTIVE DATE.—

(A) DGME.—The amendments made by paragraph (1) apply to cost reporting periods that begin on or after the date of the enactment of this Act.

(B) IME.—The amendment made by paragraph (2) applies to discharges occurring in cost reporting periods that begin on or after such date of enactment.

(b) PERMITTING 30 PERCENT EXPANSION IN CURRENT GME TRAINING PROGRAMS FOR HOSPITALS LOCATED IN RURAL AREAS.—

(1) PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(4)(F)(i) (42 U.S.C. 1395ww(h)(4)(F)(i)), as amended by subsection (a)(1), is amended by inserting “(or, 130 percent of such number in the case of a hospital located in a rural area)” after “may not exceed the number”.

(2) PAYMENT FOR INDIRECT MEDICAL EDUCATION.—Section 1886(d)(5)(B)(v) (42 U.S.C. 1395ww(d)(5)(B)(v)) is amended by inserting “(or, 130 percent of such number in the case of a hospital located in a rural area)” after “may not exceed the number”.

(3) EFFECTIVE DATES.—

(A) DGME.—The amendment made by paragraph (1) applies to cost reporting periods beginning on or after April 1, 2000.

(B) IME.—The amendment made by paragraph (2) applies to discharges occurring on or after April 1, 2000.

(c) SPECIAL RULE FOR NONRURAL FACILITIES SERVING RURAL AREAS.—

(1) IN GENERAL.—Section 1886(h)(4)(H) (42 U.S.C. 1395ww(h)(4)(H)) is amended by adding at the end the following new clause:

“(iv) NONRURAL HOSPITALS OPERATING TRAINING PROGRAMS IN RURAL AREAS.—In the case of a hospital that is not located in a rural area but establishes separately accredited approved medical residency training programs (or rural tracks) in an rural area or has an accredited training program with an integrated rural track, the Secretary shall adjust the limitation under subparagraph (F) in an appropriate manner insofar as it applies to such programs in such rural areas in order to encourage the training of physicians in rural areas.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph

(1) applies with respect to—

(A) payments to hospitals under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) for cost reporting periods beginning on or after April 1, 2000; and

(B) payments to hospitals under section 1886(d)(5)(B)(v) of such Act (42 U.S.C. 1395ww(d)(5)(B)(v)) for discharges occurring on or after April 1, 2000.

(d) NOT COUNTING AGAINST NUMERICAL LIMITATION CERTAIN INTERNS AND RESIDENTS TRANSFERRED FROM A VA RESIDENCY PROGRAM THAT LOSES ACCREDITATION.—

(1) IN GENERAL.—Any applicable resident described in paragraph (2) shall not be taken into account in applying any limitation regarding the number of residents or interns for which payment may be made under section 1886 of the Social Security Act (42 U.S.C. 1395ww).

(2) APPLICABLE RESIDENT DESCRIBED.—An applicable resident described in this paragraph is a resident or intern who—

(A) participated in graduate medical education at a facility of the Department of Veterans Affairs;

(B) was subsequently transferred on or after January 1, 1997, and before July 31, 1998, to a hospital that was not a Department of Veterans Affairs facility; and

(C) was transferred because the approved medical residency program in which the resident or intern participated would lose accreditation by the Accreditation Council on Graduate Medical Education if such program continued to train residents at the Department of Veterans Affairs facility.

(3) EFFECTIVE DATE.—

(A) IN GENERAL.—Paragraph (1) applies as if included in the enactment of BBA.

(B) RETROACTIVE PAYMENTS.—If the Secretary of Health and Human Services determines that a hospital operating an approved medical residency program is owed payments as a result of enactment of this subsection, the Secretary shall make such payments not later than 60 days after the date of the enactment of this Act.

**SEC. 408. ELIMINATION OF CERTAIN RESTRICTIONS WITH RESPECT TO HOSPITAL SWING BED PROGRAM.**

(a) ELIMINATION OF REQUIREMENT FOR STATE CERTIFICATE OF NEED.—Section 1883(b) (42 U.S.C. 1395tt(b)) is amended to read as follows:

“(b) The Secretary may not enter into an agreement under this section with any hospital unless, except as provided under subsection (g), the hospital is located in a rural area and has less than 100 beds.”.

(b) ELIMINATION OF SWING BED RESTRICTIONS ON CERTAIN HOSPITALS WITH MORE THAN 49 BEDS.—Section 1883(d) (42 U.S.C. 1395tt(d)) is amended—

(1) by striking paragraphs (2) and (3); and

(2) by striking “(d)(1)” and inserting “(d)”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is the first day after the expiration of the transition period under section 1888(e)(2)(E) of the Social Security Act (42 U.S.C. 1395yy(e)(2)(E)) for payments for covered skilled nursing facility services under the medicare program.

**SEC. 409. GRANT PROGRAM FOR RURAL HOSPITAL TRANSITION TO PROSPECTIVE PAYMENT.**

Section 1820(g) (42 U.S.C. 1395i–4(g)) is amended by adding at the end the following new paragraph:

“(3) UPGRADING DATA SYSTEMS.—

“(A) GRANTS TO HOSPITALS.—The Secretary may award grants to hospitals that have submitted applications in accordance with subparagraph (C) to assist eligible small rural hospitals in meeting the costs of implementing data systems required to meet requirements established under the medicare program pursuant to amendments made by the Balanced Budget Act of 1997.

“(B) ELIGIBLE SMALL RURAL HOSPITAL DEFINED.—For purposes of this paragraph, the term ‘eligible small rural hospital’ means a non-Federal, short-term general acute care hospital that—

“(i) is located in a rural area (as defined for purposes of section 1886(d)); and

“(ii) has less than 50 beds.

“(C) APPLICATION.—A hospital seeking a grant under this paragraph shall submit an application to the Secretary on or before such date and in such form and manner as the Secretary specifies.

“(D) AMOUNT OF GRANT.—A grant to a hospital under this paragraph may not exceed \$50,000.

“(E) USE OF FUNDS.—A hospital receiving a grant under this paragraph may use the funds for the purchase of computer software and hardware, the education and training of hospital staff on computer information systems, and to offset costs related to the implementation of prospective payment systems.

“(F) REPORTS.—

“(i) INFORMATION.—A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to evaluate the project for which the grant is made and to ensure that the grant is expended for the purposes for which it is made.

“(ii) TIMING OF SUBMISSION.—

“(I) INTERIM REPORTS.—The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate at least annually on the grant program established under this section, including in such report information on the number of grants made, the nature of the projects involved, the geographic distribution of grant recipients, and such other matters as the Secretary deems appropriate.

“(II) FINAL REPORT.—The Secretary shall submit a final report to such committees not later than 180 days after the completion of all of the projects for which a grant is made under this section.”.

#### **SEC. 410. GAO STUDY ON GEOGRAPHIC RECLASSIFICATION.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current laws and regulations for geographic reclassification of hospitals to determine whether such reclassification is appropriate for purposes of applying wage indices under the medicare program and whether such reclassification results in more accurate payments for all hospitals. Such study shall examine data on the number of hospitals that are reclassified and their reclassified status in determining payments under the medicare program. The study shall evaluate—

(1) the magnitude of the effect of geographic reclassification on rural hospitals that are not reclassified;

(2) whether the current thresholds used in geographic reclassification reclassify hospitals to the appropriate labor markets;

(3) the effect of eliminating geographic reclassification through use of the occupational mix data;

(4) the group reclassification policy;

(5) changes in the number of reclassifications and the compositions of the groups;

(6) the effect of State-specific budget neutrality compared to national budget neutrality; and

(7) whether there are sufficient controls over the intermediary evaluation of the wage data reported by hospitals.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under subsection (a).

## Subtitle B—Other Rural Provisions

### SEC. 411. MEDPAC STUDY OF RURAL PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study of rural providers furnishing items and services for which payment is made under title XVIII of the Social Security Act. Such study shall examine and evaluate the adequacy and appropriateness of the categories of special payments (and payment methodologies) established for rural hospitals under the Medicare program, and the impact of such categories on beneficiary access and quality of health care services.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Medicare Payment Advisory Commission shall submit to Congress a report on the study conducted under subsection (a).

### SEC. 412. EXPANSION OF ACCESS TO PARAMEDIC INTERCEPT SERVICES IN RURAL AREAS.

(a) EXPANSION OF PAYMENT AREAS.—Section 4531(c) of BBA (42 U.S.C. 1395x note) is amended by adding at the end the following flush sentence:

“For purposes of this subsection, an area shall be treated as a rural area if it is designated as a rural area by any law or regulation of the State or if it is located in a rural census tract of a metropolitan statistical area (as determined under the most recent Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2000, and applies to ALS intercept services furnished on or after such date.

### SEC. 413. PROMOTING PROMPT IMPLEMENTATION OF INFORMATICS, TELEMEDICINE, AND EDUCATION DEMONSTRATION PROJECT.

Section 4207 of BBA (42 U.S.C. 1395b-1 note) is amended—

(1) in subsection (a)(1), by adding at the end the following: “The Secretary shall make an award for such project not later than 3 months after the date of the enactment of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999. The Secretary shall accept the proposal adjudged to be the best technical proposal as of such date of enactment without the need for additional review or resubmission of proposals.”;

(2) in subsection (a)(2)(A), by inserting before the period at the end the following: “that qualify as Federally designated medically underserved areas or health professional shortage areas at the time of enrollment of beneficiaries under the project”;

(3) in subsection (c)(2), by striking “and the source and amount of non-Federal funds used in the project”;

(4) in subsection (d)(2)(A), by striking “at a rate of 50 percent of the costs that are reasonable and” and inserting “for the costs that are”;

(5) in subsection (d)(2)(B)(i), by striking “(but only in the case of patients located in medically underserved areas)” and inserting “or at sites providing health care to patients located in medically underserved areas”;

(6) in subsection (d)(2)(C)(i), by striking “to deliver medical informatics services under” and inserting “for activities related to”; and

(7) by amending paragraph (4) of subsection (d) to read as follows:

“(4) COST-SHARING.—The project may not impose cost-sharing on a medicare beneficiary for the receipt of services under the project. Project costs will cover all costs to medicare beneficiaries and providers related to participation in the project.”.

## **TITLE V—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PRO- GRAM) AND OTHER MEDICARE MAN- AGED CARE PROVISIONS**

### **Subtitle A—Provisions To Accommodate and Protect Medicare Beneficiaries**

#### **SEC. 501. CHANGES IN MEDICARE+CHOICE ENROLLMENT RULES.**

(a) PERMITTING ENROLLMENT IN ALTERNATIVE MEDICARE+CHOICE PLANS AND MEDIGAP COVERAGE IN CASE OF INVOLUNTARY TERMINATION OF MEDICARE+CHOICE ENROLLMENT.—

(1) IN GENERAL.—Section 1851(e)(4) (42 U.S.C. 1395w–21(e)(4)) is amended by striking subparagraph (A) and inserting the following:

“(A)(i) the certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or

“(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuation of such plan;”.

(2) CONFORMING MEDIGAP AMENDMENT.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(A) in subparagraph (A) in the matter following clause (iii), by inserting “, subject to subparagraph (E),” after “in the case of an individual described in subparagraph (B) who”; and

(B) by adding at the end the following new subparagraph:

“(E)(i) An individual described in subparagraph (B)(ii) may elect to apply subparagraph (A) by substituting, for the date of



termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

“(ii) In the case of an individual making such an election, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subparagraph (A) shall only become effective upon termination of coverage under the Medicare+Choice plan involved.”.

(b) CONTINUOUS OPEN ENROLLMENT FOR INSTITUTIONALIZED INDIVIDUALS.—Section 1851(e)(2) (42 U.S.C. 1395w–21(e)(2)) is amended—

(1) in subparagraph (B)(i), by inserting “and subparagraph (D)” after “clause (ii)”; and

(2) in subparagraph (C)(i), by inserting “and subparagraph (D)” after “clause (ii)”; and

(3) by adding at the end the following new subparagraph:

“(D) CONTINUOUS OPEN ENROLLMENT FOR INSTITUTIONALIZED INDIVIDUALS.—At any time after 2001 in the case of a Medicare+Choice eligible individual who is institutionalized (as defined by the Secretary), the individual may elect under subsection (a)(1)—

“(i) to enroll in a Medicare+Choice plan; or

“(ii) to change the Medicare+Choice plan in which the individual is enrolled.”.

(c) CONTINUING ENROLLMENT FOR CERTAIN ENROLLEES.—Section 1851(b)(1) (42 U.S.C. 1395w–21(b)(1)) is amended—

(1) in subparagraph (A), by inserting “and except as provided in subparagraph (C)” after “may otherwise provide”; and

(2) by adding at the end the following new subparagraph:

“(C) CONTINUATION OF ENROLLMENT PERMITTED WHERE SERVICE CHANGED.—Notwithstanding subparagraph (A) and in addition to subparagraph (B), if a Medicare+Choice organization eliminates from its service area a Medicare+Choice payment area that was previously within its service area, the organization may elect to offer individuals residing in all or portions of the affected area who would otherwise be ineligible to continue enrollment the option to continue enrollment in a Medicare+Choice plan it offers so long as—

“(i) the enrollee agrees to receive the full range of basic benefits (excluding emergency and urgently needed care) exclusively at facilities designated by the organization within the plan service area; and

“(ii) there is no other Medicare+Choice plan offered in the area in which the enrollee resides at the time of the organization’s election.”.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsection (a) apply to notices of impending terminations or discontinuances made on or after the date of the enactment of this Act.

(2) The amendments made by subsection (c) apply to elections made on or after the date of the enactment of this Act with respect to eliminations of Medicare+Choice payment areas from a service area that occur before, on, or after the date of the enactment of this Act.

**SEC. 502. CHANGE IN EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.**

(a) OPEN ENROLLMENT.—Section 1851(f)(2) (42 U.S.C. 1395w–21(f)(2)) is amended—

(1) by inserting “or change” before “is made”; and

(2) by inserting “, except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made” before the period.

(b) EFFECTIVE DATE.—The amendments made by this section apply to elections and changes of coverage made on or after January 1, 2000.

**SEC. 503. 2-YEAR EXTENSION OF MEDICARE COST CONTRACTS.**

Section 1876(h)(5)(B) (42 U.S.C. 1395mm(h)(5)(B)) is amended by striking “2002” and inserting “2004”.

**Subtitle B—Provisions To Facilitate Implementation of the Medicare+Choice Program**

**SEC. 511. PHASE-IN OF NEW RISK ADJUSTMENT METHODOLOGY; STUDIES AND REPORTS ON RISK ADJUSTMENT.**

(a) PHASE-IN.—Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) by redesignating the first sentence as clause (i) with the heading “IN GENERAL.—” and appropriate indentation; and

(2) by adding at the end the following new clause:

“(ii) PHASE-IN.—Such risk adjustment methodology shall be implemented in a phased-in manner so that the methodology insofar as it makes adjustments to capitation rates for health status applies to—

“(I) 10 percent of  $\frac{1}{12}$  of the annual Medicare+Choice capitation rate in 2000 and 2001; and

“(II) not more than 20 percent of such capitation rate in 2002.”.

(b) MEDPAC STUDY AND REPORT.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study that evaluates the methodology used by the Secretary of Health and Human Services in developing the risk factors used in adjusting the Medicare+Choice capitation rate paid to Medicare+Choice organizations under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) and includes the issues described in paragraph (2).

(2) ISSUES TO BE STUDIED.—The issues described in this paragraph are the following:

(A) The ability of the average risk adjustment factor applied to a Medicare+Choice plan to explain variations in plans’ average per capita medicare costs, as reported by Medicare+Choice plans in the plans’ adjusted community rate filings.

(B) The year-to-year stability of the risk factors applied to each Medicare+Choice plan and the potential for

substantial changes in payment for small Medicare+Choice plans.

(C) For medicare beneficiaries newly enrolled in Medicare+Choice plans in a given year, the correspondence between the average risk factor calculated from medicare fee-for-service data for those individuals from the period prior to their enrollment in a Medicare+Choice plan and the average risk factor calculated for such individuals during their initial year of enrollment in a Medicare+Choice plan.

(D) For medicare beneficiaries disenrolling from or switching among Medicare+Choice plans in a given year, the correspondence between the average risk factor calculated from data pertaining to the period prior to their disenrollment from a Medicare+Choice plan and the average risk factor calculated from data pertaining to the period after disenrollment.

(E) An evaluation of the exclusion of “discretionary” hospitalizations from consideration in the risk adjustment methodology.

(F) Suggestions for changes or improvements in the risk adjustment methodology.

(3) REPORT.—Not later than December 1, 2000, the Commission shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

(c) STUDY AND REPORT REGARDING REPORTING OF ENCOUNTER DATA.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study on how to reduce the costs and burdens on Medicare+Choice organizations of their complying with reporting requirements for encounter data imposed by the Secretary in establishing and implementing a risk adjustment methodology used in making payments to such organizations under section 1853 of the Social Security Act (42 U.S.C. 1395w–23). The Secretary shall consult with representatives of Medicare+Choice organizations in conducting the study. The study shall address the following issues:

(A) Limiting the number and types of sites of services (that are in addition to inpatient sites) for which encounter data must be reported.

(B) Establishing alternative risk adjustment methods that would require submission of less data.

(C) The potential for Medicare+Choice organizations to misreport, overreport, or underreport prevalence of diagnoses in outpatient sites of care, the potential for increases in payments to Medicare+Choice organizations from changes in Medicare+Choice plan coding practices (commonly known as “coding creep”) and proposed methods for detecting and adjusting for such variations in diagnosis coding as part of the risk adjustment methodology using encounter data from multiple sites of care.

(D) The impact of such requirements on the willingness of insurers to offer Medicare+Choice MSA plans and options for modifying encounter data reporting requirements to accommodate such plans.

(E) Differences in the ability of Medicare+Choice organizations to report encounter data, and the potential for adverse competitive impacts on group and staff model health maintenance organizations or other integrated providers of care based on data reporting capabilities.

(2) REPORT.—Not later than January 1, 2001, the Secretary shall submit a report to Congress on the study conducted under this subsection, together with any recommendations for legislation that the Secretary determines to be appropriate as a result of such study.

**SEC. 512. ENCOURAGING OFFERING OF MEDICARE+CHOICE PLANS IN AREAS WITHOUT PLANS.**

Section 1853 (42 U.S.C. 1395w-23) is amended—

(1) in subsection (a)(1), by striking “subsections (e) and (f)” and inserting “subsections (e), (g), and (i)”;

(2) in subsection (c)(5), by inserting “(other than those attributable to subsection (i))” after “payments under this part”; and

(3) by adding at the end the following new subsection:  
“(i) NEW ENTRY BONUS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), in the case of Medicare+Choice payment area in which a Medicare+Choice plan has not been offered since 1997 (or in which all organizations that offered a plan since such date have filed notice with the Secretary, as of October 13, 1999, that they will not be offering such a plan as of January 1, 2000), the amount of the monthly payment otherwise made under this section shall be increased—

“(A) only for the first 12 months in which any Medicare+Choice plan is offered in the area, by 5 percent of the total monthly payment otherwise computed for such payment area; and

“(B) only for the subsequent 12 months, by 3 percent of the total monthly payment otherwise computed for such payment area.

“(2) PERIOD OF APPLICATION.—Paragraph (1) shall only apply to payment for Medicare+Choice plans which are first offered in a Medicare+Choice payment area during the 2-year period beginning on January 1, 2000.

“(3) LIMITATION TO ORGANIZATION OFFERING FIRST PLAN IN AN AREA.—Paragraph (1) shall only apply to payment to the first Medicare+Choice organization that offers a Medicare+Choice plan in each Medicare+Choice payment area, except that if more than one such organization first offers such a plan in an area on the same date, paragraph (1) shall apply to payment for such organizations.

“(4) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting the calculation of the annual Medicare+Choice capitation rate under subsection (c) for any payment area or as applying to payment for any period not described in such paragraph and paragraph (2).

“(5) OFFERED DEFINED.—In this subsection, the term ‘offered’ means, with respect to a Medicare+Choice plan as of a date, that a Medicare+Choice eligible individual may enroll with the plan on that date, regardless of when the enrollment

takes effect or when the individual obtains benefits under the plan.”.

**SEC. 513. MODIFICATION OF 5-YEAR RE-ENTRY RULE FOR CONTRACT TERMINATIONS.**

(a) **REDUCTION OF GENERAL EXCLUSION PERIOD TO 2 YEARS.**—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended by striking “5-year period” and inserting “2-year period”.

(b) **SPECIFIC EXCEPTION WHERE CHANGE IN PAYMENT POLICY.**—

(1) **IN GENERAL.**—Section 1857(c)(4) (42 U.S.C. 1395w–27(c)(4)) is amended—

(A) by striking “except in circumstances” and inserting “except as provided in subparagraph (B) and except in such other circumstances”;

(B) by redesignating the sentence following “(4)” as a subparagraph (A) with an appropriate indentation and the heading “IN GENERAL.—”; and

(C) by adding at the end the following new subparagraph:

“(B) **EARLIER RE-ENTRY PERMITTED WHERE CHANGE IN PAYMENT POLICY.**—Subparagraph (A) shall not apply with respect to the offering by a Medicare+Choice organization of a Medicare+Choice plan in a Medicare+Choice payment area if during the 6-month period beginning on the date the organization notified the Secretary of the intention to terminate the most recent previous contract, there was a legislative change enacted (or a regulatory change adopted) that has the effect of increasing payment amounts under section 1853 for that Medicare+Choice payment area.”.

(2) **CONSTRUCTION RELATING TO ADDITIONAL EXCEPTIONS.**—

Nothing in the amendment made by paragraph (1)(C) shall be construed to affect the authority of the Secretary of Health and Human Services to provide for exceptions in addition to the exception provided in such amendment, including exceptions provided under Operational Policy Letter #103 (OPL99.103).

(c) **EFFECTIVE DATE.**—The amendments made by this section apply to contract terminations occurring before, on, or after the date of the enactment of this Act.

**SEC. 514. CONTINUED COMPUTATION AND PUBLICATION OF MEDICARE ORIGINAL FEE-FOR-SERVICE EXPENDITURES ON A COUNTY-SPECIFIC BASIS.**

(a) **IN GENERAL.**—Section 1853(b) (42 U.S.C. 1395w–23(b)) is amended by adding at the end the following new paragraph:

“(4) **CONTINUED COMPUTATION AND PUBLICATION OF COUNTY-SPECIFIC PER CAPITA FEE-FOR-SERVICE EXPENDITURE INFORMATION.**—The Secretary, through the Chief Actuary of the Health Care Financing Administration, shall provide for the computation and publication, on an annual basis beginning with 2001 at the time of publication of the annual Medicare+Choice capitation rates under paragraph (1), of the following information for the original medicare fee-for-service program under parts A and B (exclusive of individuals eligible for coverage under section 226A) for each Medicare+Choice payment area for the second calendar year ending before the date of publication:

“(A) Total expenditures per capita per month, computed separately for part A and for part B.

“(B) The expenditures described in subparagraph (A) reduced by the best estimate of the expenditures (such as graduate medical education and disproportionate share hospital payments) not related to the payment of claims.

“(C) The average risk factor for the covered population based on diagnoses reported for medicare inpatient services, using the same methodology as is expected to be applied in making payments under subsection (a).

“(D) Such average risk factor based on diagnoses for inpatient and other sites of service, using the same methodology as is expected to be applied in making payments under subsection (a).”.

(b) SPECIAL RULE FOR 2001.—In providing for the publication of information under section 1853(b)(4) of the Social Security Act (42 U.S.C. 1395w-23(b)(4)), as added by subsection (a), in 2001, the Secretary of Health and Human Services shall also include the information described in such section for 1998, as well as for 1999.

**SEC. 515. FLEXIBILITY TO TAILOR BENEFITS UNDER MEDICARE+CHOICE PLANS.**

(a) IN GENERAL.—Section 1854 (42 U.S.C. 1395w-24) is amended—

(1) in subsection (a)(1), by inserting “(or segment of such an area if permitted under subsection (h))” after “service area” in the matter preceding subparagraph (A); and

(2) by adding at the end the following:

“(h) PERMITTING USE OF SEGMENTS OF SERVICE AREAS.—The Secretary shall permit a Medicare+Choice organization to elect to apply the provisions of this section uniformly to separate segments of a service area (rather than uniformly to an entire service area) as long as such segments are composed of one or more Medicare+Choice payment areas.”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to contract years beginning on or after January 1, 2001.

**SEC. 516. DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES.**

(a) DELAY IN DEADLINE FOR SUBMISSION OF ADJUSTED COMMUNITY RATES.—Section 1854(a)(1) (42 U.S.C. 1395w-24(a)(1)) is amended by striking “May 1” and inserting “July 1” in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to information submitted by Medicare+Choice organizations for years beginning with 1999.

**SEC. 517. REDUCTION IN ADJUSTMENT IN NATIONAL PER CAPITA MEDICARE+CHOICE GROWTH PERCENTAGE FOR 2002.**

Section 1853(c)(6)(B)(v) (42 U.S.C. 1395w-23(c)(6)(B)(v)) is amended by striking “0.5 percentage points” and inserting “0.3 percentage points”.

**SEC. 518. DEEMING OF MEDICARE+CHOICE ORGANIZATION TO MEET REQUIREMENTS.**

Section 1852(e)(4) (42 U.S.C. 1395w-22(e)(4)) is amended to read as follows:

“(4) TREATMENT OF ACCREDITATION.—

“(A) IN GENERAL.—The Secretary shall provide that a Medicare+Choice organization is deemed to meet all the requirements described in any specific clause of subparagraph (B) if the organization is accredited (and periodically reaccredited) by a private accrediting organization under a process that the Secretary has determined assures that the accrediting organization applies and enforces standards that meet or exceed the standards established under section 1856 to carry out the requirements in such clause.

“(B) REQUIREMENTS DESCRIBED.—The provisions described in this subparagraph are the following:

“(i) Paragraphs (1) and (2) of this subsection (relating to quality assurance programs).

“(ii) Subsection (b) (relating to antidiscrimination).

“(iii) Subsection (d) (relating to access to services).

“(iv) Subsection (h) (relating to confidentiality and accuracy of enrollee records).

“(v) Subsection (i) (relating to information on advance directives).

“(vi) Subsection (j) (relating to provider participation rules).

“(C) TIMELY ACTION ON APPLICATIONS.—The Secretary shall determine, within 210 days after the date the Secretary receives an application by a private accrediting organization and using the criteria specified in section 1865(b)(2), whether the process of the private accrediting organization meets the requirements with respect to any specific clause in subparagraph (B) with respect to which the application is made. The Secretary may not deny such an application on the basis that it seeks to meet the requirements with respect to only one, or more than one, such specific clause.

“(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as limiting the authority of the Secretary under section 1857, including the authority to terminate contracts with Medicare+Choice organizations under subsection (c)(2) of such section.”.

**SEC. 519. TIMING OF MEDICARE+CHOICE HEALTH INFORMATION FAIRS.**

(a) IN GENERAL.—Section 1851(e)(3)(C) (42 U.S.C. 1395w–21(e)(3)(C)) is amended by striking “In the month of November” and inserting “During the fall season”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) first applies to campaigns conducted beginning in 2000.

**SEC. 520. QUALITY ASSURANCE REQUIREMENTS FOR PREFERRED PROVIDER ORGANIZATION PLANS.**

(a) IN GENERAL.—Section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) is amended—

(1) in subparagraph (A), by striking “or a non-network MSA plan” and inserting “, a non-network MSA plan, or a preferred provider organization plan”;

(2) in subparagraph (B)—

(A) in the heading, by striking “AND NON-NETWORK MSA PLANS” and inserting “, NON-NETWORK MSA PLANS, AND PREFERRED PROVIDER ORGANIZATION PLANS”; and

(B) by striking “or a non-network MSA plan” and inserting “, a non-network MSA plan, or a preferred provider organization plan”;

(3) by adding at the end the following:

“(D) DEFINITION OF PREFERRED PROVIDER ORGANIZATION PLAN.—In this paragraph, the term ‘preferred provider organization plan’ means a Medicare+Choice plan that—

“(i) has a network of providers that have agreed to a contractually specified reimbursement for covered benefits with the organization offering the plan;

“(ii) provides for reimbursement for all covered benefits regardless of whether such benefits are provided within such network of providers; and

“(iii) is offered by an organization that is not licensed or organized under State law as a health maintenance organization.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to contract years beginning on or after January 1, 2000.

(c) QUALITY IMPROVEMENT STANDARDS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the appropriate quality improvement standards that should apply to—

(A) each type of Medicare+Choice plan described in section 1851(a)(2) of the Social Security Act (42 U.S.C. 1395w-21(a)(2)), including each type of Medicare+Choice plan that is a coordinated care plan (as described in subparagraph (A) of such section); and

(B) the original medicare fee-for-service program under parts A and B title XVIII of such Act (42 U.S.C. 1395 et seq.).

(2) CONSIDERATIONS.—Such study shall specifically examine the effects, costs, and feasibility of requiring entities, physicians, and other health care providers that provide items and services under the original medicare fee-for-service program to comply with quality standards and related reporting requirements that are comparable to the quality standards and related reporting requirements that are applicable to Medicare+Choice organizations.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, such Commission shall submit a report to Congress on the study conducted under this subsection, together with any recommendations for legislation that it determines to be appropriate as a result of such study.

**SEC. 521. CLARIFICATION OF NONAPPLICABILITY OF CERTAIN PROVISIONS OF DISCHARGE PLANNING PROCESS TO MEDICARE+CHOICE PLANS.**

Section 1861(ee) (42 U.S.C. 1395x(ee)(2)(H)) is amended by adding at the end the following:

“(3) With respect to a discharge plan for an individual who is enrolled with a Medicare+Choice organization under a Medicare+Choice plan and is furnished inpatient hospital services by a hospital under a contract with the organization—

“(A) the discharge planning evaluation under paragraph (2)(D) is not required to include information on the availability of home health services through individuals and entities which do not have a contract with the organization; and



“(B) notwithstanding subparagraph (H)(i), the plan may specify or limit the provider (or providers) of post-hospital home health services or other post-hospital services under the plan.”.

**SEC. 522. USER FEE FOR MEDICARE+CHOICE ORGANIZATIONS BASED ON NUMBER OF ENROLLED BENEFICIARIES.**

(a) IN GENERAL.—Section 1857(e)(2) (42 U.S.C. 1395w-27(e)(2)) is amended—

(1) in subparagraph (B), by striking “Any amounts collected are authorized to be appropriated only for” and inserting “Any amounts collected shall be available without further appropriation to the Secretary for”;

(2) by amending subparagraph (C) to read as follows:

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes described in subparagraph (B) for each fiscal year beginning with fiscal year 2001 an amount equal to \$100,000,000, reduced by the amount of fees authorized to be collected under this paragraph for the fiscal year.”;

(3) in subparagraph (D)(ii)—

(A) in subclause (II), by striking “and”;

(B) in subclause (III), by striking “and each subsequent fiscal year.” and inserting “; and”; and

(C) by adding at the end the following:

“(IV) the Medicare+Choice portion (as defined in subparagraph (E)) of \$100,000,000 in fiscal year 2001 and each succeeding fiscal year.”; and

(4) by adding at the end the following:

“(E) MEDICARE+CHOICE PORTION DEFINED.—In this paragraph, the term ‘Medicare+Choice portion’ means, for a fiscal year, the ratio, as estimated by the Secretary, of—

“(i) the average number of individuals enrolled in Medicare+Choice plans during the fiscal year, to

“(ii) the average number of individuals entitled to benefits under part A, and enrolled under part B, during the fiscal year.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to fees charged on or after January 1, 2001. The Secretary of Health and Human Services may not increase the fees charged under section 1857(e)(2) of the Social Security Act (42 U.S.C. 1395w-27(e)(2)) for the 3-month period beginning with October 2000 above the level in effect during the previous 9-month period.

**SEC. 523. CLARIFICATION REGARDING THE ABILITY OF A RELIGIOUS FRATERNAL BENEFIT SOCIETY TO OPERATE ANY MEDICARE+CHOICE PLAN.**

Section 1859(e)(2) (42 U.S.C. 1395w-29(e)(2)) is amended in the matter preceding subparagraph (A) by striking “section 1851(a)(2)(A)” and inserting “section 1851(a)(2)”.

**SEC. 524. RULES REGARDING PHYSICIAN REFERRALS FOR MEDICARE+CHOICE PROGRAM.**

(a) IN GENERAL.—Section 1877(b)(3) (42 U.S.C. 1395nn(b)(3)) is amended—

(1) in subparagraph (C), by striking “or” at the end;

(3) by adding at the end the following:

(2) in subparagraph (D), by striking the period at the end and inserting “, or”; and

“(E) that is a Medicare+Choice organization under part C that is offering a coordinated care plan described in section 1851(a)(2)(A) to an individual enrolled with the organization.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to services furnished on or after the date of the enactment of this Act.

## **Subtitle C—Demonstration Projects and Special Medicare Populations**

### **SEC. 531. EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION DEMONSTRATION (SHMO) PROJECT AUTHORITY.**

(a) EXTENSION.—Section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203) is amended—

(1) in paragraph (1), by striking “December 31, 2000” and inserting “the date that is 18 months after the date that the Secretary submits to Congress the report described in section 4014(c) of the Balanced Budget Act of 1997”;

(2) in paragraph (4), by striking “March 31, 2001” and inserting “the date that is 21 months after the date on which Secretary submits to Congress the report described in section 4014(c) of the Balanced Budget Act of 1997”; and

(3) by adding at the end of paragraph (4) the following: “Not later than 6 months after the date the Secretary submits such final report, the Medicare Payment Advisory Commission shall submit to Congress a report containing recommendations regarding such project.”.

(b) SUBSTITUTION OF AGGREGATE CAP.—Section 13567(c) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) is amended to read as follows:

“(c) AGGREGATE LIMIT ON NUMBER OF MEMBERS.—The Secretary of Health and Human Services may not impose a limit on the number of individuals that may participate in a project conducted under section 2355 of the Deficit Reduction Act of 1984, other than an aggregate limit of not less than 324,000 for all sites.”.

### **SEC. 532. EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION DEMONSTRATION PROJECT.**

(a) EXTENSION.—Notwithstanding any other provision of law, any demonstration project conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–123; 42 U.S.C. 1395mm note) and conducted for the additional period of 2 years as provided for under section 4019 of BBA, shall be conducted for an additional period of 2 years. The Secretary of Health and Human Services shall provide for such reduction in payments under such project in the extension period provided under the previous sentence as the Secretary determines is necessary to ensure that total Federal expenditures during the extension period under the project do not exceed the total Federal expenditures that would have been made under title XVIII of the Social Security Act if such project had not been so extended.

(b) REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report describing the results of any demonstration project conducted under section 4079 of the Omnibus Budget Reconciliation Act of 1987, and describing the data collected by the Secretary relevant to the analysis of the results of such project, including the most recently available data through the end of 2000.

**SEC. 533. MEDICARE+CHOICE COMPETITIVE BIDDING DEMONSTRATION PROJECT.**

Section 4011 of BBA (42 U.S.C. 1395w-23 note) is amended—

(1) in subsection (a)—

(A) by striking “The Secretary” and inserting the following (and conforming the indentation for the remainder of the subsection accordingly):

“(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, the Secretary”; and

(B) by adding at the end the following:

“(2) DELAY IN IMPLEMENTATION.—The Secretary shall not implement the project until January 1, 2002, or, if later, 6 months after the date the Competitive Pricing Advisory Committee has submitted to Congress a report on each of the following topics:

“(A) INCORPORATION OF ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM INTO PROJECT.—What changes would be required in the project to feasibly incorporate the original medicare fee-for-service program into the project in the areas in which the project is operational.

“(B) QUALITY ACTIVITIES.—The nature and extent of the quality reporting and monitoring activities that should be required of plans participating in the project, the estimated costs that plans will incur as a result of these requirements, and the current ability of the Health Care Financing Administration to collect and report comparable data, sufficient to support comparable quality reporting and monitoring activities with respect to beneficiaries enrolled in the original medicare fee-for-service program generally.

“(C) RURAL PROJECT.—The current viability of initiating a project site in a rural area, given the site specific budget neutrality requirements of the project under subsection (g), and insofar as the Committee decides that the addition of such a site is not viable, recommendations on how the project might best be changed so that such a site is viable.

“(D) BENEFIT STRUCTURE.—The nature and extent of the benefit structure that should be required of plans participating in the project, the rationale for such benefit structure, the potential implications that any benefit standardization requirement may have on the number of plan choices available to a beneficiary in an area designated under the project, the potential implications of requiring participating plans to offer variations on any standardized benefit package the committee might recommend, such that a beneficiary could elect to pay a higher percentage of out-of-pocket costs in exchange for a lower premium (or premium rebate as the case may be), and the potential

implications of expanding the project (in conjunction with the potential inclusion of the original medicare fee-for-service program) to require medicare supplemental insurance plans operating in an area designated under the project to offer a coordinated and comparable standardized benefit package.

“(3) CONFORMING DEADLINES.—Any dates specified in the succeeding provisions of this section shall be delayed (as specified by the Secretary) in a manner consistent with the delay effected under paragraph (2).”; and

(2) in subsection (c)(1)(A)—

(A) by striking “and” at the end of clause (i); and

(B) by adding at the end the following new clause:

“(iii) establish beneficiary premiums for plans offered in such area in a manner such that a beneficiary who enrolls in an offered plan the per capita bid for which is less than the standard per capita government contribution (as established by the competitive pricing methodology established for such area) may, at the plan’s election, be offered a rebate of some or all of the medicare part B premium that such individual must otherwise pay in order to participate in a Medicare+Choice plan under the Medicare+Choice program; and”.

**SEC. 534. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.**

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended by section 6135 of the Omnibus Budget Reconciliation Act of 1989, section 13557 of the Omnibus Budget Reconciliation Act of 1993, and section 4017 of BBA, is amended by striking “December 31, 2000” and inserting “December 31, 2002”.

**SEC. 535. MEDICARE COORDINATED CARE DEMONSTRATION PROJECT.**

Section 4016(e)(1)(A)(ii) of BBA (42 U.S.C. 1395b–1 note) is amended to read as follows:

“(ii) CANCER HOSPITAL.—In the case of the project described in subsection (b)(2)(C), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395i, 1395t), in such proportions as the Secretary determines to be appropriate, of such funds as are necessary to cover costs of the project, including costs for information infrastructure and recurring costs of case management services, flexible benefits, and program management.”.

**SEC. 536. MEDIGAP PROTECTIONS FOR PACE PROGRAM ENROLLEES.**

(a) IN GENERAL.—Section 1882(s)(3)(B) (42 U.S.C. 1395ss(s)(3)(B)) is amended—

(1) in clause (ii), by inserting “or the individual is 65 years of age or older and is enrolled with a PACE provider under section 1894, and there are circumstances that would permit the discontinuance of the individual’s enrollment with such provider under circumstances that are similar to the circumstances that would permit discontinuance of the individual’s

election under the first sentence of such section if such individual were enrolled in a Medicare+Choice plan” before the period;

(2) in clause (v)(II), by inserting “any PACE provider under section 1894,” after “demonstration project authority,”; and

(3) in clause (vi)—

(A) by inserting “or in a PACE program under section 1894” after “part C”; and

(B) by striking “such plan” and inserting “such plan or such program”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to terminations or discontinuances made on or after the date of the enactment of this Act.

## **Subtitle D—Medicare+Choice Nursing and Allied Health Professional Education Payments**

### **SEC. 541. MEDICARE+CHOICE NURSING AND ALLIED HEALTH PROFESSIONAL EDUCATION PAYMENTS.**

(a) ADDITIONAL PAYMENTS FOR NURSING AND ALLIED HEALTH EDUCATION.—Section 1886 (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

“(1) PAYMENT FOR NURSING AND ALLIED HEALTH EDUCATION FOR MANAGED CARE ENROLLEES.—

“(1) IN GENERAL.—For portions of cost reporting periods occurring in a year (beginning with 2000), the Secretary shall provide for an additional payment amount for any hospital that receives payments for the costs of approved educational activities for nurse and allied health professional training under section 1861(v)(1).

“(2) PAYMENT AMOUNT.—The additional payment amount under this subsection for each hospital for portions of cost reporting periods occurring in a year shall be an amount specified by the Secretary in a manner consistent with the following:

“(A) DETERMINATION OF MANAGED CARE ENROLLEE PAYMENT RATIO FOR GRADUATE MEDICAL EDUCATION PAYMENTS.—The Secretary shall estimate the ratio of payments for all hospitals for portions of cost reporting periods occurring in the year under subsection (h)(3)(D) to total direct graduate medical education payments estimated for such portions of periods under subsection (h)(3).

“(B) APPLICATION TO FEE-FOR-SERVICE NURSING AND ALLIED HEALTH EDUCATION PAYMENTS.—Such ratio shall be applied to the Secretary’s estimate of total payments for nursing and allied health education determined under section 1861(v) for portions of cost reporting periods occurring in the year to determine a total amount of additional payments for nursing and allied health education to be distributed to hospitals under this subsection for portions of cost reporting periods occurring in the year; except that in no case shall such total amount exceed \$60,000,000 in any year.

“(C) APPLICATION TO HOSPITAL.—The amount of payment under this subsection to a hospital for portions of

cost reporting periods occurring in a year is equal to the total amount of payments determined under subparagraph (B) for the year multiplied by the Secretary's estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital's cost reporting period ending in the second preceding fiscal year to the total of such amounts for all hospitals for such cost reporting periods.”.

(b) ADJUSTMENTS IN PAYMENTS FOR DIRECT GRADUATE MEDICAL EDUCATION.—Section 1886(h)(3)(D) (42 U.S.C. 1395ww(h)(3)(D)) is amended—

(1) in clause (i), by inserting “, subject to clause (iii),” after “shall equal”;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

“(iii) PROPORTIONAL REDUCTION FOR NURSING AND ALLIED HEALTH EDUCATION.—The Secretary shall estimate a proportional adjustment in payments to all hospitals determined under clauses (i) and (ii) for portions of cost reporting periods beginning in a year (beginning with 2000) such that the proportional adjustment reduces payments in an amount for such year equal to the total additional payment amounts for nursing and allied health education determined under subsection (l) for portions of cost reporting periods occurring in that year.”.

## Subtitle E—Studies and Reports

### SEC. 551. REPORT ON ACCOUNTING FOR VA AND DOD EXPENDITURES FOR MEDICARE BENEFICIARIES.

Not later April 1, 2001, the Secretary of Health and Human Services, jointly with the Secretaries of Defense and of Veterans Affairs, shall submit to Congress a report on the estimated use of health care services furnished by the Departments of Defense and of Veterans Affairs to medicare beneficiaries, including both beneficiaries under the original medicare fee-for-service program and under the Medicare+Choice program. The report shall include an analysis of how best to properly account for expenditures for such services in the computation of Medicare+Choice capitation rates.

### SEC. 552. MEDICARE PAYMENT ADVISORY COMMISSION STUDIES AND REPORTS.

(a) DEVELOPMENT OF SPECIAL PAYMENT RULES UNDER THE MEDICARE+CHOICE PROGRAM FOR FRAIL ELDERLY ENROLLED IN SPECIALIZED PROGRAMS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the development of a payment methodology under the Medicare+Choice program for frail elderly Medicare+Choice beneficiaries enrolled in a Medicare+Choice plan under a specialized program for the frail elderly that—

(A) accounts for the prevalence, mix, and severity of chronic conditions among such frail elderly Medicare+Choice beneficiaries;

(B) includes medical diagnostic factors from all provider settings (including hospital and nursing facility settings); and

(C) includes functional indicators of health status and such other factors as may be necessary to achieve appropriate payments for plans serving such beneficiaries.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit a report to Congress on the study conducted under paragraph (1), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

(b) REPORT ON MEDICARE MSA (MEDICAL SAVINGS ACCOUNT) PLANS.—Not later than 1 year after the date of the enactment of this Act, the Medicare Payment Assessment Commission shall submit to Congress a report on specific legislative changes that should be made to make MSA plans (as defined in section 1859(b)(3) of the Social Security Act, 42 U.S.C. 1395w–29(b)(3)) a viable option under the Medicare+Choice program.

#### SEC. 553. GAO STUDIES, AUDITS, AND REPORTS.

(a) STUDY OF MEDIGAP POLICIES.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study of the issues described in paragraph (2) regarding medicare supplemental policies described in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

(2) ISSUES TO BE STUDIED.—The issues described in this paragraph are the following:

(A) The level of coverage provided by each type of medicare supplemental policy.

(B) The current enrollment levels in each type of medicare supplemental policy.

(C) The availability of each type of medicare supplemental policy to medicare beneficiaries over age 65½.

(D) The number and type of medicare supplemental policies offered in each State.

(E) The average out-of-pocket costs (including premiums) per beneficiary under each type of medicare supplemental policy.

(2) REPORT.—Not later than July 31, 2001, the Comptroller General shall submit a report to Congress on the results of the study conducted under this subsection, together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

(b) GAO AUDIT AND REPORTS ON THE PROVISION OF MEDICARE+CHOICE HEALTH INFORMATION TO BENEFICIARIES.—

(1) IN GENERAL.—Beginning in 2000, the Comptroller General shall conduct an annual audit of the expenditures by the Secretary of Health and Human Services during the preceding year in providing information regarding the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) to eligible medicare beneficiaries.

(3) REPORTS.—Not later than March 31 of 2001, 2004, 2007, and 2010, the Comptroller General shall submit a report

to Congress on the results of the audit of the expenditures of the preceding 3 years conducted pursuant to subsection (a), together with an evaluation of the effectiveness of the means used by the Secretary of Health and Human Services in providing information regarding the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.) to eligible medicare beneficiaries.

## TITLE VI—MEDICAID

### SEC. 601. INCREASE IN DSH ALLOTMENT FOR CERTAIN STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The table in section 1923(f)(2) (42 U.S.C. 1396r–4(f)(2)) is amended under each of the columns for FY 00, FY 01, and FY 02—

(1) in the entry for the District of Columbia, by striking “23” and inserting “32”;

(2) in the entry for Minnesota, by striking “16” and inserting “33”;

(3) in the entry for New Mexico, by striking “5” and inserting “9”; and

(4) in the entry for Wyoming, by striking “0” and inserting “0.1”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 1999, and applies to expenditures made on or after such date.

### SEC. 602. REMOVAL OF FISCAL YEAR LIMITATION ON CERTAIN TRANSITIONAL ADMINISTRATIVE COSTS ASSISTANCE.

(a) IN GENERAL.—Section 1931(h) (42 U.S.C. 1396u–1(h)) is amended—

(1) in paragraph (3), by striking “and ending with fiscal year 2000”; and

(2) by striking paragraph (4).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 114 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2177).

### SEC. 603. MODIFICATION OF THE PHASE-OUT OF PAYMENT FOR FEDERALLY-QUALIFIED HEALTH CENTER SERVICES AND RURAL HEALTH CLINIC SERVICES BASED ON REASONABLE COSTS.

(a) MODIFICATION OF PHASE-OUT.—

(1) IN GENERAL.—Section 1902(a)(13)(C)(i) (42 U.S.C. 1396a(a)(13)(C)(i)) is amended by striking “90 percent for services furnished during fiscal year 2001, 85 percent for services furnished during fiscal year 2002, or 70 percent for services furnished during fiscal year 2003” and inserting “fiscal year 2001, or fiscal year 2002, 90 percent for services furnished during fiscal year 2003, or 85 percent for services furnished during fiscal year 2004”.

(2) CONFORMING AMENDMENT TO END OF TRANSITIONAL PAYMENT RULES.—Section 4712(c) of BBA (111 Stat. 509) is amended by striking “2003” and inserting “2004”.



(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect as if included in the enactment of section 4712 of BBA (111 Stat. 508).

(b) **GAO STUDY AND REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that evaluates the effect on Federally-qualified health centers and rural health clinics and on the populations served by such centers and clinics of the phase-out and elimination of the reasonable cost basis for payment for Federally-qualified health center services and rural health clinic services provided under section 1902(a)(13)(C)(i) of the Social Security Act (42 U.S.C. 1396a(a)(13)(C)(i)), as amended by section 4712 of BBA (111 Stat. 508) and subsection (a) of this section. Such report shall include an analysis of the amount, method, and impact of payments made by States that have provided for payment under title XIX of such Act for such services on a basis other than payment of costs which are reasonable and related to the cost of furnishing such services, together with any recommendations for legislation, including whether a new payment system is needed, that the Comptroller General determines to be appropriate as a result of the study.

**SEC. 604. PARITY IN REIMBURSEMENT FOR CERTAIN UTILIZATION AND QUALITY CONTROL SERVICES; ELIMINATION OF DUPLICATIVE REQUIREMENTS FOR EXTERNAL QUALITY REVIEW OF MEDICAID MANAGED CARE ORGANIZATIONS.**

(a) **PARITY IN REIMBURSEMENT FOR CERTAIN UTILIZATION AND QUALITY CONTROL SERVICES.**—

(1) **INTERIM AMENDMENT TO REMOVE REFERENCES TO QUALITY REVIEW.**—Section 1902(d) (42 U.S.C. 1396a(d)) is amended by striking “for the performance of the quality review functions described in subsection (a)(30)(C),”.

(2) **FINAL AMENDMENTS TO REMOVE REFERENCES TO QUALITY REVIEW.**—

(A) **SECTION 1902.**—Section 1902(d) (42 U.S.C. 1396a(d)) is amended by striking “(including quality review functions described in subsection (a)(30)(C))”.

(B) **SECTION 1903.**—Section 1903(a)(3)(C)(i) (42 U.S.C. 1396b(a)(3)(C)(i)) is amended by striking “or quality review”.

(b) **ELIMINATION OF DUPLICATIVE REQUIREMENTS FOR EXTERNAL QUALITY REVIEW OF MEDICAID MANAGED CARE ORGANIZATIONS.**—

(1) **IN GENERAL.**—Section 1902(a)(30) (42 U.S.C. 1396a(a)(30)) is amended—

(A) in subparagraph (A), by adding “and” at the end;

(B) in subparagraph (B)(ii), by striking “and” at the end; and

(C) by striking subparagraph (C).

(2) **CONFORMING AMENDMENT.**—Section 1903(m)(6)(B) (42 U.S.C. 1396b(m)(6)(B)) is amended—

(A) in clause (ii), by adding “and” at the end;

(B) in clause (iii), by striking “; and” and inserting a period; and

(C) by striking clause (iv).

(c) **EFFECTIVE DATES.**—

(1) The amendment made by subsection (a)(1) applies to expenditures made on and after the date of the enactment of this Act.

(2) The amendments made by subsections (a)(2) and (b) apply as of such date as the Secretary of Health and Human Services certifies to Congress that the Secretary is fully implementing section 1932(c)(2) of the Social Security Act (42 U.S.C. 1396u-2(c)(2)).

**SEC. 605. INAPPLICABILITY OF ENHANCED MATCH UNDER THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM TO MEDICAID DSH PAYMENTS.**

(a) IN GENERAL.—The last sentence of section 1905(b) (42 U.S.C. 1396d(b)) is amended by inserting “(other than expenditures under section 1923)” after “with respect to expenditures”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1999, and applies to expenditures made on or after such date.

**SEC. 606. OPTIONAL DEFERMENT OF THE EFFECTIVE DATE FOR OUTPATIENT DRUG AGREEMENTS.**

(a) IN GENERAL.—Section 1927(a)(1) (42 U.S.C. 1396r-8(a)(1)) is amended by striking “shall not be effective until” and inserting “shall become effective as of the date on which the agreement is entered into or, at State option, on any date thereafter on or before”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to agreements entered into on or after the date of enactment of this Act.

**SEC. 607. MAKING MEDICAID DSH TRANSITION RULE PERMANENT.**

(a) IN GENERAL.—Section 4721(e) of BBA (42 U.S.C. 1396r-4 note) is amended—

(1) in the matter before paragraph (1), by striking “1923(g)(2)(A)” and “1396r-4(g)(2)(A)” and inserting “1923(g)(2)” and “1396r-4(g)(2)”, respectively;

(2) in paragraphs (1) and (2)—

(A) by striking “, and before July 1, 1999”; and

(B) by striking “in such section” and inserting “in subparagraph (A) of such section”; and

(3) by striking “and” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “; and”, and by adding at the end the following new paragraph:

“(3) effective for State fiscal years that begin on or after July 1, 1999, ‘or (b)(1)(B)’ were inserted in section 1923(g)(2)(B)(ii)(I) after ‘(b)(1)(A)’.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 4721(e) of BBA.

**SEC. 608. MEDICAID TECHNICAL CORRECTIONS.**

(a) Section 1902(a)(64) (42 U.S.C. 1396a(a)(64)) is amended by adding “and” at the end.

(b) Section 1902(j) (42 U.S.C. 1396a(j)) is amended by striking “of of” and inserting “of”.

(c) Section 1902(l) (42 U.S.C. 1396a(l)) is amended—

(1) in paragraph (1)(C), by striking “children children” and inserting “children”;

- (2) in paragraph (3), in the matter preceding subparagraph (A), by striking the first comma after “(a)(10)(A)(i)(VII)”;
- and
- (3) in paragraph (4)(B), by inserting a comma after “(a)(10)(A)(i)(IV)”.
- (d) Section 1902(v) (42 U.S.C. 1396a(v)) is amended by striking “(1)”.
- (e) Section 1903(b)(4) (42 U.S.C. 1396b(b)(4)) is amended, in the matter preceding subparagraph (A), by inserting “of” after “for the use”.
- (f) The left margins of clauses (i) and (ii) of section 1903(d)(3)(B) (42 U.S.C. 1396b(d)(3)(B)) are each realigned so as to align with the left margin of section 1903(d)(3)(A).
- (g) Section 1903(f)(2) (42 U.S.C. 1396b(f)(2)) is amended by striking the extra period at the end.
- (h) Section 1903(i)(14) (1396b(i)(14)) is amended by adding “or” after the semicolon.
- (i) Section 1903(m)(2)(A) (42 U.S.C. 1396b(m)(2)(A)) is amended—
  - (1) in clause (vi), by striking the semicolon the first place it appears; and
  - (2) by redesignating the clause (xi) added by section 4701(c)(3) of BBA (111 Stat. 493) as clause (xii).
- (j) Section 1903(o) (42 U.S.C. 1396b(o)) is amended by striking “1974)” and inserting “1974)”.
- (k) Section 1903(w) (42 U.S.C. 1396b(w)) is amended—
  - (1) in paragraph (1)(B), by striking “puroses” and inserting “purposes”;
  - (2) in paragraph (3)(B), by inserting a comma after “(D)”;
  - and
  - (3) by realigning the left margin of clause (viii) in paragraph (7)(A) so as to align with the left margin of clause (vii) of that paragraph.
- (l) Section 1905(b)(1) (42 U.S.C. 1396d(b)(1)) is amended by striking “per centum,” and inserting “per centum,”.
- (m) Section 1905(l)(2)(B) (42 U.S.C. 1396d(l)(2)(B)) is amended by striking “a entity” and inserting “an entity”.
- (n) The heading for section 1910 (42 U.S.C. 1396i) is amended by striking “OF” the first place it appears.
- (o) Section 1915 (42 U.S.C. 1396n) is amended—
  - (1) in subsection (b), by striking “1902(a)(13)(E)” and inserting “1902(a)(13)(C)”;
  - (2) in the last sentence of subsection (d)(5)(B)(iii), by striking “75” and inserting “65”; and
  - (3) in subsection (h), by striking “90 day” and inserting “90 days”.
- (p) Section 1919 (42 U.S.C. 1396r) is amended—
  - (1) in subsection (b)(3)(C)(i)(I), by striking “not later than” the first place it appears; and
  - (2) in subsection (d)(4)(A), by striking “1124” and inserting “1124)”.
- (q) Section 1920(b)(2)(D)(i)(I) (42 U.S.C. 1396r–1(b)(2)(D)(i)(I)) is amended by striking “329, 330, or 340” and inserting “330 or 330A”.
- (r) Section 1920A(d)(1)(B) (42 U.S.C. 1396r–1a(d)(1)(B)) is amended by striking “a entity” and inserting “an entity”.
- (s) Section 1923(c)(3)(B) (42 U.S.C. 1396r–4(c)(3)(B)) is amended by striking “patients.” and inserting “patients,”.

- (t) Section 1925 (42 U.S.C. 1396r–6) is amended—
  - (1) in subsection (a)(3)(C), by striking “(i)(VI) (i)(VII),” and inserting “(i)(VI), (i)(VII),”; and
  - (2) in subsection (b)(3)(C)(i), by striking “(i)(IV) (i)(VI) (i)(VII),” and inserting “(i)(IV), (i)(VI), (i)(VII),”.
- (u) Section 1927 (42 U.S.C. 1396r–8) is amended—
  - (1) in subsection (g)(2)(A)(ii)(II)(cc), by striking “individuals” and inserting “individual’s”; and
  - (2) in subsection (i)(1), by striking “the the” and inserting “the”; and
  - (3) in subsection (k)(7)—
    - (A) in subparagraph (A)(iv), by striking “distributers” and inserting “distributors”; and
    - (B) in subparagraph (C)(i), by striking “pharmaceutically” and inserting “pharmaceutically”.
- (v) Section 1929 (42 U.S.C. 1396t) is amended—
  - (1) in subsection (c)(2), by realigning the left margins of clauses (i) and (ii) of subparagraph (E) so as to align with the left margins of clauses (i) and (ii) of subparagraph (F) of that subsection;
  - (2) in subsection (k)(1)(A)(i), by striking “settings,” and inserting “settings,”; and
  - (3) in subsection (l), by striking “State wideness” and inserting “Statewideness”.
- (w) Section 1932 (42 U.S.C. 1396u–2) is amended—
  - (1) in subsection (c)(2)(C), by inserting “part” before “C of title XVIII”; and
  - (2) in subsection (d)—
    - (A) in paragraph (1)(C)(ii), by striking “Act” and inserting “Regulation”; and
    - (B) in paragraph (2)(B), by striking “1903(t)(3)” and inserting “1905(t)(3)”.
- (x) Section 1933(b)(4) (42 U.S.C. 1396u–3(b)(4)) is amended by inserting “a” after “for a month in”.
- (y)(1) The section 1908 (42 U.S.C. 1396g–1) that relates to required laws relating to medical child support is redesignated as section 1908A.
- (2) Section 1902(a)(60) (42 U.S.C. 1396b(a)(60)) is amended by striking “1908” and inserting “1908A”.
- (z) Effective October 1, 2004, section 1915(b) (42 U.S.C. 1396n(b)) is amended, in the matter preceding paragraph (1), by striking “sections 1902(a)(13)(C) and” and inserting “section”.
- (aa) Effective as if included in the enactment of BBA—
  - (1) section 1902(a)(10)(A)(ii)(XIV) (42 U.S.C. 1396a(a)(10)(A)(ii)(XIV)) is amended by striking “1905(u)(2)(C)” and inserting “1905(u)(2)(B)”;
  - (2) section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended, in the matter preceding subparagraph (A), by striking “1905(p)(1), or 1905(u)” and inserting “1902(a)(10)(A)(ii)(XIII), 1902(a)(10)(A)(ii)(XIV), or 1905(p)(1)”;
  - (3) section 1905(a)(15) (42 U.S.C. 1396d(a)(15)) is amended by striking “1902(a)(31)(A)” and inserting “1902(a)(31)”.
- (bb) Except as otherwise provided, the amendments made by this section shall take effect on the date of enactment of this Act.

## TITLE VII—STATE CHILDREN’S HEALTH INSURANCE PROGRAM (SCHIP)

### SEC. 701. STABILIZING THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM ALLOTMENT FORMULA.

(a) IN GENERAL.—Section 2104(b) (42 U.S.C. 1397dd(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (i), by striking “through 2000” and inserting “and 1999”; and

(B) in clause (ii), by striking “2001” and inserting “2000”;

(2) by amending paragraph (4) to read as follows:

“(4) FLOORS AND CEILINGS IN STATE ALLOTMENTS.—

“(A) IN GENERAL.—The proportion of the allotment under this subsection for a subsection (b) State (as defined in subparagraph (D)) for fiscal year 2000 and each fiscal year thereafter shall be subject to the following floors and ceilings:

“(i) FLOOR OF \$2,000,000.—A floor equal to \$2,000,000 divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

“(ii) ANNUAL FLOOR OF 10 PERCENT BELOW PRECEDING FISCAL YEAR’S PROPORTION.—A floor of 90 percent of the proportion for the State for the preceding fiscal year.

“(iii) CUMULATIVE FLOOR OF 30 PERCENT BELOW THE FY 1999 PROPORTION.—A floor of 70 percent of the proportion for the State for fiscal year 1999.

“(iv) CUMULATIVE CEILING OF 45 PERCENT ABOVE FY 1999 PROPORTION.—A ceiling of 145 percent of the proportion for the State for fiscal year 1999.

“(B) RECONCILIATION.—

“(i) ELIMINATION OF ANY DEFICIT BY ESTABLISHING A PERCENTAGE INCREASE CEILING FOR STATES WITH HIGHEST ANNUAL PERCENTAGE INCREASES.—To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States exceeding 1.0, the Secretary shall establish a maximum percentage increase in such proportions for all subsection (b) States for the fiscal year in a manner so that such sum equals 1.0.

“(ii) ALLOCATION OF SURPLUS THROUGH PRO RATA INCREASE.—To the extent that the application of subparagraph (A) would result in the sum of the proportions of the allotments for all subsection (b) States being less than 1.0, the proportions of such allotments (as computed before the application of floors under clauses (i), (ii), and (iii) of subparagraph (A)) for all subsection (b) States shall be increased in a pro rata manner (but not to exceed the ceiling established under subparagraph (A)(iv)) so that (after the application of such floors and ceiling) such sum equals 1.0.

“(C) CONSTRUCTION.—This paragraph shall not be construed as applying to (or taking into account) amounts of allotments redistributed under subsection (f).

“(D) DEFINITIONS.—In this paragraph:

“(i) PROPORTION OF ALLOTMENT.—The term ‘proportion’ means, with respect to the allotment of a subsection (b) State for a fiscal year, the amount of the allotment of such State under this subsection for the fiscal year divided by the total of the amount available under this subsection for all such allotments for the fiscal year.

“(ii) SUBSECTION (b) STATE.—The term ‘subsection (b) State’ means one of the 50 States or the District of Columbia.”;

(3) in paragraph (2)(B), by striking “the fiscal year” and inserting “the calendar year in which such fiscal year begins”; and

(4) in paragraph (3)(B), by striking “the fiscal year involved” and inserting “the calendar year in which such fiscal year begins”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to allotments determined under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) for fiscal year 2000 and each fiscal year thereafter.

**SEC. 702. INCREASED ALLOTMENTS FOR TERRITORIES UNDER THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM.**

Section 2104(c)(4)(B) (42 U.S.C. 1397dd(c)(4)(B)) is amended by inserting “, \$34,200,000 for each of fiscal years 2000 and 2001, \$25,200,000 for each of fiscal years 2002 through 2004, \$32,400,000 for each of fiscal years 2005 and 2006, and \$40,000,000 for fiscal year 2007” before the period.

**SEC. 703. IMPROVED DATA COLLECTION AND EVALUATIONS OF THE STATE CHILDREN’S HEALTH INSURANCE PROGRAM.**

(a) FUNDING FOR RELIABLE ANNUAL STATE-BY-STATE ESTIMATES ON THE NUMBER OF CHILDREN WHO DO NOT HAVE HEALTH INSURANCE COVERAGE.—Section 2109 (42 U.S.C. 1397ii) is amended by adding at the end the following:

“(b) ADJUSTMENT TO CURRENT POPULATION SURVEY TO INCLUDE STATE-BY-STATE DATA RELATING TO CHILDREN WITHOUT HEALTH INSURANCE COVERAGE.—

“(1) IN GENERAL.—The Secretary of Commerce shall make appropriate adjustments to the annual Current Population Survey conducted by the Bureau of the Census in order to produce statistically reliable annual State data on the number of low-income children who do not have health insurance coverage, so that real changes in the uninsurance rates of children can reasonably be detected. The Current Population Survey should produce data under this subsection that categorizes such children by family income, age, and race or ethnicity. The adjustments made to produce such data shall include, where appropriate, expanding the sample size used in the State sampling units, expanding the number of sampling units in a State, and an appropriate verification element.

“(2) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are

appropriated \$10,000,000 for fiscal year 2000 and each fiscal year thereafter for the purpose of carrying out this subsection.”.

(b) FEDERAL EVALUATION OF STATE CHILDREN’S HEALTH INSURANCE PROGRAMS.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following:

“(c) FEDERAL EVALUATION.—

“(1) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent evaluation of 10 States with approved child health plans.

“(2) SELECTION OF STATES.—In selecting States for the evaluation conducted under this subsection, the Secretary shall choose 10 States that utilize diverse approaches to providing child health assistance, represent various geographic areas (including a mix of rural and urban areas), and contain a significant portion of uncovered children.

“(3) MATTERS INCLUDED.—In addition to the elements described in subsection (b)(1), the evaluation conducted under this subsection shall include each of the following:

“(A) Surveys of the target population (enrollees, disenrollees, and individuals eligible for but not enrolled in the program under this title).

“(B) Evaluation of effective and ineffective outreach and enrollment practices with respect to children (for both the program under this title and the medicaid program under title XIX), and identification of enrollment barriers and key elements of effective outreach and enrollment practices, including practices that have successfully enrolled hard-to-reach populations such as children who are eligible for medical assistance under title XIX but have not been enrolled previously in the medicaid program under that title.

“(C) Evaluation of the extent to which State medicaid eligibility practices and procedures under the medicaid program under title XIX are a barrier to the enrollment of children under that program, and the extent to which coordination (or lack of coordination) between that program and the program under this title affects the enrollment of children under both programs.

“(D) An assessment of the effect of cost-sharing on utilization, enrollment, and coverage retention.

“(E) Evaluation of disenrollment or other retention issues, such as switching to private coverage, failure to pay premiums, or barriers in the recertification process.

“(4) SUBMISSION TO CONGRESS.—Not later than December 31, 2001, the Secretary shall submit to Congress the results of the evaluation conducted under this subsection.

“(5) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$10,000,000 for fiscal year 2000 for the purpose of conducting the evaluation authorized under this subsection. Amounts appropriated under this paragraph shall remain available for expenditure through fiscal year 2002.”.

(c) INSPECTOR GENERAL AUDIT AND GAO REPORT ON ENROLLEES ELIGIBLE FOR MEDICAID.—Section 2108 (42 U.S.C. 1397hh), as amended by subsection (b), is amended by adding at the end the following:

“(d) INSPECTOR GENERAL AUDIT AND GAO REPORT.—

“(1) AUDIT.—Beginning with fiscal year 2000, and every third fiscal year thereafter, the Secretary, through the Inspector General of the Department of Health and Human Services, shall audit a sample from among the States described in paragraph (2) in order to—

“(A) determine the number, if any, of enrollees under the plan under this title who are eligible for medical assistance under title XIX (other than as optional targeted low-income children under section 1902(a)(10)(A)(ii)(XIV)); and

“(B) assess the progress made in reducing the number of uncovered low-income children, including the progress made to achieve the strategic objectives and performance goals included in the State child health plan under section 2107(a).

“(2) STATE DESCRIBED.—A State described in this paragraph is a State with an approved State child health plan under this title that does not, as part of such plan, provide health benefits coverage under the State’s medicaid program under title XIX.

“(3) MONITORING AND REPORT FROM GAO.—The Comptroller General of the United States shall monitor the audits conducted under this subsection and, not later than March 1 of each fiscal year after a fiscal year in which an audit is conducted under this subsection, shall submit a report to Congress on the results of the audit conducted during the prior fiscal year.”.

(d) COORDINATION OF DATA COLLECTION WITH DATA REQUIREMENTS UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.—

(1) IN GENERAL.—Paragraphs (2)(D)(ii) and (3)(D)(ii)(II) of section 506(a) (42 U.S.C. 706(a)) are each amended by inserting “or the State plan under title XXI” after “title XIX”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply to annual reports submitted under section 506 of the Social Security Act (42 U.S.C. 706) for years beginning after the date of the enactment of this Act.

(e) COORDINATION OF DATA SURVEYS AND REPORTS.—The Secretary of Health and Human Services, through the Assistant Secretary for Planning and Evaluation, shall establish a clearinghouse for the consolidation and coordination of all Federal databases and reports regarding children’s health.

#### **SEC. 704. REFERENCES TO SCHIP AND STATE CHILDREN’S HEALTH INSURANCE PROGRAM.**

The Secretary of Health and Human Services or any other Federal officer or employee, with respect to any reference to the program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) in any publication or other official communication, shall use—

- (1) the term “SCHIP” instead of the term “CHIP”; and
- (2) the term “State children’s health insurance program” instead of the term “children’s health insurance program”.

#### **SEC. 705. SCHIP TECHNICAL CORRECTIONS.**

(a) Section 2104(b)(3)(B) (42 U.S.C. 1397dd(b)(3)(B)) is amended by striking “States.” and inserting “States,”.

(b) Section 2105(d)(2)(B)(iii) (42 U.S.C. 1397ee(d)(2)(B)(iii)) is amended by inserting “in” after “described”.



PUBLIC LAW 106–113—APPENDIX F 113 STAT. 1501A–403

(c) Section 2109(a) (42 U.S.C.1397ii(a)) is amended—

(1) in paragraph (1), by striking “title II” and inserting “title I”; and

(2) in paragraph (2), by inserting “)” before the period.



## APPENDIX G—H.R. 3427

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001”.

### SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) ACT.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Provisions.

(2) DIVISION B.—Arms Control, Nonproliferation, and Security Assistance Provisions.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of act into divisions; table of contents.
- Sec. 3. Definitions.

#### DIVISION A—DEPARTMENT OF STATE PROVISIONS

##### TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

###### Subtitle A—Department of State

- Sec. 101. Administration of foreign affairs.
- Sec. 102. International commissions.
- Sec. 103. Migration and refugee assistance.
- Sec. 104. United States informational, educational, and cultural programs.
- Sec. 105. Grants to the Asia Foundation.
- Sec. 106. Contributions to international organizations.
- Sec. 107. Contributions for international peacekeeping activities.
- Sec. 108. Voluntary contributions to international organizations.

###### Subtitle B—United States International Broadcasting Activities

- Sec. 121. Authorizations of appropriations.

##### TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

###### Subtitle A—Basic Authorities and Activities

- Sec. 201. Office of Children’s Issues.
- Sec. 202. Strengthening implementation of the Hague Convention on the Civil Aspects of International Child Abduction.
- Sec. 203. Report concerning attack in Cambodia.
- Sec. 204. International expositions.
- Sec. 205. Responsibility of the AID Inspector General for the Inter-American Foundation and the African Development Foundation.
- Sec. 206. Report on Cuban drug trafficking.
- Sec. 207. Revision of reporting requirement.
- Sec. 208. Foreign language proficiency.
- Sec. 209. Continuation of reporting requirements.
- Sec. 210. Joint funds under agreements for cooperation in environmental, scientific, cultural and related areas.
- Sec. 211. Report on international extradition.

###### Subtitle B—Consular Authorities

- Sec. 231. Machine readable visas.

113 STAT. 1501A-406 PUBLIC LAW 106-113—APPENDIX G

- Sec. 232. Fees relating to affidavits of support.
- Sec. 233. Passport fees.
- Sec. 234. Deaths and estates of United States citizens abroad.
- Sec. 235. Duties of consular officers regarding major disasters and incidents abroad affecting United States citizens.
- Sec. 236. Issuance of passports for children under age 14.
- Sec. 237. Processing of visa applications.
- Sec. 238. Feasibility study on further passport restrictions on individuals in arrears on child support.

Subtitle C—Refugees

- Sec. 251. United States policy regarding the involuntary return of refugees.
- Sec. 252. Human rights reports.
- Sec. 253. Guidelines for refugee processing posts.
- Sec. 254. Gender-related persecution task force.
- Sec. 255. Eligibility for refugee status.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organization Matters

- Sec. 301. Legislative liaison offices of the Department of State.
- Sec. 302. State Department official for Northeastern Europe.
- Sec. 303. Science and Technology Adviser to the Secretary of State.
- Sec. 304. Application of certain laws to public diplomacy funds.
- Sec. 305. Reform of the diplomatic telecommunications service office.

Subtitle B—Personnel of the Department of State

- Sec. 321. Award of Foreign Service star.
- Sec. 322. United States citizens hired abroad.
- Sec. 323. Limitation on percentage of Senior Foreign Service eligible for performance pay.
- Sec. 324. Placement of Senior Foreign Service personnel.
- Sec. 325. Report on management training.
- Sec. 326. Workforce planning for Foreign Service personnel by Federal agencies.
- Sec. 327. Records of disciplinary actions.
- Sec. 328. Limitation on salary and benefits for members of the Foreign Service recommended for separation for cause.
- Sec. 329. Treatment of grievance records.
- Sec. 330. Deadlines for filing grievances.
- Sec. 331. Reports by the Foreign Service Grievance Board.
- Sec. 332. Extension of use of Foreign Service personnel system.
- Sec. 333. Border equalization pay adjustment.
- Sec. 334. Treatment of certain persons reemployed after service with international organizations.
- Sec. 335. Transfer allowance for families of deceased Foreign Service personnel.
- Sec. 336. Parental choice in education.
- Sec. 337. Medical emergency assistance.
- Sec. 338. Report concerning financial disadvantages for administrative and technical personnel.
- Sec. 339. State Department Inspector General and personnel investigations.
- Sec. 340. Study of compensation for survivors of terrorist attacks overseas.
- Sec. 341. Preservation of diversity in reorganization.

TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

Subtitle A—Authorities and Activities

- Sec. 401. Educational and cultural exchanges and scholarships for Tibetans and Burmese.
- Sec. 402. Conduct of certain educational and cultural exchange programs.
- Sec. 403. National security measures.
- Sec. 404. Sunset of United States Advisory Commission on Public Diplomacy.
- Sec. 405. Royal Ulster Constabulary training.

Subtitle B—Russian and Ukrainian Business Management Education

- Sec. 421. Purpose.
- Sec. 422. Definitions.
- Sec. 423. Authorization for training program and internships.
- Sec. 424. Applications for technical assistance.

PUBLIC LAW 106–113—APPENDIX G 113 STAT. 1501A–407

- Sec. 425. Restrictions not applicable.
- Sec. 426. Authorization of appropriations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

- Sec. 501. Reauthorization of Radio Free Asia.
- Sec. 502. Nomination requirements for the Chairman of the Broadcasting Board of Governors.
- Sec. 503. Preservation of RFE/RL (Radio Free Europe/Radio Liberty).
- Sec. 504. Immunity from civil liability for Broadcasting Board of Governors.

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. United States diplomatic facility defined.
- Sec. 604. Authorizations of appropriations.
- Sec. 605. Obligations and expenditures.
- Sec. 606. Security requirements for United States diplomatic facilities.
- Sec. 607. Report on overseas presence.
- Sec. 608. Accountability review boards.
- Sec. 609. Increased anti-terrorism training in Africa.

TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Subtitle A—International Organizations Other than the United Nations

- Sec. 701. Conforming amendments to reflect redesignation of certain inter-parliamentary groups.
- Sec. 702. Authority of the International Boundary and Water Commission to assist State and local governments.
- Sec. 703. International Boundary and Water Commission.
- Sec. 704. Semiannual reports on United States support for membership or participation of Taiwan in international organizations.
- Sec. 705. Restriction relating to United States accession to the International Criminal Court.
- Sec. 706. Prohibition on extradition or transfer of United States citizens to the International Criminal Court.
- Sec. 707. Requirement for reports regarding foreign travel.
- Sec. 708. United States representation at the International Atomic Energy Agency.

Subtitle B—United Nations Activities

- Sec. 721. United Nations policy on Israel and the Palestinians.
- Sec. 722. Data on costs incurred in support of United Nations peacekeeping operations.
- Sec. 723. Reimbursement for goods and services provided by the United States to the United Nations.
- Sec. 724. Codification of required notice of proposed United Nations peacekeeping operations.

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

- Sec. 801. Denial of entry into United States of foreign nationals engaged in establishment or enforcement of forced abortion or sterilization policy.
- Sec. 802. Technical corrections.
- Sec. 803. Reports with respect to a referendum on Western Sahara.
- Sec. 804. Reporting requirements under PLO Commitments Compliance Act of 1989.
- Sec. 805. Report on terrorist activity in which United States citizens were killed and related matters.
- Sec. 806. Annual reporting on war crimes, crimes against humanity, and genocide.

Subtitle B—North Korea Threat Reduction

- Sec. 821. Short title.
- Sec. 822. Restrictions on nuclear cooperation with North Korea.
- Sec. 823. Definitions.

Subtitle C—People's Republic of China

- Sec. 871. Findings.
- Sec. 872. Funding for additional personnel at diplomatic posts to report on political, economic, and human rights matters in the People's Republic of China.

113 STAT. 1501A-408 PUBLIC LAW 106-113—APPENDIX G

Sec. 873. Prisoner information registry for the People's Republic of China.

TITLE IX—ARREARS PAYMENTS AND REFORM

Subtitle A—General Provisions

Sec. 901. Short title.

Sec. 902. Definitions.

Subtitle B—Arrearages to the United Nations

CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS

Sec. 911. Authorization of appropriations.

Sec. 912. Obligation and expenditure of funds.

Sec. 913. Forgiveness of amounts owed by the United Nations to the United States.

CHAPTER 2—UNITED STATES SOVEREIGNTY

Sec. 921. Certification requirements.

CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS

Sec. 931. Certification requirements.

CHAPTER 4—BUDGET AND PERSONNEL REFORM

Sec. 941. Certification requirements.

Subtitle C—Miscellaneous Provisions

Sec. 951. Statutory construction on relation to existing laws.

Sec. 952. Prohibition on payments relating to UNIDO and other international organizations from which the United States has withdrawn or rescinded funding.

**DIVISION B—ARMS CONTROL, NONPROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS**

Sec. 1001. Short title.

TITLE XI—ARMS CONTROL AND NONPROLIFERATION

Sec. 1101. Short title.

Sec. 1102. Definitions.

Subtitle A—Arms Control

CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

Sec. 1111. Key Verification Assets Fund.

Sec. 1112. Assistant Secretary of State for Verification and Compliance.

Sec. 1113. Enhanced annual ("Pell") report.

Sec. 1114. Report on START and START II Treaties monitoring issues.

Sec. 1115. Standards for verification.

Sec. 1116. Contribution to the advancement of seismology.

Sec. 1117. Protection of United States companies.

Sec. 1118. Requirement for transmittal of summaries.

CHAPTER 2—MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS

Sec. 1121. Short title.

Sec. 1122. Definitions.

Sec. 1123. Findings.

Sec. 1124. Trial investigations and trial visits.

Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters

Sec. 1131. Congressional notification of nonproliferation activities.

Sec. 1132. Effective use of resources for nonproliferation programs.

Sec. 1133. Disposition of weapons-grade material.

Sec. 1134. Provision of certain information to Congress.

Sec. 1135. Amended nuclear export reporting requirement.

Sec. 1136. Adherence to the Missile Technology Control Regime.

Sec. 1137. Authority relating to MTCR adherents.

Sec. 1138. Transfer of funding for science and technology centers in the former Soviet Union.

PUBLIC LAW 106–113—APPENDIX G 113 STAT. 1501A–409

Sec. 1139. Research and exchange activities by science and technology centers.

TITLE XII—SECURITY ASSISTANCE

Sec. 1201. Short title.

Subtitle A—Transfers of Excess Defense Articles

Sec. 1211. Excess defense articles for Central and Southern European countries.

Sec. 1212. Excess defense articles for certain other countries.

Sec. 1213. Increase in annual limitation on transfer of excess defense articles.

Subtitle B—Foreign Military Sales Authorities

Sec. 1221. Termination of foreign military training.

Sec. 1222. Sales of excess Coast Guard property.

Sec. 1223. Competitive pricing for sales of defense articles.

Sec. 1224. Notification of upgrades to direct commercial sales.

Sec. 1225. Unauthorized use of defense articles.

Subtitle C—Stockpiling of Defense Articles for Foreign Countries

Sec. 1231. Additions to United States war reserve stockpiles for allies.

Sec. 1232. Transfer of certain obsolete or surplus defense articles in the war reserves stockpile for allies.

Subtitle D—Defense Offsets Disclosure

Sec. 1241. Short title.

Sec. 1242. Findings and declaration of policy.

Sec. 1243. Definitions.

Sec. 1244. Sense of Congress.

Sec. 1245. Reporting of offset agreements.

Sec. 1246. Expanded prohibition on incentive payments.

Sec. 1247. Establishment of review commission.

Sec. 1248. Multilateral strategy to address offsets.

Subtitle E—Automated Export System Relating to Export Information

Sec. 1251. Short title.

Sec. 1252. Mandatory use of the Automated Export System for filing certain Shippers' Export Declarations.

Sec. 1253. Voluntary use of the Automated Export System.

Sec. 1254. Report to appropriate committees of Congress.

Sec. 1255. Acceleration of Department of State licensing procedures.

Sec. 1256. Definitions.

Subtitle F—International Arms Sales Code of Conduct Act of 1999

Sec. 1261. Short title.

Sec. 1262. International arms sales code of conduct.

Subtitle G—Transfer of Naval Vessels to Certain Foreign Countries

Sec. 1271. Authority to transfer naval vessels.

TITLE XIII—MISCELLANEOUS PROVISIONS

Sec. 1301. Publication of arms sales certifications.

Sec. 1302. Notification requirements for commercial export of items on United States Munitions List.

Sec. 1303. Enforcement of Arms Export Control Act.

Sec. 1304. Violations relating to material support to terrorists.

Sec. 1305. Authority to consent to third party transfer of ex-U.S.S. Bowman County to USS 1st Ship Memorial, Inc.

Sec. 1306. Annual military assistance report.

Sec. 1307. Annual foreign military training report.

Sec. 1308. Security assistance for the Philippines.

Sec. 1309. Effective regulation of satellite export activities.

Sec. 1310. Study on licensing process under the Arms Export Control Act.

Sec. 1311. Report concerning proliferation of small arms.

Sec. 1312. Conforming amendment.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in section 902(1), the term “appropriate

congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) SECRETARY.—The term “Secretary” means the Secretary of State.

## **DIVISION A—DEPARTMENT OF STATE PROVISIONS**

### **TITLE I—AUTHORIZATIONS OF APPROPRIATIONS**

#### **Subtitle A—Department of State**

##### **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

###### **(1) DIPLOMATIC AND CONSULAR PROGRAMS.—**

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Diplomatic and Consular Programs” of the Department of State, \$2,837,772,000 for the fiscal year 2000 and \$3,263,438,000 for the fiscal year 2001.

###### **(B) LIMITATIONS.—**

(i) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), \$254,000,000 for the fiscal year 2000 and \$315,000,000 for the fiscal year 2001 is authorized to be appropriated only for worldwide security upgrades.

(ii) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), \$12,000,000 for the fiscal year 2000 and \$12,000,000 for the fiscal year 2001 is authorized to be appropriated only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(iii) RECRUITMENT OF MINORITY GROUPS.—Of the amounts authorized to be appropriated by subparagraph (A), \$2,000,000 for fiscal year 2000 and \$2,000,000 for fiscal year 2001 is authorized to be appropriated only for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund” of the Department of State, \$90,000,000 for the fiscal year 2000 and \$150,000,000 for the fiscal year 2001.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For “Embassy Security, Construction and Maintenance”, \$434,066,000 for the fiscal year 2000 and \$445,000,000 for the fiscal year 2001.



(4) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$5,850,000 for the fiscal year 2000 and \$5,850,000 for the fiscal year 2001.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$17,000,000 for the fiscal year 2000 and \$17,000,000 for the fiscal year 2001.

(6) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$30,054,000 for the fiscal year 2000 and \$30,054,000 for the fiscal year 2001.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$15,760,000 for the fiscal year 2000 and \$15,918,000 for the fiscal year 2001.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For “Protection of Foreign Missions and Officials”, \$9,490,000 for the fiscal year 2000 and \$9,490,000 for the fiscal year 2001.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For “Repatriation Loans”, \$1,200,000 for the fiscal year 2000 and \$1,200,000 for the fiscal year 2001, for administrative expenses.

#### SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses”, \$20,413,000 for the fiscal year 2000 and \$20,413,000 for the fiscal year 2001; and

(B) for “Construction”, \$8,435,000 for the fiscal year 2000 and \$8,435,000 for the fiscal year 2001.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$859,000 for the fiscal year 2000 and \$859,000 for the fiscal year 2001.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$3,819,000 for the fiscal year 2000 and \$3,819,000 for the fiscal year 2001.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$16,702,000 for the fiscal year 2000 and \$16,702,000 for the fiscal year 2001.

#### SEC. 103. MIGRATION AND REFUGEE ASSISTANCE.

(a) MIGRATION AND REFUGEE ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for “Migration and Refugee Assistance” for authorized activities, \$750,000,000 for the fiscal year 2000 and \$750,000,000 for the fiscal year 2001.

## (2) LIMITATIONS.—

(A) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amounts authorized to be appropriated in paragraph (1), \$2,000,000 for the fiscal year 2000 and \$2,000,000 for the fiscal year 2001 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated in paragraph (1), \$60,000,000 for the fiscal year 2000 and \$60,000,000 for the fiscal year 2001 is authorized to be available only for assistance for refugees resettling in Israel from other countries.

(C) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amounts authorized to be appropriated in paragraph (1), \$2,000,000 for the fiscal year 2000 and \$2,000,000 for the fiscal year 2001 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(D) ASSISTANCE FOR DISPLACED SIERRA LEONEANS.—Of the amounts authorized to be appropriated in paragraph (1), \$2,000,000 for the fiscal year 2000 and \$2,000,000 for the fiscal year 2001 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) and resettlement of persons who have been severely mutilated as a result of civil conflict in Sierra Leone, including persons still within Sierra Leone.

(E) INTERNATIONAL RAPE COUNSELING PROGRAM.—Of the amounts authorized to be appropriated in paragraph (1), \$1,000,000 for the fiscal year 2000 and \$1,000,000 for the fiscal year 2001 are authorized to be appropriated for a program of counseling for female victims of rape and gender violence in times of conflict and war.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

**SEC. 104. UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS.**

(a) IN GENERAL.—The following amounts are authorized to be appropriated for the Department of State to carry out international information activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, other such programs including the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and the Mike Mansfield Fellowship Program, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—For the “Fulbright Academic Exchange Programs” (other than programs described in subparagraph (B)), \$112,000,000 for

the fiscal year 2000 and \$120,000,000 for the fiscal year 2001.

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For other educational and cultural exchange programs authorized by law, including the Claude and Mildred Pepper Scholarship Program of the Washington Workshops Foundation and Mike Mansfield Fellowship Program, \$98,329,000 for the fiscal year 2000 and \$105,000,000 for the fiscal year 2001.

(ii) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2000 and \$750,000 for the fiscal year 2001 is authorized to be available for “South Pacific Exchanges”.

(iii) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2000 and \$500,000 for the fiscal year 2001 is authorized to be available for “East Timorese Scholarships”.

(iv) TIBETAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2000 and \$500,000 for the fiscal year 2001 is authorized to be available for “Ngawang Choephel Exchange Programs” (formerly known as educational and cultural exchanges with Tibet) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319).

(v) AFRICAN EXCHANGES.—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2000 and \$500,000 for the fiscal year 2001 is authorized to be available only for “Educational and Cultural Exchanges with Sub-Saharan Africa”.

(vi) ISRAEL-ARAB PEACE PARTNERS PROGRAM.—Of the amounts authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2000 and \$750,000 for the fiscal year 2001 is authorized to be available only for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the “Israel-Arab Peace Partners Program”. Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to the appropriate congressional committees for implementation of such program. The Secretary shall not implement the plan until 45 days after its submission to the appropriate congressional committees.

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For the “National Endowment for Democracy”, \$32,000,000 for the fiscal year 2000 and \$32,000,000 for the fiscal year 2001.

(B) REAGAN-FASCELL DEMOCRACY FELLOWS.—Of the amount authorized to be appropriated by subparagraph

(A), \$1,000,000 for fiscal year 2000 and \$1,000,000 for the fiscal year 2001 is authorized to be appropriated only for a fellowship program, to be known as the “Reagan-Fascell Democracy Fellows”, for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans.

(3) DANTE B. FASCELL NORTH-SOUTH CENTER.—For “Dante B. Fascell North-South Center” \$2,500,000 for the fiscal year 2000 and \$2,500,000 for the fiscal year 2001.

(4) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange between East and West”, \$12,500,000 for the fiscal year 2000 and \$12,500,000 for the fiscal year 2001.

(b) MUSKIE FELLOWSHIPS.—

(1) EXCHANGES WITH RUSSIA.—Of the amounts authorized to be appropriated by this or any other Act for the fiscal years 2000 and 2001 for exchange programs with the Russian Federation, \$5,000,000 for fiscal year 2000 and \$5,000,000 for fiscal year 2001 shall be available only to carry out the Edmund S. Muskie Program under section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 22 U.S.C. 2452 note).

(2) DOCTORAL GRADUATE STUDIES FOR NATIONALS OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the amounts authorized to be appropriated by this or any other Act for the fiscal years 2000 and 2001 for exchange programs, \$1,500,000 for fiscal year 2000 and \$1,500,000 for fiscal year 2001 shall be available only to provide scholarships for doctoral graduate study in economics to nationals of the independent states of the former Soviet Union under the Edmund S. Muskie Fellowship Program authorized by section 227 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 22 U.S.C. 2452 note).

(c) VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.—Of the amounts authorized to be appropriated by subsection (a)(1)(A), \$4,000,000 for the fiscal year 2000 and \$4,000,000 for the fiscal year 2001 shall be available only to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102-138; 22 U.S.C. 2452 note).

#### **SEC. 105. GRANTS TO THE ASIA FOUNDATION.**

Section 404 of The Asia Foundation Act (title IV of Public Law 98-164; 22 U.S.C. 4403) is amended to read as follows:

“SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.”.

#### **SEC. 106. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated under the heading “Contributions to International Organizations” \$940,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001 for the Department

of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—

Of the amounts authorized in paragraph (1), \$48,977,000 are authorized in fiscal year 2000 and such sums as may be necessary in fiscal year 2001 for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(b) NO GROWTH BUDGET.—Of the funds made available under subsection (a), \$80,000,000 may be made available during each calendar year only after the Secretary of State certifies that the United Nations has taken no action during the preceding calendar year to increase funding for any United Nations program without identifying an offsetting decrease during that calendar year elsewhere in the United Nations budget of \$2,533,000,000, and cause the United Nations to exceed the initial 1998-99 United Nations biennium budget adopted in December 1997.

(c) INSPECTOR GENERAL OF THE UNITED NATIONS.—

(1) WITHHOLDING OF FUNDS.—Twenty percent of the funds made available in each fiscal year under subsection (a) for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under paragraph (2).

(2) CERTIFICATION.—A certification under this paragraph is a certification by the Secretary of State in the fiscal year concerned that the following conditions are satisfied:

(A) ACTION BY THE UNITED NATIONS.—The United Nations—

(i) has met the requirements of paragraphs (1) through (6) of section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), as amended by paragraph (3);

(ii) has established procedures that require the Under Secretary General of the Office of Internal Oversight Services to report directly to the Secretary General on the adequacy of the Office's resources to enable the Office to fulfill its mandate; and

(iii) has made available an adequate amount of funds to the Office for carrying out its functions.

(B) AUTHORITY BY OIOS.—The Office of Internal Oversight Services has authority to audit, inspect, or investigate each program, project, or activity funded by the United Nations, and each executive board created under the United Nations has been notified of that authority.

(3) AMENDMENT OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995.—Section 401(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended—

(A) by amending paragraph (6) to read as follows:

“(6) the United Nations has procedures in place to ensure that all reports submitted by the Office of Internal Oversight Services are made available to the member states of the United Nations without modification except to the extent necessary to protect the privacy rights of individuals.”; and

(B) by striking “Inspector General” each place it appears and inserting “Office of Internal Oversight Services”.

(d) PROHIBITION ON CERTAIN GLOBAL CONFERENCES.—None of the funds made available under subsection (a) shall be available for any United States contribution to pay for any expense related to the holding of any United Nations global conference, except for any conference scheduled prior to October 1, 1998.

(e) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 1998–1999 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, the Desertification Convention, and the International Criminal Court.

(f) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 and 2001 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(g) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

#### **SEC. 107. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**

There are authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities” \$500,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

#### **SEC. 108. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for “Voluntary Contributions to International Organizations”, \$293,000,000 for the fiscal year 2000 and such sums as may be necessary for the fiscal year 2001.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), \$5,000,000 for the fiscal year 2000 and \$5,000,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), \$5,000,000 for the fiscal year 2000 and \$5,000,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), \$240,000 for the fiscal year 2000 and \$240,000 for the fiscal year 2001 is authorized to be appropriated only for a United States contribution to the Organization of American States for the Office of the Special Rapporteur for Freedom of Expression in the Western Hemisphere to conduct investigations, including field visits, to establish a network of nongovernmental organizations, and to hold hemispheric conferences, of which \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Cuba, \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Peru, and \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Colombia.

(4) UNICEF.—Of the amounts authorized to be appropriated under subsection (a), \$110,000,000 for the fiscal year 2000 is authorized to be appropriated only for a United States contribution to UNICEF.

(c) RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2000 and 2001 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(d) CONTRIBUTIONS TO THE UNITED NATIONS FUND FOR POPULATION ACTIVITIES.—

(1) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under subsection (a), not more than \$25,000,000 for fiscal year 2000 and \$25,000,000 for fiscal year 2001 shall be available for the United Nations Fund for Population Activities (hereinafter in this subsection referred to as the “UNFPA”).

(2) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under subsection (a) may be made available for the UNFPA for a country program in the People’s Republic of China.

(3) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under subsection (a) for each of the fiscal years 2000 and 2001 for the UNFPA may not be made available to the UNFPA unless—

(A) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(B) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(C) the UNFPA does not fund abortions.

(4) REPORT TO CONGRESS AND WITHHOLDING OF FUNDS.—

(A) Not later than February 15, of each of the years 2000 and 2001, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Fund for Population Activities is budgeting for the year in which the report is submitted for a country program in the People’s Republic of China.

(B) If a report under subparagraph (A) indicates that the United Nations Population Fund plans to spend funds for a country program in the People’s Republic of China in the year covered by the report, then the amount of such funds that the UNFPA plans to spend in the People’s Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

(e) AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

## Subtitle B—United States International Broadcasting Activities

### SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and



the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING ACTIVITIES.—For “International Broadcasting Activities”, \$385,900,000 for the fiscal year 2000, and \$393,618,000 for the fiscal year 2001.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements”, \$20,868,000 for the fiscal year 2000, and \$20,868,000 for the fiscal year 2001.

(3) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$22,743,000 for the fiscal year 2000 and \$22,743,000 for the fiscal year 2001.

(4) RADIO FREE ASIA.—For “Radio Free Asia”, \$24,000,000 for the fiscal year 2000, and \$30,000,000 for the fiscal year 2001.

## **TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

### **Subtitle A—Basic Authorities and Activities**

#### **SEC. 201. OFFICE OF CHILDREN’S ISSUES.**

(a) DIRECTOR REQUIREMENTS.—The Secretary of State shall fill the position of Director of the Office of Children’s Issues of the Department of State (in this section referred to as the “Office”) with an individual of senior rank who can ensure long-term continuity in the management and policy matters of the Office and has a strong background in consular affairs.

(b) CASE OFFICER STAFFING.—Effective April 1, 2000, there shall be assigned to the Office of Children’s Issues of the Department of State a sufficient number of case officers to ensure that the average caseload for each officer does not exceed 75.

(c) EMBASSY CONTACT.—The Secretary of State shall designate in each United States diplomatic mission an employee who shall serve as the point of contact for matters relating to international abductions of children by parents. The Director of the Office shall regularly inform the designated employee of children of United States citizens abducted by parents to that country.

(d) REPORTS TO PARENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), beginning 6 months after the date of enactment of this Act, and at least once every 6 months thereafter, the Secretary of State shall report to each parent who has requested assistance regarding an abducted child overseas. Each such report shall include information on the current status of the abducted child’s case and the efforts by the Department of State to resolve the case.

(2) EXCEPTION.—The requirement in paragraph (1) shall not apply in a case of an abducted child if—

(A) the case has been closed and the Secretary of State has reported the reason the case was closed to the parent who requested assistance; or

(B) the parent seeking assistance requests that such reports not be provided.

**SEC. 202. STRENGTHENING IMPLEMENTATION OF THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.**

Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105-277) is amended—

(1) in the first sentence, by striking “1999,” and inserting “2001,”;

(2) in paragraph (1), by striking “United States citizens” and inserting “applicants in the United States”;

(3) in paragraph (2), by striking “abducted.” and inserting “abducted, are being wrongfully retained in violation of United States court orders, or which have failed to comply with any of their obligations under such convention with respect to applications for the return of children, access to children, or both, submitted by applicants in the United States.”;

(4) in paragraph (3)—

(A) by striking “children” and inserting “children, access to children, or both,”; and

(B) by striking “United States citizens” and inserting “applicants in the United States”;

(5) in paragraph (4), by inserting before the period at the end the following: “, including the specific actions taken by the United States chief of mission in the country to which the child is alleged to have been abducted”; and

(6) by inserting after paragraph (5) the following new paragraphs:

“(6) A list of the countries that are parties to the Convention in which, during the reporting period, parents who have been left-behind in the United States have not been able to secure prompt enforcement of a final return or access order under a Hague proceeding, of a United States custody, access, or visitation order, or of an access or visitation order by authorities in the country concerned, due to the absence of a prompt and effective method for enforcement of civil court orders, the absence of a doctrine of comity, or other factors.

“(7) A description of the efforts of the Secretary of State to encourage the parties to the Convention to facilitate the work of nongovernmental organizations within their countries that assist parents seeking the return of children under the Convention.”.

**SEC. 203. REPORT CONCERNING ATTACK IN CAMBODIA.**

Not later than 30 days after the date of the enactment of this Act, and one year thereafter unless the investigation referred to in this section is completed, the Secretary of State, in consultation with the Attorney General, shall submit a report to the appropriate congressional committees, in classified and unclassified form, containing the most current information on the investigation into the March 30, 1997, grenade attack in Cambodia.

**SEC. 204. INTERNATIONAL EXPOSITIONS.**

(a) LIMITATION.—Except as provided in subsection (b) and notwithstanding any other provision of law, the Department of State may not obligate or expend any funds appropriated to the Department of State for a United States pavilion or other major exhibit at any international exposition or world’s fair registered by the

Bureau of International Expositions in excess of amounts expressly authorized and appropriated for such purpose.

(b) EXCEPTIONS.—

(1) IN GENERAL.—The Department of State is authorized to utilize its personnel and resources to carry out the responsibilities of the Department for the following:

(A) Administrative services, including legal and other advice and contract administration, under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(a)(3)) related to United States participation in international fairs and expositions abroad. Such administrative services may not include capital expenses, operating expenses, or travel or related expenses (other than such expenses as are associated with the provision of administrative services by employees of the Department of State).

(B) Activities under section 105(f) of such Act with respect to encouraging foreign governments, international organizations, and private individuals, firms, associations, agencies and other groups to participate in international fairs and expositions and to make contributions to be utilized for United States participation in international fairs and expositions.

(C) Encouraging private support of United States pavilions and exhibits at international fairs and expositions.

(2) STATUTORY CONSTRUCTION.—Nothing in this subsection authorizes the use of funds appropriated to the Department of State to make payments for—

(A) contracts, grants, or other agreements with any other party to carry out the activities described in this subsection; or

(B) the satisfaction of any legal claim or judgment or the costs of litigation brought against the Department of State arising from activities described in this subsection.

(c) NOTIFICATION.—No funds made available to the Department of State by any Federal agency to be used for a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions may be obligated or expended unless the appropriate congressional committees are notified not less than 15 days prior to such obligation or expenditure.

(d) REPORTS.—The Commissioner General of a United States pavilion or other major exhibit at any international exposition or world's fair registered by the Bureau of International Expositions shall submit to the Secretary of State and the appropriate congressional committees a report concerning activities relating to such pavilion or exhibit every 180 days while serving as Commissioner General and shall submit a final report summarizing all such activities not later than 1 year after the closure of the pavilion or exhibit.

(e) REPEAL.—Section 230 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2452 note) is repealed.

**SEC. 205. RESPONSIBILITY OF THE AID INSPECTOR GENERAL FOR THE INTER-AMERICAN FOUNDATION AND THE AFRICAN DEVELOPMENT FOUNDATION.**

(a) RESPONSIBILITIES.—Section 8A(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

- (1) by striking “and” at the end of paragraph (1);
- (2) by striking the period at the end of paragraph (2) and inserting “; and”; and
- (3) by adding at the end the following:

“(3) shall supervise, direct, and control audit and investigative activities relating to programs and operations within the Inter-American Foundation and the African Development Foundation.”.

(b) CONFORMING AMENDMENT.—Section 8A(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting before the period at the end the following: “, an employee of the Inter-American Foundation, and an employee of the African Development Foundation”.

**SEC. 206. REPORT ON CUBAN DRUG TRAFFICKING.**

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an unclassified report (with a classified annex) on the extent of international drug trafficking through Cuba since 1990. The report shall include the following:

(1) Information concerning the extent to which the Cuban Government or any official, employee, or entity of the Government of Cuba has engaged in, facilitated, or condoned such trafficking.

(2) The extent to which agencies of the United States Government have investigated or prosecuted such activities.

(b) LIMITATION.—The report need not include information about isolated instances of conduct by low-level employees, except to the extent that such information may suggest improper conduct by more senior officials.

**SEC. 207. REVISION OF REPORTING REQUIREMENT.**

Section 3 of Public Law 102-1 is amended by striking “60 days” and inserting “90 days”.

**SEC. 208. FOREIGN LANGUAGE PROFICIENCY.**

(a) REPORT ON LANGUAGE PROFICIENCY.—Section 702 of the Foreign Service Act of 1980 (22 U.S.C. 4022) is amended by adding at the end the following new subsection:

“(c) Not later than March 31 of each year, the Director General of the Foreign Service shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives summarizing the number of positions in each overseas mission requiring foreign language competence that—

“(1) became vacant during the previous calendar year; and

“(2) were filled by individuals having the required foreign language competence.”.

(b) REPEAL.—Section 304(c) of the Foreign Service Act of 1980 (22 U.S.C. 3944(c)) is repealed.

**SEC. 209. CONTINUATION OF REPORTING REQUIREMENTS.**

(a) **REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.**—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “third” and inserting “seventh”.

(b) **REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.**—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “September 30, 1999,” and inserting “September 30, 2001,”.

(c) **RELATIONS WITH VIETNAM.**—Section 2805 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “September 30, 1999,” and inserting “September 30, 2001,”.

(d) **REPORTS ON BALLISTIC MISSILE COOPERATION WITH RUSSIA.**—Section 2705(d) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “and January 1, 2000,” and inserting “January 1, 2000, and January 1, 2001,”.

(e) **CONTINUATION OF REPORTS TERMINATED BY THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995.**—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104–66; 31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 1205 of the International Security and Development Cooperation Act of 1985 (Public Law 99–83; 22 U.S.C. 2346 note) (relating to annual reports on economic conditions in Egypt, Israel, Turkey, and Portugal).

(2) Section 1307(f)(1)(A) of the International Financial Institutions Act (Public Law 95–118) (relating to an assessment of the environmental impact of proposed multilateral development bank actions).

(3) Section 118(f) of the Foreign Assistance Act of 1961 (Public Law 87–195; 22 U.S.C. 2151p–1) (relating to the protection of tropical forests).

(4) Section 586J(c)(4) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101–513) (relating to sanctions taken by other nations against Iraq).

(5) Section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102–1; 105 Stat. 3) (relating to the status of efforts to obtain Iraqi compliance with United Nations Security Council resolutions).

(6) Section 124 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 2680 note) (relating to expenditures for emergencies in the diplomatic and consular service).

(7) Section 620C(c) of the Foreign Assistance Act of 1961 (Public Law 87–195; 22 U.S.C. 2373(c)) (relating to progress made toward the conclusion of a negotiated solution to the Cyprus problem).

(8) Section 533(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991 (Public Law 101-513) (relating to international natural resource management initiatives).

(9) Section 3602 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418; 22 U.S.C. 5352) (relating to foreign treatment of United States financial institutions).

(10) Section 1702 of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262r-1) (relating to operating summaries of the multilateral development banks).

(11) Section 1303(c) of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262m-2(c)) (relating to international environmental assistance programs).

(12) Section 1701(a) of the International Financial Institutions Act (Public Law 95-118; 22 U.S.C. 262r) (relating to United States participation in international financial institutions).

(13) Section 163(a) of the Trade Act of 1974 (Public Law 93-618; 19 U.S.C. 2213) (relating to the trade agreements program and national trade policy agenda).

(14) Section 8 of the Export-Import Bank Act (Public Law 79-173; 12 U.S.C. 635g) (relating to Export-Import Bank activities).

(15) Section 407(f) of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 83-480; 7 U.S.C. 1736a) (relating to Public Law 480 programs and activities).

(16) Section 239(c) of the Foreign Assistance Act of 1961 (Public Law 87-195; 22 U.S.C. 2199(c)) (relating to OPIC audit report).

(17) Section 504(i) of the National Endowment for Democracy Act (Public Law 98-164; 22 U.S.C. 4413(i)) (relating to the activities of the National Endowment for Democracy).

(18) Section 5(b) of the Japan-United States Friendship Act (Public Law 94-118; 22 U.S.C. 2904(b)) (relating to Japan-United States Friendship Commission activities).

**SEC. 210. JOINT FUNDS UNDER AGREEMENTS FOR COOPERATION IN ENVIRONMENTAL, SCIENTIFIC, CULTURAL AND RELATED AREAS.**

Amounts made available to the Department of State for participation in joint funds under agreements for cooperation in environmental, scientific, cultural and related areas prior to fiscal year 1996 which, pursuant to express terms of such international agreements, were deposited in interest-bearing accounts prior to disbursement may earn interest, and interest accrued to such accounts may be used and retained without return to the Treasury of the United States and without further appropriation by Congress. The Department of State shall take action to ensure the complete and timely disbursement of appropriations and associated interest within joint funds covered by this section and final disposition of such agreements.

**SEC. 211. REPORT ON INTERNATIONAL EXTRADITION.**

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall review extradition treaties and other agreements containing extradition obligations to which the United States is a party (only with regard to those treaties where the United States has diplomatic relations

with the treaty partner) and submit a report to the appropriate congressional committees regarding United States extradition policy and practice.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall—

(1) discuss the factors that contribute to failure of foreign nations to comply fully with their obligations under bilateral extradition treaties with the United States;

(2) discuss the factors that contribute to nations becoming “safe havens” for individuals fleeing the United States justice system;

(3) identify those bilateral extradition treaties to which the United States is a party which do not require the extradition of nationals, and the reason such treaties contain such a provision;

(4) discuss appropriate legislative and diplomatic solutions to existing gaps in United States extradition treaties and practice; and

(5) discuss current priorities of the United States for negotiation of new extradition treaties and renegotiation of existing treaties, including resource factors relevant to such negotiations.

## Subtitle B—Consular Authorities

### SEC. 231. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended—

(1) in paragraph (3) by amending the first sentence to read as follows: “For each of the fiscal years 2000, 2001, and 2002, any amount collected under paragraph (1) that exceeds \$316,715,000 for fiscal year 2000, \$316,715,000 for fiscal year 2001, and \$316,715,000 for fiscal year 2002 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.”; and

(2) by striking paragraphs (4) and (5).

### SEC. 232. FEES RELATING TO AFFIDAVITS OF SUPPORT.

(a) AUTHORITY TO CHARGE FEE.—The Secretary of State may charge and retain a fee or surcharge for services provided by the Department of State to any sponsor who provides an affidavit of support under section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) to ensure that such affidavit is properly completed before it is forwarded to a consular post for adjudication by a consular officer in connection with the adjudication of an immigrant visa. Such fee or surcharge shall be in addition to and separate from any fee imposed for immigrant visa application processing and issuance, and shall recover only the costs of such services not recovered by such fee.

(b) LIMITATION.—Any fee established under subsection (a) shall be charged only once to a sponsor or joint sponsors who file essentially duplicative affidavits of support in connection with separate immigrant visa applications from the spouse and children of any

petitioner required by the Immigration and Nationality Act to petition separately for such persons.

(c) **TREATMENT OF FEES.**—Fees collected under the authority of subsection (a) shall be deposited as an offsetting collection to any Department of State appropriation to recover the cost of providing consular services.

(d) **COMPLIANCE WITH BUDGET ACT.**—Fees collected under the authority of subsection (a) shall be available only to such extent or in such amounts as are provided in advance in an appropriation Act.

#### **SEC. 233. PASSPORT FEES.**

(a) **APPLICATIONS.**—Section 1 of the Passport Act of June 4, 1920 (22 U.S.C. 214), is amended—

(1) in the first sentence—

(A) by striking “each passport issued” and inserting “the filing of each application for a passport (including the cost of passport issuance and use)”; and

(B) by striking “each application for a passport;” and inserting “each such application”; and

(2) by adding after the first sentence the following new sentence: “Such fees shall not be refundable, except as the Secretary may by regulation prescribe.”

(b) **REPEAL OF OUTDATED PROVISION ON PASSPORT FEES.**—Section 4 of the Passport Act of June 4, 1920 (22 U.S.C. 216) is repealed.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of issuance of final regulations under section 1 of the Passport Act of June 4, 1920, as amended by subsection (a).

#### **SEC. 234. DEATHS AND ESTATES OF UNITED STATES CITIZENS ABROAD.**

(a) **REPEAL.**—Section 1709 of the Revised Statutes (22 U.S.C. 4195) is repealed.

(b) **AMENDMENT TO STATE DEPARTMENT BASIC AUTHORITIES ACT.**—The State Department Basic Authorities Act of 1956 is amended by inserting after section 43 (22 U.S.C. 2715) the following new sections:

##### **“SEC. 43A. NOTIFICATION OF NEXT OF KIN; REPORTS OF DEATH.**

“(a) **IN GENERAL.**—Whenever a United States citizen or national dies abroad, a consular officer shall endeavor to notify, or assist the Secretary of State in notifying, the next of kin or legal guardian as soon as possible, except that, in the case of death of any Peace Corps volunteer (within the meaning of section 5(a) of the Peace Corps Act (22 U.S.C. 2504(a)), any member of the Armed Forces, any dependent of such a volunteer or member, or any Department of Defense employee, the consular officer shall assist the Peace Corps or the appropriate military authorities, as the case may be, in making such notifications.

“(b) **REPORTS OF DEATH OR PRESUMPTIVE DEATH.**—The consular officer may, for any United States citizen who dies abroad—

“(1) in the case of a finding of death by the appropriate local authorities, issue a report of death or of presumptive death; or

“(2) in the absence of a finding of death by the appropriate local authorities, issue a report of presumptive death.



“(c) IMPLEMENTING REGULATIONS.—The Secretary of State shall prescribe such regulations as may be necessary to carry out this section.

**“SEC. 43B. CONSERVATION AND DISPOSITION OF ESTATES.**

“(a) CONSERVATION OF ESTATES ABROAD.—

“(1) AUTHORITY TO ACT AS CONSERVATOR.—Whenever a United States citizen or national dies abroad, a consular officer shall act as the provisional conservator of the portion of the decedent’s estate located abroad and, subject to paragraphs (3), (4), and (5), shall—

“(A) take possession of the personal effects of the decedent within his jurisdiction;

“(B) inventory and appraise the personal effects of the decedent, sign the inventory, and annex thereto a certificate as to the accuracy of the inventory and appraised value of each article;

“(C) when appropriate in the exercise of prudent administration, collect the debts due to the decedent in the officer’s jurisdiction and pay from the estate the obligations owed by the decedent;

“(D) sell or dispose of, as appropriate, in the exercise of prudent administration, all perishable items of property;

“(E) sell, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, such additional items of property as necessary to provide funds sufficient to pay the decedent’s debts and property taxes in the country of death, funeral expenses, and other expenses incident to the disposition of the estate;

“(F) upon the expiration of the one-year period beginning on the date of death (or after such additional period as may be required for final settlement of the estate), if no claimant shall have appeared, after reasonable public notice and notice to such next of kin as can be ascertained with reasonable diligence, sell or dispose of the residue of the personal estate, except as provided in subparagraph (G), in the same manner as United States Government-owned foreign excess property;

“(G) transmit to the custody of the Secretary of State in Washington, D.C. the proceeds of any sales, together with all financial instruments (including bonds, shares of stock, and notes of indebtedness), jewelry, heirlooms, and other articles of obvious sentimental value, to be held in trust for the legal claimant; and

“(H) in the event that the decedent’s estate includes an interest in real property located within the jurisdiction of the officer and such interest does not devolve by the applicable laws of intestate succession or otherwise, provide for title to the property to be conveyed to the Government of the United States unless the Secretary declines to accept such conveyance.

“(2) AUTHORITY TO ACT AS ADMINISTRATOR.—Subject to paragraphs (3) and (4), a consular officer may act as administrator of an estate in exceptional circumstances if expressly authorized to do so by the Secretary of State.

“(3) EXCEPTIONS.—The responsibilities described in paragraphs (1) and (2) may not be performed to the extent that the decedent has left or there is otherwise appointed, in the country where the death occurred or where the decedent was domiciled, a legal representative, partner in trade, or trustee appointed to take care of his personal estate. If the decedent’s legal representative shall appear at any time prior to transmission of the estate to the Secretary and demand the proceeds and effects being held by the consular officer, the officer shall deliver them to the representative after having collected any prescribed fee for the services performed under this section.

“(4) ADDITIONAL REQUIREMENT.—In addition to being subject to the limitations in paragraph (3), the responsibilities described in paragraphs (1) and (2) may not be performed unless—

“(A) authorized by treaty provisions or permitted by the laws or authorities of the country wherein the death occurs, or the decedent is domiciled; or

“(B) permitted by established usage in that country.

“(5) STATUTORY CONSTRUCTION.—Nothing in this section supersedes or otherwise affects the authority of any military commander under title 10 of the United States Code with respect to the person or property of any decedent who died while under a military command or jurisdiction or the authority of the Peace Corps with respect to a Peace Corps volunteer or the volunteer’s property.

“(b) DISPOSITION OF ESTATES BY THE SECRETARY OF STATE.—

“(1) PERSONAL ESTATES.—

“(A) IN GENERAL.—After receipt of a personal estate pursuant to subsection (a), the Secretary may seek payment of all outstanding debts to the estate as they become due, may receive any balances due on such estate, may endorse all checks, bills of exchange, promissory notes, and other instruments of indebtedness payable to the estate for the benefit thereof, and may take such other action as is reasonably necessary for the conservation of the estate.

“(B) DISPOSITION AS SURPLUS UNITED STATES PROPERTY.—If, upon the expiration of a period of 5 fiscal years beginning on October 1 after a consular officer takes possession of a personal estate under subsection (a), no legal claimant for such estate has appeared, title to the estate shall be conveyed to the United States, the property in the estate shall be under the custody of the Department of State, and the Secretary shall dispose of the estate in the same manner as surplus United States Government-owned property is disposed or by such means as may be appropriate in light of the nature and value of the property involved. The expenses of sales shall be paid from the estate, and any lawful claim received thereafter shall be payable to the extent of the value of the net proceeds of the estate as a refund from the appropriate Treasury appropriations account.

“(C) TRANSFER OF PROCEEDS.—The net cash estate after disposition as provided in subparagraph (B) shall be transferred to the miscellaneous receipts account of the Treasury of the United States.

“(2) REAL PROPERTY.—

“(A) DESIGNATION AS EXCESS PROPERTY.—In the event that title to real property is conveyed to the Government of the United States pursuant to subsection (a)(1)(H) and is not required by the Department of State, such property shall be considered foreign excess property under title IV of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 511 et seq.).

“(B) TREATMENT AS GIFT.—In the event that the Department requires such property, the Secretary of State shall treat such property as if it were an unconditional gift accepted on behalf of the Department of State under section 25 of this Act and section 9(a)(3) of the Foreign Service Buildings Act of 1926.

“(c) LOSSES IN CONNECTION WITH THE CONSERVATION OF ESTATES.—

“(1) AUTHORITY TO COMPENSATE.—The Secretary is authorized to compensate the estate of any United States citizen who has died overseas for property—

“(A) the conservation of which has been undertaken under section 43 or subsection (a) of this section; and

“(B) that has been lost, stolen, or destroyed while in the custody of officers or employees of the Department of State.

“(2) LIABILITY.—

“(A) EXCLUSION OF PERSONAL LIABILITY AFTER PROVISION OF COMPENSATION.—Any such compensation shall be in lieu of personal liability of officers or employees of the Department of State.

“(B) LIABILITY TO THE DEPARTMENT.—An officer or employee of the Department of State may be liable to the Department of State to the extent of any compensation provided under paragraph (1).

“(C) DETERMINATIONS OF LIABILITY.—The liability of any officer or employee of the Department of State to the Department for any payment made under subsection (a) shall be determined pursuant to the Department’s procedures for determining accountability for United States Government property.

“(d) REGULATIONS.—The Secretary of State may prescribe such regulations as may be necessary to carry out this section.”.

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect six months after the date of enactment of this Act.

**SEC. 235. DUTIES OF CONSULAR OFFICERS REGARDING MAJOR DISASTERS AND INCIDENTS ABROAD AFFECTING UNITED STATES CITIZENS.**

Section 43 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2715) is amended—

(1) by inserting “(a) AUTHORITY.—” before “In”;

(2) by striking “disposition of personal effects.” in the last sentence and inserting “disposition of personal estates pursuant to section 43B of this Act.”; and

(3) by adding at the end the following new subsection:

“(b) DEFINITIONS.—For purposes of this section and sections 43A and 43B, the term ‘consular officer’ includes any United States citizen employee of the Department of State who is designated

by the Secretary of State to perform consular services pursuant to such regulations as the Secretary may prescribe.”.

**SEC. 236. ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14.**

(a) IN GENERAL.—

(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport the requirements under paragraph (2) shall apply under penalty of perjury.

(2) REQUIREMENTS.—

(A) Both parents, or the child’s legal guardian, must execute the application and provide documentary evidence demonstrating that they are the parents or guardian; or

(B) the person executing the application must provide documentary evidence that such person—

(i) has sole custody of the child;

(ii) has the consent of the other parent to the issuance of the passport; or

(iii) is in loco parentis and has the consent of both parents, of a parent with sole custody over the child, or of the child’s legal guardian, to the issuance of the passport.

(b) EXCEPTIONS.—The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary determines that issuance of a passport is warranted by special family circumstances.

**SEC. 237. PROCESSING OF VISA APPLICATIONS.**

(a) POLICY.—It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K-1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

(b) REPORTS.—Not later than 180 days after the date of enactment of this Act, and not later than 1 year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the extent to which the Department of State is meeting the policy standards under subsection (a). Each report shall be based on a survey of the 22 consular posts which account for approximately 72 percent of immigrant visas issued and, in addition, the consular posts in Guatemala City, Nicosia, Caracas, Naples, and Jakarta. Each report should include data on the average time for processing each category of visa application under subsection (a), a list of the embassies and consular posts which do not meet the policy standards under subsection (a), the amount of funds collected worldwide for processing of visa applications during the most recent fiscal year, the estimated costs of processing such visa applications (based on the Department of State’s most recent fee study), the steps being taken by the Department of State to achieve such policy standards, and results achieved by

the interagency working group charged with the goal of reducing the overall processing time for visa applications.

**SEC. 238. FEASIBILITY STUDY ON FURTHER PASSPORT RESTRICTIONS ON INDIVIDUALS IN ARREARS ON CHILD SUPPORT.**

(a) **REPORT TO CONGRESS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Health and Human Services, shall submit a report to the appropriate congressional committees, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate on the feasibility of decreasing the amount of an individual's arrearages of child support that would require the Secretary of State to refuse to issue a passport to such individual, or otherwise act with respect to such an individual, as provided under section 452(k) of the Social Security Act (42 U.S.C. 652(k)).

(b) **CONTENTS OF REPORT.**—The report under subsection (a) shall include the following:

(1) The estimated cost to the Department of State of reducing the arrearage amount which would result in a refusal to issue a passport to \$2,500 and, in addition, an amount between \$5,000 and \$2,500.

(2) A projection of the estimated benefits of reducing the amount to \$2,500 (or an amount between \$5,000 and \$2,500), which shall include an estimate of the additional numbers of individuals who would be subject to denial, an estimate of the additional child support arrearages that would be received through such a reduction, and an estimate of the amount of child support that would be paid earlier than under current law (together with an estimate of how much earlier such amounts would be paid).

(3) Information regarding the number of individuals with child support arrearages over \$2,500 and the average length of time it takes for individuals to reach \$2,500 in arrearages.

(4) The methodology for the cost estimates and benefit projections described in paragraphs (1) and (2).

## Subtitle C—Refugees

**SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.**

(a) **IN GENERAL.**—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) **MIGRATION AND REFUGEE ASSISTANCE.**—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be

available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) INVOLUNTARY RETURN DEFINED.—As used in this section, the term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

**SEC. 252. HUMAN RIGHTS REPORTS.**

Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the fourth sentence the following: “Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement.”.

**SEC. 253. GUIDELINES FOR REFUGEE PROCESSING POSTS.**

(a) GUIDELINES FOR ADDRESSING HOSTILE BIASES.—Section 602(c)(1) of the International Religious Freedom Act of 1998 (Public Law 105-292; 112 Stat. 2812) is amended by inserting “and of the Department of State” after “Service”.

(b) GUIDELINES FOR OVERSEAS REFUGEE PROCESSING.—Section 602(c) of such Act is further amended by adding at the end the following new paragraph:

“(3) Not later than 120 days after the date of the enactment of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, the Secretary of State (after consultation with the Attorney General) shall issue guidelines to ensure that persons with potential biases against any refugee applicant, including persons employed by, or otherwise subject to influence by, governments known to be involved in persecution on account of religion, race, nationality, membership in a particular social group, or political opinion, shall not in any way be used in processing determinations of refugee status, including interpretation of conversations or examination of documents presented by such applicants.”.

**SEC. 254. GENDER-RELATED PERSECUTION TASK FORCE.**

(a) ESTABLISHMENT OF TASK FORCE.—The Secretary of State, in consultation with the Attorney General and other appropriate Federal agencies, shall establish a task force with the goal of determining eligibility guidelines for women seeking refugee status overseas due to gender-related persecution.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report outlining the guidelines determined by the task force under subsection (a).

**SEC. 255. ELIGIBILITY FOR REFUGEE STATUS.**

(a) ELIGIBILITY FOR IN-COUNTRY REFUGEE PROCESSING IN VIETNAM.—For purposes of eligibility for in-country refugee processing for nationals of Vietnam during fiscal years 2000 and 2001, an alien described in subsection (b) or (d) shall be considered

to be a refugee of special humanitarian concern to the United States (within the meaning of section 207 of the Immigration and Nationality Act (8 USC 1157)) and shall be admitted to the United States for resettlement if the alien would be admissible as an immigrant under the Immigration and Nationality Act (except as provided in section 207(c)(3) of that Act).

(b) **ALIENS COVERED.**—An alien described in this subsection is an alien who—

(1) is the son or daughter of a qualified national;

(2) is 21 years of age or older; and

(3) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City.

(c) **QUALIFIED NATIONAL.**—The term “qualified national” in subsection (b)(1) means a national of Vietnam who—

(1)(A) was formerly interned in a re-education camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

(B) is the widow or widower of an individual described in subparagraph (A);

(2)(A) qualified for refugee processing under the Orderly Departure Program re-education subprogram; and

(B) except as provided in subsection (d), on or after April 1, 1995, is or has been accepted under the Orderly Departure Program or through the United States Consulate General in Ho Chi Minh City—

(i) for resettlement as a refugee; or

(ii) for admission to the United States as an immediate relative immigrant; and

(3)(A) is presently maintaining a residence in the United States; or

(B) was approved for refugee resettlement or immigrant visa processing and is awaiting departure formalities from Vietnam.

(d) **PREVIOUS DENIALS BASED ON LACK OF CO-RESIDENCY.**—An alien who is otherwise qualified under subsection (b) is eligible for admission for resettlement regardless of the date of acceptance of the alien's parent if the alien previously was denied refugee resettlement based solely on the fact that the alien was not listed continuously on the parent's residence permit.

## **TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE**

### **Subtitle A—Organization Matters**

#### **SEC. 301. LEGISLATIVE LIAISON OFFICES OF THE DEPARTMENT OF STATE.**

(a) **DEVELOPMENT OF ASSESSMENT.**—The Secretary of State shall assess the administrative and personnel requirements for the establishment of legislative liaison offices for the Department of State within the office buildings of the House of Representatives and the Senate. In undertaking the assessment, the Secretary

should examine existing liaison offices of other executive departments that are located in the congressional office buildings, including the liaison offices of the military services.

(b) **ASSESSMENT CONSIDERATIONS.**—The assessment required by subsection (a) shall consider—

- (1) space requirements;
- (2) cost implications;
- (3) personnel structure; and
- (4) the feasibility of modifying the Pearson Fellowship program in order to have members of the Foreign Service who serve in such fellowships serve a second year in a legislative liaison office.

(c) **TRANSMITTAL OF ASSESSMENT.**—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations and the Committee on House Administration of the House of Representatives and the Committee on Foreign Relations and the Committee on Rules and Administration of the Senate the assessment developed under subsection (a).

**SEC. 302. STATE DEPARTMENT OFFICIAL FOR NORTHEASTERN EUROPE.**

The Secretary of State shall designate a senior-level official of the Department of State with responsibility for promoting regional cooperation in and coordinating United States policy toward Northeastern Europe.

**SEC. 303. SCIENCE AND TECHNOLOGY ADVISER TO SECRETARY OF STATE.**

(a) **DESIGNATION.**—The Secretary of State shall designate a senior-level official of the Department of State as the Science and Technology Adviser to the Secretary of State (in this section referred to as the “Adviser”). The Adviser shall have substantial experience in the area of science and technology. The Adviser shall report to the Secretary of State through the appropriate Under Secretary of State.

(b) **DUTIES.**—The Adviser shall—

- (1) advise the Secretary of State, through the appropriate Under Secretary of State, on international science and technology matters affecting the foreign policy of the United States; and
- (2) perform such duties, exercise such powers, and have such rank and status as the Secretary of State shall prescribe.

**SEC. 304. APPLICATION OF CERTAIN LAWS TO PUBLIC DIPLOMACY FUNDS.**

Section 1333(c) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended—

- (1) after “diplomacy programs” by inserting “, identified as public diplomacy funds in any Congressional Presentation Document described in subsection (e), or reprogrammed for public diplomacy purposes,”;
- (2) by striking “Except” and inserting “(1) Except”; and
- (3) by adding at the end the following new paragraph:

“(2) **CONSTRUCTION.**—Nothing in paragraph (1) may be construed (A) to interfere with the integration of administrative



resources between public diplomacy and other functions of the Department of State or to prevent the occasional performance of functions other than public diplomacy by officials or employees of the Department of State who are primarily assigned to public diplomacy, provided there is no substantial resulting diminution in the amount of resources devoted to public diplomacy below the amounts described in paragraph (1), or (B) to supersede reprogramming procedures.”.

**SEC. 305. REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.**

(a) **ADDITIONAL RESOURCES.**—In addition to other amounts authorized to be appropriated for the purposes of the Diplomatic Telecommunications Service Program Office (DTS-PO), of the amounts made available to the Department of State under section 101(2), \$18,000,000 shall be made available only to the DTS-PO for enhancement of Diplomatic Telecommunications Service capabilities.

(b) **IMPROVEMENT OF DTS-PO.**—In order for the DTS-PO to better manage a fully integrated telecommunications network to service all agencies at diplomatic missions and consular posts, the DTS-PO shall—

(1) ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization;

(2) not later than December 31, 1999, terminate all leases for satellite systems located at posts in criteria countries, unless all maintenance and servicing of the satellite system is undertaken by United States citizens who have received appropriate security clearances;

(3) institute a system of charges for utilization of bandwidth by each agency beginning October 1, 2000, and institute a comprehensive chargeback system to recover all, or substantially all, of the other costs of telecommunications services provided through the Diplomatic Telecommunications Service to each agency beginning October 1, 2001;

(4) ensure that all DTS-PO policies and procedures comply with applicable policies established by the Overseas Security Policy Board; and

(5) maintain the allocation of the positions of Director and Deputy Director of DTS-PO as those positions were assigned as of June 1, 1999, which assignments shall pertain through fiscal year 2001, at which time such assignments shall be adjusted in the customary manner.

(c) **REPORT ON IMPROVING MANAGEMENT.**—Not later than March 31, 2000, the Director and Deputy Director of DTS-PO shall jointly submit to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate the Director’s plan for improving network architecture, engineering, operations monitoring and control, service metrics reporting, and service provisioning, so as to achieve highly secure, reliable, and robust communications capabilities that meet the needs of both national security agencies and other United States agencies with overseas personnel.

(d) **FUNDING OF DTS-PO.**—Funds appropriated for allocation to DTS-PO shall be made available only for DTS-PO until a comprehensive chargeback system is in place.

(e) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

## **Subtitle B—Personnel of the Department of State**

### **SEC. 321. AWARD OF FOREIGN SERVICE STAR.**

The State Department Basic Authorities Act of 1956 is amended by inserting after section 36 (22 U.S.C. 2708) the following new section:

#### **“SEC. 36A. AWARD OF FOREIGN SERVICE STAR.**

“(a) **AUTHORITY TO AWARD.**—The President, upon the recommendation of the Secretary, may award a Foreign Service star to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

“(1) as the person was performing official duties;

“(2) as the person was on the premises of a United States mission abroad; or

“(3) by reason of the person’s status as a United States Government employee.

“(b) **SELECTION CRITERIA.**—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a Foreign Service star and for selecting the persons to be recommended for the award.

“(c) **AWARD IN THE EVENT OF DEATH.**—If a person selected for award of a Foreign Service star dies before being presented the award, the award may be made and the star presented to the person’s family or to the person’s representative, as designated by the President.

“(d) **FORM OF AWARD.**—The Secretary shall prescribe the design of the Foreign Service star. The award may not include a stipend or any other cash payment.

“(e) **FUNDING.**—Any expenses incurred in awarding a person a Foreign Service star may be paid out of appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.”.

### **SEC. 322. UNITED STATES CITIZENS HIRED ABROAD.**

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the last sentence—

(1) by striking “(A)” and all that follows through “(B)”;

and

(2) by striking “this total compensation package” and inserting “the total compensation package”.

**SEC. 323. LIMITATION ON PERCENTAGE OF SENIOR FOREIGN SERVICE ELIGIBLE FOR PERFORMANCE PAY.**

Section 405(b)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(1)) is amended by striking “50” and inserting “33”.

**SEC. 324. PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.**

The Director General of the Foreign Service shall submit a report on the first day of each fiscal quarter to the appropriate congressional committees containing the following:

- (1) The number of members of the Senior Foreign Service.
- (2) The number of vacant positions designated for members of the Senior Foreign Service.
- (3) The number of members of the Senior Foreign Service who are not assigned to positions.

**SEC. 325. REPORT ON MANAGEMENT TRAINING.**

Not later than April 1, 2000, the Department of State shall report to the appropriate congressional committees on the feasibility of modifying current training programs and curricula so that the Department can provide significant and comprehensive management training at all career grades for Foreign Service personnel.

**SEC. 326. WORKFORCE PLANNING FOR FOREIGN SERVICE PERSONNEL BY FEDERAL AGENCIES.**

Section 601(c) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)) is amended by striking paragraph (4) and inserting the following:

“(4) Not later than March 1, 2001, and every four years thereafter, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall include the following:

“(A) A description of the steps taken and planned in furtherance of—

“(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

“(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204.

“(B) A workforce plan for the subsequent five years, including projected personnel needs, by grade and by skill. Each such plan shall include for each category the needs for foreign language proficiency, geographic and functional expertise, and specialist technical skills. Each workforce plan shall specifically account for the training needs of Foreign Service personnel and shall delineate an intake program of generalist and specialist Foreign Service personnel to meet projected future requirements.

“(5) If there are substantial modifications to any workforce plan under paragraph (4)(B) during any year in which a report under paragraph (4) is not required, a supplemental annual notification shall be submitted in the same manner as reports are required to be submitted under paragraph (4).”.

**SEC. 327. RECORDS OF DISCIPLINARY ACTIONS.**

(a) IN GENERAL.—Section 604 of the Foreign Service Act of 1980 (22 U.S.C. 4004) is amended—

(1) by striking “CONFIDENTIALITY OF RECORDS.—” and inserting “RECORDS.—(a)”; and

(2) by adding at the end the following new subsection:

“(b) Notwithstanding subsection (a), any record of disciplinary action that includes a suspension of more than five days taken against a member of the Service, including any correction of that record under section 1107(b)(1), shall remain a part of the personnel records until the member is tenured as a career member of the Service or next promoted.”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to all disciplinary actions initiated on or after the date of enactment of this Act.

**SEC. 328. LIMITATION ON SALARY AND BENEFITS FOR MEMBERS OF THE FOREIGN SERVICE RECOMMENDED FOR SEPARATION FOR CAUSE.**

Section 610(a) of the Foreign Service Act (22 U.S.C. 4010(a)) is amended by adding at the end the following new paragraph:

“(6) Notwithstanding the hearing required by paragraph (2), at the time the Secretary recommends that a member of the Service be separated for cause, that member shall be placed on leave without pay pending final resolution of the underlying matter, subject to reinstatement with back pay if cause for separation is not established in a hearing before the Board.”.

**SEC. 329. TREATMENT OF GRIEVANCE RECORDS.**

Section 1103(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4133(d)(1)) is amended by adding the following new sentence at the end: “Nothing in this subsection shall prevent a grievant from placing a rebuttal to accompany a record of disciplinary action in such grievant’s personnel records nor prevent the Department from including a response to such rebuttal, including documenting those cases in which the Board has reviewed and upheld the discipline.”.

**SEC. 330. DEADLINES FOR FILING GRIEVANCES.**

(a) IN GENERAL.—Section 1104(a) of the Foreign Service Act of 1980 (22 U.S.C. 4134(a)) is amended in the first sentence by striking “within a period of 3 years” and all that follows through the period and inserting “not later than two years after the occurrence giving rise to the grievance or, in the case of a grievance with respect to the grievant’s rater or reviewer, one year after the date on which the grievant ceased to be subject to rating or review by that person, but in no case less than two years after the occurrence giving rise to the grievance.”.

(b) GRIEVANCES ALLEGING DISCRIMINATION.—Section 1104 of that Act (22 U.S.C. 4134) is amended in subsection (c) by striking “3 years” and inserting “2 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act and shall apply to grievances which arise on or after such effective date.

**SEC. 331. REPORTS BY THE FOREIGN SERVICE GRIEVANCE BOARD.**

Section 1105 of the Foreign Service Act of 1980 (22 U.S.C. 4135) is amended by adding at the end the following new subsection:

“(f)(1) Not later than March 1 of each year, the Chairman of the Foreign Service Grievance Board shall prepare a report summarizing the activities of the Board during the previous calendar year. The report shall include—

“(A) the number of cases filed;

“(B) the types of cases filed;

“(C) the number of cases on which a final decision was reached, as well as data on the outcome of cases, whether affirmed, reversed, settled, withdrawn, or dismissed;

“(D) the number of oral hearings conducted and the length of each such hearing;

“(E) the number of instances in which interim relief was granted by the Board; and

“(F) data on the average time for consideration of a grievance, from the time of filing to a decision of the Board.

“(2) The report required under paragraph (1) shall be submitted to the Director General of the Foreign Service and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.”.

**SEC. 332. EXTENSION OF USE OF FOREIGN SERVICE PERSONNEL SYSTEM.**

Section 202(a) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)) is amended by adding at the end the following new paragraph:

“(4)(A) Whenever (and to the extent) the Secretary of State considers it in the best interests of the United States Government, the Secretary of State may authorize the head of any agency or other Government establishment (including any establishment in the legislative or judicial branch) to appoint under section 303 individuals described in subparagraph (B) as members of the Service and to utilize the Foreign Service personnel system with respect to such individuals under such regulations as the Secretary of State may prescribe.

“(B) The individuals referred to in subparagraph (A) are individuals eligible for employment abroad under section 311(a).”.

**SEC. 333. BORDER EQUALIZATION PAY ADJUSTMENT.**

(a) IN GENERAL.—Chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) is amended by adding at the end the following new section:

**“SEC. 414. BORDER EQUALIZATION PAY ADJUSTMENT.**

“(a) IN GENERAL.—An employee who regularly commutes from the employee’s place of residence in the continental United States to an official duty station in Canada or Mexico shall receive a border equalization pay adjustment equal to the amount of comparability payments under section 5304 of title 5, United States Code, that the employee would receive if the employee were assigned to an official duty station within the United States locality pay area closest to the employee’s official duty station.

“(b) EMPLOYEE DEFINED.—For purposes of this section, the term ‘employee’ means a person who—

“(1) is an ‘employee’ as defined under section 2105 of title 5, United States Code; and

“(2) is employed by the Department of State, the United States Agency for International Development, or the International Joint Commission of the United States and Canada (established under Article VII of the treaty signed January 11, 1909) (36 Stat. 2448), except that the term shall not include members of the Service (as specified in section 103).

“(c) TREATMENT AS BASIC PAY.—An equalization pay adjustment paid under this section shall be considered to be part of basic pay for the same purposes for which comparability payments are considered to be part of basic pay under section 5304 of title 5, United States Code.

“(d) REGULATIONS.—The heads of the agencies referred to in subsection (b)(2) may prescribe regulations to carry out this section.”.

(b) CONFORMING AMENDMENT.—The table of contents for the Foreign Service Act of 1980 is amended by inserting after the item relating to section 413 the following new item:

“Sec. 414. Border equalization pay adjustment.”.

**SEC. 334. TREATMENT OF CERTAIN PERSONS REEMPLOYED AFTER SERVICE WITH INTERNATIONAL ORGANIZATIONS.**

(a) IN GENERAL.—Title 5 of the United States Code is amended by inserting after section 8432b the following new section:

**“§ 8432c. Contributions of certain persons reemployed after service with international organizations**

“(a) In this section, the term ‘covered person’ means any person who—

“(1) transfers from a position of employment covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 to a position of employment with an international organization pursuant to section 3582;

“(2) pursuant to section 3582 elects to retain coverage, rights, and benefits under any system established by law for the retirement of persons during the period of employment with the international organization and currently deposits the necessary deductions in payment for such coverage, rights, and benefits in the system’s fund; and

“(3) is reemployed pursuant to section 3582(b) to a position covered by chapter 83 or 84 or subchapter I or II of chapter 8 of the Foreign Service Act of 1980 after separation from the international organization.

“(b)(1) Each covered person may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

“(2) The maximum amount which a covered person may contribute under paragraph (1) is equal to—

“(A) the total amount of all contributions under section 8351(b)(2) or 8432(a), as applicable, which the person would have made over the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)), minus

“(B) the total amount of all contributions, if any, under section 8351(b)(2) or 8432(a), as applicable, actually made by the person over the period described in subparagraph (A).

“(3) Contributions under paragraph (1)—

“(A) shall be made at the same time and in the same manner as would any contributions under section 8351(b)(2) or 8432(a), as applicable;

“(B) shall be made over the period of time specified by the person under paragraph (4)(B); and

“(C) shall be in addition to any contributions actually being made by the person during that period under section 8351(b)(2) or 8432(a), as applicable.

“(4) The Executive Director shall prescribe the time, form, and manner in which a covered person may specify—

“(A) the total amount the person wishes to contribute with respect to any period described in paragraph (2)(A); and

“(B) the period of time over which the covered person wishes to make contributions under this subsection.

“(c) If a covered person who makes contributions under section 8432(a) makes contributions under subsection (b), the agency employing the person shall make those contributions to the Thrift Savings Fund on the person’s behalf in the same manner as contributions are made for an employee described in section 8432b(a) under sections 8432b(c), 8432b(d), and 8432b(f). Amounts paid under this subsection shall be paid in the same manner as amounts are paid under section 8432b(g).

“(d) For purposes of any computation under this section, a covered person shall, with respect to the period described in subsection (b)(2)(A), be considered to have been paid at the rate which would have been payable over such period had the person remained continuously employed in the position that the person last held before transferring to the international organization.

“(e) For purposes of section 8432(g), a covered person shall be credited with a period of civilian service equal to the period beginning on the date of transfer of the person (as described in subsection (a)(1)) and ending on the day before the date of reemployment of the person (as described in subsection (a)(3)).

“(f) The Executive Director shall prescribe regulations to carry out this section.”

(b) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432b the following:

“8432c. Contributions of certain persons reemployed after service with international organizations.”

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to persons reemployed on or after the date of enactment of this Act.

#### **SEC. 335. TRANSFER ALLOWANCE FOR FAMILIES OF DECEASED FOREIGN SERVICE PERSONNEL.**

Section 5922 of title 5, United States Code, is amended by adding at the end the following:

“(f)(1) If an employee dies at post in a foreign area, a transfer allowance under section 5924(2)(B) may be granted to the spouse or dependents of such employee (or both) for the purpose of providing for their return to the United States.

“(2) A transfer allowance under this subsection may not be granted with respect to the spouse or a dependent of the employee unless, at the time of death, such spouse or dependent was residing—

“(A) at the employee’s post of assignment; or

“(B) at a place, outside the United States, for which a separate maintenance allowance was being furnished under section 5924(3).

“(3) The President may prescribe any regulations necessary to carry out this subsection.”.

**SEC. 336. PARENTAL CHOICE IN EDUCATION.**

Section 5924(4) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “between that post and the nearest locality where adequate schools are available,” and inserting “between that post and the school chosen by the employee, not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available,”; and

(2) by adding at the end the following new subparagraph:

“(C) In those cases in which an adequate school is available at the post of the employee, if the employee chooses to educate the dependent at a school away from post, the education allowance which includes board and room, and periodic travel between the post and the school chosen, shall not exceed the total cost to the Government of the dependent attending an adequate school at the post of the employee.”.

**SEC. 337. MEDICAL EMERGENCY ASSISTANCE.**

Section 5927 of title 5, United States Code, is amended to read as follows:

**“§ 5927. Advances of pay**

“(a) Up to three months’ pay may be paid in advance—

“(1) to an employee upon the assignment of the employee to a post in a foreign area;

“(2) to an employee, other than an employee appointed under section 303 of the Foreign Service Act of 1980 (and employed under section 311 of such Act), who—

“(A) is a citizen of the United States;

“(B) is officially stationed or located outside the United States pursuant to Government authorization; and

“(C) requires (or has a family member who requires) medical treatment outside the United States, in circumstances specified by the President in regulations; and

“(3) to a foreign national employee appointed under section 303 of the Foreign Service Act of 1980, or a nonfamily member United States citizen appointed under such section 303 (and employed under section 311 of such Act) for service at such nonfamily member’s post of residence, who—

“(A) is located outside the country of employment of such foreign national employee or nonfamily member (as the case may be) pursuant to Government authorization; and



“(B) requires medical treatment outside the country of employment of such foreign national employee or non-family member (as the case may be), in circumstances specified by the President in regulations.

“(b) For the purpose of this section, the term ‘country of employment’, as used with respect to an individual under subsection (a)(3), means the country (or other area) outside the United States where such individual is appointed (as described in subsection (a)(3)) by the Government.”.

**SEC. 338. REPORT CONCERNING FINANCIAL DISADVANTAGES FOR ADMINISTRATIVE AND TECHNICAL PERSONNEL.**

(a) FINDINGS.—Congress finds that administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State should submit a report to the appropriate congressional committees concerning the extent to which administrative and technical personnel posted to United States missions abroad who do not have diplomatic status suffer financial disadvantages from their lack of such status, including proposals to alleviate such disadvantages.

**SEC. 339. STATE DEPARTMENT INSPECTOR GENERAL AND PERSONNEL INVESTIGATIONS.**

(a) AMENDMENT OF THE FOREIGN SERVICE ACT OF 1980.—Section 209(c) of the Foreign Service Act of 1980 (22 U.S.C. 3929(c)) is amended by adding at the end the following:

“(5) INVESTIGATIONS.—

“(A) CONDUCT OF INVESTIGATIONS.—In conducting investigations of potential violations of Federal criminal law or Federal regulations, the Inspector General shall—

“(i) abide by professional standards applicable to Federal law enforcement agencies; and

“(ii) make every reasonable effort to permit each subject of an investigation an opportunity to provide exculpatory information.

“(B) FINAL REPORTS OF INVESTIGATIONS.—In order to ensure that final reports of investigations are thorough and accurate, the Inspector General shall—

“(i) make every reasonable effort to ensure that any person named in a final report of investigation has been afforded an opportunity to refute any allegation of wrongdoing or assertion with respect to a material fact made regarding that person’s actions;

“(ii) include in every final report of investigation any exculpatory information, as well as any inculpatory information, that has been discovered in the course of the investigation.”.

(b) ANNUAL REPORT.—Section 209(d)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(2)) is amended—

(1) by striking “and” at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting “; and”; and

(3) by inserting after subparagraph (E) the following new subparagraph:

“(F) a notification, which may be included, if necessary, in the classified portion of the report, of any instance in a case that was closed during the period covered by the report when the Inspector General decided not to afford an individual the opportunity described in subsection (c)(5)(B)(i) to refute any allegation and the rationale for denying such individual that opportunity.”.

(c) **STATUTORY CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to modify—

(1) section 209(d)(4) of the Foreign Service Act of 1980 (22 U.S.C. 3929(d)(4));

(2) section 7(b) of the Inspector General Act of 1978 (5 U.S.C. app.);

(3) the Privacy Act of 1974 (5 U.S.C. 552a);

(4) the provisions of section 2302(b)(8) of title 5 (relating to whistleblower protection);

(5) rule 6(e) of the Federal Rules of Criminal Procedure (relating to the protection of grand jury information); or

(6) any statute or executive order pertaining to the protection of classified information.

(d) **NO GRIEVANCE OR RIGHT OF ACTION.**—A failure to comply with the amendments made by this section shall not give rise to any private right of action in any court or to an administrative complaint or grievance under any law.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to cases opened on or after the date of the enactment of this Act.

#### **SEC. 340. STUDY OF COMPENSATION FOR SURVIVORS OF TERRORIST ATTACKS OVERSEAS.**

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees on the benefits and compensation paid to the survivors and personal representatives of the United States Government employees (including those in the uniformed services and Foreign Service National employees) killed in the performance of duty abroad as result of terrorist acts. All appropriate United States Government agencies shall contribute to the preparation of the report. The report shall include a comparison of benefits available to military and civilian employees and should include any recommendations for additional or other types of benefits or compensation.

#### **SEC. 341. PRESERVATION OF DIVERSITY IN REORGANIZATION.**

Section 1613(c) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended by inserting after the first sentence the following: “In carrying out the reorganization under this Act, the Secretary shall ensure that the advances made in increasing the number and status of women and minorities within the foreign affairs agencies of the Federal Government, in terms of representation within the agencies as well as relative rank, are not undermined by discrimination within the newly reorganized Department of State.”.

## **TITLE IV—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS**

### **Subtitle A—Authorities and Activities**

#### **SEC. 401. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) DESIGNATION OF NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—Section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319) is amended by inserting after the first sentence the following: “Exchange programs under this subsection shall be known as the ‘Ngawang Choephel Exchange Programs’.”.

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking “for the fiscal year 1999” and inserting “for the fiscal year 2000”.

(c) SCHOLARSHIPS FOR PRESERVATION OF TIBET’S CULTURE, LANGUAGE, AND RELIGION.—Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is further amended by striking “Tibet,” and inserting “Tibet (whenever practical giving consideration to individuals who are active in the preservation of Tibet’s culture, language, and religion).”.

#### **SEC. 402. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

Section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2452 note) is amended to read as follows:

##### **“SEC. 102. CONDUCT OF CERTAIN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

“(a) IN GENERAL.—In carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy, the Secretary of State, with the assistance of the Under Secretary of State for Public Diplomacy, shall provide, where appropriate, opportunities for significant participation in such programs to nationals of such countries who are—

“(1) human rights or democracy leaders of such countries;

or

“(2) committed to advancing human rights and democratic values in such countries.

“(b) GRANTEE ORGANIZATIONS.—To the extent practicable, grantee organizations selected to operate programs described in subsection (a) shall be selected through an open competitive process. Among the factors that should be considered in the selection of such a grantee are the willingness and ability of the organization to—

“(1) recruit a broad range of participants, including those described in paragraphs (1) and (2) of subsection (a); and

“(2) ensure that the governments of the countries described in subsection (a) do not have inappropriate influence in the selection process.”.

**SEC. 403. NATIONAL SECURITY MEASURES.**

The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended by adding after section 1011 the following new section:

**“SEC. 1012. NATIONAL SECURITY MEASURES.**

“(a) RESTRICTION.—In coordination with other appropriate executive branch officials, the Secretary of State shall take all appropriate steps to—

“(1) prevent any agent of a foreign power from participating in educational and cultural exchange programs under this Act;

“(2) ensure that no person who is involved in the research, development, design, testing, evaluation, or production of missiles or weapons of mass destruction is a participant in any program of educational or cultural exchange under this Act if such person is employed by, or attached to, an entity within a country that has been identified by any element of the United States intelligence community (as defined by section 3(4) of the National Security Act of 1947) within the previous 5 years as having been involved in the proliferation of missiles or weapons of mass destruction; and

“(3) ensure that no person who is involved in the research, development, design, testing, evaluation, or production of chemical or biological weapons for offensive purposes is a participant in any program of educational or cultural exchange under this Act.

“(b) DEFINITIONS.—

“(1) The term ‘appropriate executive branch officials’ means officials from the elements of the United States Government listed pursuant to section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105-272).

“(2) The term ‘agent of a foreign power’ has the same meaning as set forth in section 101(b)(1)(B) and (b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801), and does not include any person who acts in the capacity defined under section 101(b)(1)(A) of such Act.

**SEC. 404. SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) RESTORATION OF ADVISORY COMMISSION.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277) is amended to read as follows:

**“SEC. 1334. SUNSET OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

“The United States Advisory Commission on Public Diplomacy, established under section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law until October 1, 2001.”.

(b) **RETROACTIVITY OF EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if included in the enactment of the Foreign Affairs Reform and Restructuring Act of 1998.

(c) **REENACTMENT AND REPEAL OF CERTAIN PROVISIONS OF LAW.**—

(1) **REENACTMENT.**—The provisions of law repealed by section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998, as in effect before the date of the enactment of this Act, are hereby reenacted into law.

(2) **REPEAL.**—Effective September 30, 2001, section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of the Reorganization Plan Numbered 2 of 1977 are repealed.

(d) **CONTINUITY OF ADVISORY COMMISSION.**—Notwithstanding any other provision of law, any period of discontinuity of the United States Advisory Commission on Public Diplomacy shall not affect the appointment or terms of service of members of the commission.

(e) **REDUCTION IN STAFF AND BUDGET.**—Notwithstanding section 604(b) of the United States Information and Educational Exchange Act of 1948, effective on the date of the enactment of this Act, the United States Advisory Commission on Public Diplomacy shall have not more than 2 individuals who are compensated staff, and not more than 50 percent of the resources allocated in fiscal year 1999.

#### **SEC. 405. ROYAL ULSTER CONSTABULARY TRAINING.**

(a) **TRAINING FOR THE ROYAL ULSTER CONSTABULARY.**—No funds authorized to be appropriated by this or any other Act may be used to support any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Royal Ulster Constabulary (in this section referred to as the “RUC”) or RUC members until the President submits to the appropriate congressional committees the report required by subsection (b) and the certification described in subsection (c)(1).

(b) **REPORT ON PAST TRAINING PROGRAMS.**—The President shall report on training or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC or RUC members during fiscal years 1994 through 1999. Such report shall include—

(1) the number of training or exchange programs conducted during the period of the report;

(2) the number and rank of the RUC members who participated in such training or exchange programs in each fiscal year;

(3) the duration and location of such training or exchange programs; and

(4) a detailed description of the curriculum of the training or exchange programs.

(c) **CERTIFICATION REGARDING FUTURE TRAINING ACTIVITIES.**—

(1) **IN GENERAL.**—The certification described in this subsection is a certification by the President that—

(A) training or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC or RUC members are necessary to—

(i) improve the professionalism of policing in Northern Ireland; and

(ii) advance the peace process in Northern Ireland;

(B) such programs will include in the curriculum a significant human rights component;

(C) vetting procedures have been established in the Departments of State and Justice, and any other appropriate Federal agency, to ensure that training or exchange programs do not include RUC members who there are substantial grounds for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland; and

(D) the governments of the United Kingdom and the Republic of Ireland are committed to assisting in the full implementation of the recommendations contained in the Patten Commission report issued September 9, 1999.

(2) FISCAL YEAR 2001 APPLICATION.—The President shall make an additional certification under paragraph (1) before any Federal law enforcement agency conducts training for the RUC or RUC members in fiscal year 2001.

(3) APPLICATION TO SUCCESSOR ORGANIZATIONS.—The provisions of this subsection shall apply to any successor organization of the RUC.

## **Subtitle B—Russian and Ukrainian Business Management Education**

### **SEC. 421. PURPOSE.**

The purpose of this subtitle is to establish a training program in Russia and Ukraine for nationals of those countries to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

### **SEC. 422. DEFINITIONS.**

In this subtitle:

(1) DISTANCE LEARNING.—The term “distance learning” means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

(2) ELIGIBLE ENTERPRISE.—The term “eligible enterprise” means—

(A) in the case of Russia—

(i) a business concern operating in Russia that employs Russian nationals in Russia; or

(ii) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia; and

(B) in the case of Ukraine—

(i) a business concern operating in Ukraine that employs Ukrainian nationals in Ukraine; or

(ii) a private enterprise that is being formed or operated by former officers of the Ukrainian armed forces in Ukraine.

(3) ELIGIBLE NATIONAL.—The term “eligible national” means the employee of an eligible enterprise who is employed in the program country.

(4) PROGRAM.—The term “program” means the program of technical assistance established under section 423.

(5) PROGRAM COUNTRY.—The term “program country” means—

(A) Russia in the case of any eligible enterprise operating in Russia that receives technical assistance under the program; or

(B) Ukraine in the case of any eligible enterprise operating in Ukraine that receives technical assistance under the program.

**SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.**

(a) TRAINING PROGRAM.—

(1) IN GENERAL.—The President is authorized to establish a program of technical assistance to provide the training described in section 421 to eligible enterprises.

(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by eligible nationals who have been trained under the program. Such training may be carried out—

(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in the program country, including facilities of the armed forces of the program country, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

(B) by “distance learning” programs originating in the United States or in European branches of United States institutions.

(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—Authorized program costs may include the travel expenses and appropriate in-country business English language training, if needed, of eligible nationals who have completed training under the program to undertake short-term internships with business concerns in the United States.

**SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.**

(a) PROCEDURES.—

(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this subtitle shall submit an application to the clearinghouse under subsection (c), at such time, in such manner, and accompanied by such additional information as may reasonably be required.

(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

(b) CONTENTS.—An application under subsection (a) may be approved only if the application—

(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

(2) describes the level of training for which assistance under this subtitle is sought;

(3) provides evidence that the eligible enterprise meets the general policies adopted for the administration of this subtitle;

(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

(5) provides such additional assurances as are determined to be essential to ensure compliance with the requirements of this subtitle.

(c) **CLEARINGHOUSE.**—A clearinghouse shall be established or designated in each program country to manage and execute the program in that country. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

#### **SEC. 425. RESTRICTIONS NOT APPLICABLE.**

Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation or for Ukraine shall not apply with respect to the funds made available to carry out this subtitle.

#### **SEC. 426. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated \$10,000,000 for the fiscal year 2000 and \$10,000,000 for the fiscal year 2001 to carry out this subtitle.

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated under subsection (a) are authorized to remain available until expended.

## **TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES**

#### **SEC. 501. REAUTHORIZATION OF RADIO FREE ASIA.**

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), (g), (h), and (i) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(3) in subsection (c) (as redesignated by paragraph (2))—

(A) in paragraph (1)—

(i) by striking “(A)”;

(ii) by striking subparagraph (B);

(B) in paragraph (2), by striking “September 30, 1999” and inserting “September 30, 2009”;

(C) in paragraph (4), by striking “\$22,000,000 in any fiscal year” and inserting “\$30,000,000 in each of the fiscal years 2000 and 2001”;

(D) by striking paragraph (5); and

(E) by redesignating paragraph (6) as paragraph (5);

and



(4) by amending subsection (f) (as redesignated by paragraph (2)) to read as follows:

“(f) SUNSET PROVISION.—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, 2009.”.

**SEC. 502. NOMINATION REQUIREMENTS FOR THE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS.**

Section 304(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6203 (b)(2)), is amended—

(1) by striking “designate” and inserting “appoint”; and

(2) by adding at the end the following: “, subject to the advice and consent of the Senate”.

**SEC. 503. PRESERVATION OF RFE/RL (RADIO FREE EUROPE/RADIO LIBERTY).**

Section 312 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6211) is amended to read as follows:

**“SEC. 312. THE CONTINUING MISSION OF RADIO FREE EUROPE AND RADIO LIBERTY BROADCASTS.**

“It is the sense of Congress that Radio Free Europe and Radio Liberty should continue to broadcast to the peoples of Central Europe, Eurasia, and the Persian Gulf until such time as—

“(1) a particular nation has clearly demonstrated the successful establishment and consolidation of democratic rule; and

“(2) its domestic media which provide balanced, accurate, and comprehensive news and information, is firmly established and widely accessible to the national audience, thus making redundant broadcasts by Radio Free Europe or Radio Liberty.

“At such time as a particular nation meets both of these conditions, RFE/RL should phase out broadcasting to that nation.”.

**SEC. 504. IMMUNITY FROM CIVIL LIABILITY FOR BROADCASTING BOARD OF GOVERNORS.**

Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended by adding at the end the following subsection:

“(g) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.”.

## **TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Secure Embassy Construction and Counterterrorism Act of 1999”.

**SEC. 602. FINDINGS.**

Congress makes the following findings:

(1) On August 7, 1998, the United States embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, were

destroyed by simultaneously exploding bombs. The resulting explosions killed 220 persons and injured more than 4,000 others. Twelve Americans and 40 Kenyan and Tanzanian employees of the United States Foreign Service were killed in the attack.

(2) The United States personnel in both Dar es Salaam and Nairobi showed leadership and personal courage in their response to the attacks. Despite the havoc wreaked upon the embassies, staff in both embassies provided rapid response in locating and rescuing victims, providing emergency assistance, and quickly restoring embassy operations during a crisis.

(3) The bombs are believed to have been set by individuals associated with Osama bin Laden, leader of a known transnational terrorist organization. In February 1998, bin Laden issued a directive to his followers that called for attacks against United States interests anywhere in the world.

(4) Threats continue to be made against United States diplomatic facilities.

(5) Accountability Review Boards were convened following the bombings, as required by Public Law 99-399, chaired by Admiral William J. Crowe, United States Navy (Ret.) (in this section referred to as the “Crowe panels”).

(6) The conclusions of the Crowe panels were strikingly similar to those stated by the Commission chaired by Admiral Bobby Ray Inman, which issued an extensive embassy security report in 1985.

(7) The Crowe panels issued a report setting out many problems with security at United States diplomatic facilities, in particular the following:

(A) The United States Government has devoted inadequate resources to security against terrorist attacks.

(B) The United States Government places too low a priority on security concerns.

(8) The result has been a failure to take adequate steps to prevent tragedies such as the bombings in Kenya and Tanzania.

(9) The Crowe panels found that there was an institutional failure on the part of the Department of State to recognize threats posed by transnational terrorism and vehicular bombs.

(10) Responsibility for ensuring adequate resources for security programs is widely shared throughout the United States Government, including Congress. Unless the vulnerabilities identified by the Crowe panels are addressed in a sustained and financially realistic manner, the lives and safety of United States employees in diplomatic facilities will continue to be at risk from further terrorist attacks.

(11) Although service in the Foreign Service or other United States Government positions abroad can never be completely without risk, the United States Government must take all reasonable steps to minimize security risks.

#### **SEC. 603. UNITED STATES DIPLOMATIC FACILITY DEFINED.**

In this title, the terms ‘United States diplomatic facility’ and ‘diplomatic facility’ mean any chancery, consulate, or other office notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions on Diplomatic and Consular Relations, or otherwise subject to a publicly available

bilateral agreement with the host government (contained in the records of the United States Department of State) that recognizes the official status of the United States Government personnel present at the facility.

**SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated by this or any other Act, there are authorized to be appropriated for “Embassy Security, Construction and Maintenance”—

- (1) for fiscal year 2000, \$900,000,000;
- (2) for fiscal year 2001, \$900,000,000;
- (3) for fiscal year 2002, \$900,000,000;
- (4) for fiscal year 2003, \$900,000,000; and
- (5) for fiscal year 2004, \$900,000,000.

(b) **PURPOSES.**—Funds made available under the “Embassy Security, Construction, and Maintenance” account may be used only for the purposes of—

- (1) the acquisition of United States diplomatic facilities and, if necessary, any residences or other structures located in close physical proximity to such facilities, or
- (2) the provision of major security enhancements to United States diplomatic facilities,

to the extent necessary to bring the United States Government into compliance with all requirements applicable to the security of United States diplomatic facilities, including the relevant requirements set forth in section 606.

(c) **AVAILABILITY OF AUTHORIZATIONS.**—Authorizations of appropriations under subsection (a) shall remain available until the appropriations are made.

(d) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

**SEC. 605. OBLIGATIONS AND EXPENDITURES.**

(a) **REPORT AND PRIORITY OF OBLIGATIONS.**—

(1) **REPORT.**—Not later than February 1 of the year 2000 and each of the four subsequent years, the Secretary of State shall submit a classified report to the appropriate congressional committees identifying each diplomatic facility or each diplomatic or consular post composed of such facilities that is a priority for replacement or for any major security enhancement because of its vulnerability to terrorist attack (by reason of the terrorist threat and the current condition of the facility). The report shall list such facilities in groups of 20. The groups shall be ranked in order from most vulnerable to least vulnerable to such an attack.

(2) **PRIORITY ON USE OF FUNDS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds authorized to be appropriated by section 604 for a particular project may be used only for those facilities which are listed in the first four groups described in paragraph (1).

(B) **EXCEPTION.**—Funds authorized to be made available by section 604 may only be used for facilities which are not in the first 4 groups described in paragraph (1), if the Congress authorizes or appropriates funds for such a diplomatic facility or the Secretary of State notifies the appropriate congressional committees that such funds will

be used for a facility in accordance with the procedures applicable to a reprogramming of funds under section 34(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706(a)).

(b) PROHIBITION ON TRANSFER OF FUNDS.—None of the funds authorized to be appropriated by section 604 may be transferred to any other account.

(c) SEMIANNUAL REPORTS ON ACQUISITION AND MAJOR SECURITY UPGRADES.—On June 1 and December 1 of each year, the Secretary of State shall submit a report to the appropriate congressional committees on the embassy construction and security program authorized under this title. The report shall include—

- (1) obligations and expenditures—
  - (A) during the previous two fiscal quarters; and
  - (B) since the enactment of this Act;
- (2) projected obligations and expenditures for the fiscal year in which the report is submitted and how these obligations and expenditures will improve security conditions of specific diplomatic facilities; and
- (3) the status of ongoing acquisition and major security enhancement projects, including any significant changes in—
  - (A) the budgetary requirements for such projects;
  - (B) the schedule of such projects; and
  - (C) the scope of the projects.

#### **SEC. 606. SECURITY REQUIREMENTS FOR UNITED STATES DIPLOMATIC FACILITIES.**

(a) IN GENERAL.—The following security requirements shall apply with respect to United States diplomatic facilities and specified personnel:

(1) THREAT ASSESSMENT.—

(A) EMERGENCY ACTION PLAN.—The Emergency Action Plan (EAP) of each United States mission shall address the threat of large explosive attacks from vehicles and the safety of employees during such an explosive attack. Such plan shall be reviewed and updated annually.

(B) SECURITY ENVIRONMENT THREAT LIST.—The Security Environment Threat List shall contain a section that addresses potential acts of international terrorism against United States diplomatic facilities based on threat identification criteria that emphasize the threat of transnational terrorism and include the local security environment, host government support, and other relevant factors such as cultural realities. Such plan shall be reviewed and updated every six months.

(2) SITE SELECTION.—

(A) IN GENERAL.—In selecting a site for any new United States diplomatic facility abroad, the Secretary shall ensure that all United States Government personnel at the post (except those under the command of an area military commander) will be located on the site.

(B) WAIVER AUTHORITY.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary, together with the head of each agency employing personnel that would not be located at the

site, determine that security considerations permit and it is in the national interest of the United States.

(ii) CHANCERY OR CONSULATE BUILDING.—

(I) AUTHORITY NOT DELEGABLE.—The Secretary may not delegate the waiver authority under clause (i) with respect to a chancery or consulate building.

(II) CONGRESSIONAL NOTIFICATION.—Not less than 15 days prior to implementing the waiver authority under clause (i) with respect to a chancery or consulate building, the Secretary shall notify the appropriate congressional committees in writing of the waiver and the reasons for the determination.

(iii) REPORT TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees an annual report of all waivers under this subparagraph.

(3) PERIMETER DISTANCE.—

(A) REQUIREMENT.—Each newly acquired United States diplomatic facility shall be sited not less than 100 feet from the perimeter of the property on which the facility is to be situated.

(B) WAIVER AUTHORITY.—

(i) IN GENERAL.—Subject to clause (ii), the Secretary of State may waive subparagraph (A) if the Secretary determines that security considerations permit and it is in the national interest of the United States.

(ii) CHANCERY OR CONSULATE BUILDING.—

(I) AUTHORITY NOT DELEGABLE.—The Secretary may not delegate the waiver authority under clause (i) with respect to a chancery or consulate building.

(II) CONGRESSIONAL NOTIFICATION.—Not less than 15 days prior to implementing the waiver authority under subparagraph (A) with respect to a chancery or consulate building, the Secretary shall notify the appropriate congressional committees in writing of the waiver and the reasons for the determination.

(iii) REPORT TO CONGRESS.—The Secretary shall submit to the appropriate congressional committees an annual report of all waivers under this subparagraph.

(4) CRISIS MANAGEMENT TRAINING.—

(A) TRAINING OF HEADQUARTERS STAFF.—The appropriate personnel of the Department of State headquarters staff shall undertake crisis management training for mass casualty and mass destruction incidents relating to diplomatic facilities for the purpose of bringing about a rapid response to such incidents from Department of State headquarters in Washington, D.C.

(B) TRAINING OF PERSONNEL ABROAD.—A program of appropriate instruction in crisis management shall be provided to personnel at United States diplomatic facilities abroad at least on an annual basis.

(5) **DIPLOMATIC SECURITY TRAINING.**—Not later than six months after the date of the enactment of this Act, the Secretary of State shall—

(A) develop annual physical fitness standards for all diplomatic security agents to ensure that the agents are prepared to carry out all of their official responsibilities; and

(B) provide for an independent evaluation by an outside entity of the overall adequacy of current new agent, in-service, and management training programs to prepare agents to carry out the full scope of diplomatic security responsibilities, including preventing attacks on United States personnel and facilities.

(6) **STATE DEPARTMENT SUPPORT.**—

(A) **FOREIGN EMERGENCY SUPPORT TEAM.**—The Foreign Emergency Support Team (FEST) of the Department of State shall receive sufficient support from the Department, including—

(i) conducting routine training exercises of the FEST;

(ii) providing personnel identified to serve on the FEST as a collateral duty;

(iii) providing personnel to assist in activities such as security, medical relief, public affairs, engineering, and building safety; and

(iv) providing such additional support as may be necessary to enable the FEST to provide support in a post-crisis environment involving mass casualties and physical damage.

(B) **FEST AIRCRAFT.**—

(i) **REPLACEMENT AIRCRAFT.**—The President shall develop a plan to replace on a priority basis the current FEST aircraft funded by the Department of Defense with a dedicated, capable, and reliable replacement aircraft and backup aircraft to be operated and maintained by the Department of Defense.

(ii) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees describing the aircraft selected pursuant to clause (i) and the arrangements for the funding, operation, and maintenance of such aircraft.

(iii) **AUTHORITY TO LEASE AIRCRAFT TO RESPOND TO A TERRORIST ATTACK ABROAD.**—Subject to the availability of appropriations, when the Attorney General of the Department of Justice exercises the Attorney General's authority to lease commercial aircraft to transport equipment and personnel in response to a terrorist attack abroad if there have been reasonable efforts to obtain appropriate Department of Defense aircraft and such aircraft are unavailable, the Attorney General shall have the authority to obtain indemnification insurance or guarantees if necessary and appropriate.

(7) **RAPID RESPONSE PROCEDURES.**—The Secretary of State shall enter into a memorandum of understanding with the Secretary of Defense setting out rapid response procedures

for mobilization of personnel and equipment of their respective departments to provide more effective assistance in times of emergency with respect to United States diplomatic facilities.

(8) STORAGE OF EMERGENCY EQUIPMENT AND RECORDS.—

All United States diplomatic facilities shall have emergency equipment and records required in case of an emergency situation stored at an off-site facility.

(b) STATUTORY CONSTRUCTION.—Nothing in this section alters or amends existing security requirements not addressed by this section.

**SEC. 607. REPORT ON OVERSEAS PRESENCE.**

(a) REVIEW.—The Secretary of State shall review the findings of the Overseas Presence Advisory Panel of the Department of State.

(b) REPORT.—

(1) IN GENERAL.—Not later than 120 days after submission of the Overseas Presence Advisory Panel Report, the Secretary of State shall submit a report to the appropriate congressional committees setting forth the results of the review conducted under subsection (a).

(2) ELEMENTS OF THE REPORT.—To the extent not addressed by the review described in subsection (a), the report shall also—

(A) specify whether any United States diplomatic facility should be closed because—

(i) the facility is highly vulnerable and subject to threat of terrorist attack; and

(ii) adequate security enhancements cannot be provided to the facility;

(B) in the event that closure of a diplomatic facility is required, identify plans to provide secure premises for permanent use by the United States diplomatic mission, whether in country or in a regional United States diplomatic facility, or for temporary occupancy by the mission in a facility pending acquisition of new buildings;

(C) outline the potential for reduction or transfer of personnel or closure of missions if technology is adequately exploited for maximum efficiencies;

(D) examine the possibility of creating regional missions in certain parts of the world;

(E) in the case of diplomatic facilities that are part of the Special Embassy Program, report on the foreign policy objectives served by retaining such missions, balancing the importance of these objectives against the well-being of United States personnel; and

(F) examine the feasibility of opening new regional outreach centers, modeled on the system used by the United States Embassy in Paris, France, with each center designed to operate—

(i) at no additional cost to the United States Government;

(ii) with staff consisting of one or two Foreign Service officers currently assigned to the United States diplomatic mission in the country in which the center is located; and

(iii) in a region of the country with high gross domestic product (GDP), a high density population, and a media market that not only includes but extends beyond the region.

**SEC. 608. ACCOUNTABILITY REVIEW BOARDS.**

Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831) is amended to read as follows:

**“SEC. 301. ACCOUNTABILITY REVIEW BOARDS.**

**“(a) IN GENERAL.—**

**“(1) CONVENING A BOARD.—**Except as provided in paragraph (2), in any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this title referred to as the ‘Board’). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

**“(2) DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL.—**The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

**“(b) DEADLINES FOR CONVENING BOARDS.—**

**“(1) IN GENERAL.—**Except as provided in paragraph (2), the Secretary of State shall convene a Board not later than 60 days after the occurrence of an incident described in subsection (a)(1), except that such 60-day period may be extended for one additional 60-day period if the Secretary determines that the additional period is necessary for the convening of the Board.

**“(2) DELAY IN CASES INVOLVING INTELLIGENCE ACTIVITIES.—**With respect to breaches of security involving intelligence activities, the Secretary of State may delay the establishment of a Board if, after consultation with the chairman of the Select Committee on Intelligence of the Senate and the chairman of the Permanent Select Committee on Intelligence of the House of Representatives, the Secretary determines that the establishment of a Board would compromise intelligence sources or methods. The Secretary shall promptly advise the chairmen of such committees of each determination pursuant to this paragraph to delay the establishment of a Board.

**“(c) NOTIFICATION TO CONGRESS.—**Whenever the Secretary of State convenes a Board, the Secretary shall promptly inform the



chairman of the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives—

- “(1) that a Board has been convened;
- “(2) of the membership of the Board; and
- “(3) of other appropriate information about the Board.”.

**SEC. 609. INCREASED ANTI-TERRORISM TRAINING IN AFRICA.**

Not later than six months after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, shall submit a report to the appropriate congressional committees on a proposed operational plan and site selection to expeditiously establish an International Law Enforcement Academy (ILEA) on the continent of Africa in order to increase training and cooperation on the continent in anti-terrorism and transnational crime fighting.

## **TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS**

### **Subtitle A—International Organizations Other than the United Nations**

**SEC. 701. CONFORMING AMENDMENTS TO REFLECT REDESIGNATION  
OF CERTAIN INTERPARLIAMENTARY GROUPS.**

(a) **TRANSATLANTIC LEGISLATORS’ DIALOGUE.**—Section 109(c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 276 note) is amended by striking “United States-European Community Interparliamentary Group” and inserting “Transatlantic Legislators’ Dialogue (United States-European Union Interparliamentary Group)”.

(b) **NATO PARLIAMENTARY ASSEMBLY.**—

(1) **IN GENERAL.**—The joint resolution entitled “Joint Resolution to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization”, approved July 11, 1956 (22 U.S.C. 1928a et seq.), is amended in sections 2, 3, and 4 (22 U.S.C. 1928b, 1928c, and 1928d, respectively) by striking “North Atlantic Assembly” each place it appears and inserting “NATO Parliamentary Assembly”.

(2) **CONFORMING AMENDMENT.**—Section 105(b) of the Legislative Branch Appropriation Act, 1961 (22 U.S.C. 276c–1) is amended by striking “North Atlantic Assembly” and inserting “NATO Parliamentary Assembly”.

(3) **REFERENCES.**—In the case of any provision of law having application on or after May 31, 1999 (other than a provision of law specified in subparagraphs (A) or (B)), any reference contained in that provision to the North Atlantic Assembly shall, on and after that date, be considered to be a reference to the NATO Parliamentary Assembly.

**SEC. 702. AUTHORITY OF THE INTERNATIONAL BOUNDARY AND WATER  
COMMISSION TO ASSIST STATE AND LOCAL GOVERNMENTS.**

(a) **AUTHORITY.**—The Commissioner of the United States section of the International Boundary and Water Commission may provide

technical tests, evaluations, information, surveys, or others similar services to State or local governments upon the request of such State or local government on a reimbursable basis.

(b) REIMBURSEMENTS.—Reimbursements shall be paid in advance of the goods or services ordered and shall be for the estimated or actual cost as determined by the United States section of the International Boundary and Water Commission. Proper adjustment of amounts paid in advance shall be made as determined by the United States section of the International Boundary and Water Commission on the basis of the actual cost of goods or services provided. Reimbursements received by the United States section of the International Boundary and Water Commission for providing services under this section shall be credited to the appropriation from which the cost of providing the services is charged.

**SEC. 703. INTERNATIONAL BOUNDARY AND WATER COMMISSION.**

Section 2(b) of the American-Mexican Chamizal Convention Act of 1964 (Public Law 88-300; 22 U.S.C. 277d-18(b)) is amended by inserting “operations, maintenance, and” after “cost of”.

**SEC. 704. SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.**

(a) REPORTS REQUIRED.—Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter for fiscal years 2000 and 2001, the Secretary of State shall submit to Congress a report in a classified and unclassified manner on the status of efforts by the United States Government to support—

(1) the membership of Taiwan in international organizations that do not require statehood as a prerequisite to such membership; and

(2) the appropriate level of participation by Taiwan in international organizations that may require statehood as a prerequisite to full membership.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall—

(1) set forth a comprehensive list of the international organizations in which the United States Government supports the membership or participation of Taiwan;

(2) describe in detail the efforts of the United States Government to achieve the membership or participation of Taiwan in each organization listed; and

(3) identify the obstacles to the membership or participation of Taiwan in each organization listed, including a list of any governments that do not support the membership or participation of Taiwan in each such organization.

**SEC. 705. RESTRICTION RELATING TO UNITED STATES ACCESSION TO THE INTERNATIONAL CRIMINAL COURT.**

(a) PROHIBITION.—The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution

of the United States on or after the date of enactment of this Act.

(c) **INTERNATIONAL CRIMINAL COURT DEFINED.**—In this section, the term “International Criminal Court” means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

**SEC. 706. PROHIBITION ON EXTRADITION OR TRANSFER OF UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMINAL COURT.**

(a) **PROHIBITION ON EXTRADITION.**—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(b) **PROHIBITION ON CONSENT TO EXTRADITION BY THIRD COUNTRIES.**—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

(c) **DEFINITION.**—In this section, the term “International Criminal Court” has the meaning given the term in section 705(c) of this Act.

**SEC. 707. REQUIREMENT FOR REPORTS REGARDING FOREIGN TRAVEL.**

Section 2505 of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277) is amended—

(1) in subsection (a), by striking “by this division for fiscal year 1999” and inserting “for the Department of State for fiscal year 2000 or 2001”; and

(2) in subsection (d), by striking “not later than April 1, 1999,” and inserting “on January 31 of the years 2000 and 2001 and July 31 of the years 2000 and 2001.”

**SEC. 708. UNITED STATES REPRESENTATION AT THE INTERNATIONAL ATOMIC ENERGY AGENCY.**

(a) **AMENDMENT TO THE UNITED NATIONS PARTICIPATION ACT OF 1945.**—Section 2(h) of the United Nations Participation Act of 1945 (22 U.S.C. 287(h)) is amended by adding at the end the following new sentence: “The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.”

(b) AMENDMENT TO THE IAEA PARTICIPATION ACT OF 1957.—Section 2(a) of the International Atomic Energy Agency Participation Act of 1957 (22 U.S.C. 2021(a)) is amended by adding at the end the following new sentence: “The Representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the Agency.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to individuals appointed on or after the date of enactment of this Act.

## Subtitle B—United Nations Activities

### SEC. 721. UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS.

(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations regional blocs.

(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek the abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees (in classified or unclassified form as appropriate) on—

(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel’s full and equal participation in the United Nations; and

(3) steps taken by the United States under subsection (b) to secure abolition by the United Nations of groups described in that subsection.

(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel’s acceptance into their organization.

### SEC. 722. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

Chapter 6 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2348 et seq.) is amended by adding at the end the following:

**“SEC. 554. DATA ON COSTS INCURRED IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

“(a) UNITED STATES COSTS.—The President shall annually provide to the Secretary General of the United Nations data regarding all costs incurred by the United States Department of Defense during the preceding year in support of all United Nations Security Council resolutions as reported to the Congress pursuant to section 8079 of the Department of Defense Appropriations Act, 1998.

“(b) UNITED NATIONS MEMBER COSTS.—The President shall request that the United Nations compile and publish information concerning costs incurred by United Nations members in support of such resolutions.”.

**SEC. 723. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.**

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

**“SEC. 10. REIMBURSEMENT FOR GOODS AND SERVICES PROVIDED BY THE UNITED STATES TO THE UNITED NATIONS.**

“(a) REQUIREMENT TO OBTAIN REIMBURSEMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c)—

“(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

“(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

“(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—The requirement in paragraph (1) shall not apply to—

“(i) goods and services provided to the United States Armed Forces;

“(ii) assistance having a value of less than \$3,000,000 per fiscal year per operation;

“(iii) assistance furnished before the date of enactment of this section;

“(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

“(v) any assistance commitment made before the date of enactment of this section.

“(B) DEPLOYMENTS OF UNITED STATES MILITARY FORCES.— The requirements of subsection (d)(1)(B) shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 554 of the Foreign Assistance Act of 1961.

“(3) FORM AND AMOUNT.—

“(A) AMOUNT.—The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

“(B) FORM.—Reimbursement under this subsection may include credits against the United States assessed contributions for United Nations peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

“(b) TREATMENT OF REIMBURSEMENTS.—

“(1) CREDIT.—The amount of any reimbursement paid the United States under subsection (a) shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

“(2) AVAILABILITY.—Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

“(c) COVERED ASSISTANCE.—Subsection (a) applies to assistance provided under the following provisions of law:

“(1) Sections 6 and 7 of this Act.

“(2) Sections 451, 506(a)(1), 516, 552(c), and 607 of the Foreign Assistance Act of 1961.

“(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

“(d) WAIVER.—

“(1) AUTHORITY.—

“(A) IN GENERAL.—The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

“(B) CONGRESSIONAL NOTIFICATION.—When exercising the authorities of subparagraph (A), the President shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

“(2) CONGRESSIONAL REVIEW.—Notwithstanding a notice under paragraph (1) with respect to assistance covered by this

section, subsection (a) shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

“(3) SENATE PROCEDURES.—Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(e) RELATIONSHIP TO OTHER REIMBURSEMENT AUTHORITY.—Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a).

“(f) DEFINITION.—In this section, the term ‘assistance’ includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.”.

**SEC. 724. CODIFICATION OF REQUIRED NOTICE OF PROPOSED UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) CODIFICATION.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (e) and inserting the following:

“(e) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

“(1) CONSULTATIONS.—Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

“(2) INFORMATION TO BE PROVIDED.—In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

“(A) With respect to ongoing United Nations peacekeeping operations, the following:

“(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

“(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

“(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

“(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

“(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

“(i) The anticipated duration, mandate, and command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

“(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

“(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

“(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.

“(v) A reprogramming of funds pursuant to section 34 of the State Department Basic Authorities Act of 1956, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

“(3) FORM AND TIMING OF INFORMATION.—

“(A) FORM.—The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

“(B) TIMING.—

“(i) ONGOING OPERATIONS.—The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

“(ii) NEW OPERATIONS.—The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

“(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraph (2), the term ‘new United



Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

“(A) where the authorized force strength is to be expanded;

“(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

“(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

“(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

“(A) NOTIFICATION OF CERTAIN ASSISTANCE.—

“(i) IN GENERAL.—The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

“(ii) EXCEPTION.—This subparagraph does not apply to—

“(I) assistance having a value of less than \$3,000,000 in the case of nonreimbursable assistance or less than \$14,000,000 in the case of reimbursable assistance; or

“(II) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

“(B) QUARTERLY REPORTS.—

“(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

“(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

“(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

“(f) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term ‘designated congressional committees’ means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.”.

(2) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 22 U.S.C. 287b note; 108 Stat. 448) is repealed.

(b) RELATIONSHIP TO OTHER NOTICE REQUIREMENTS.—Section 4 of the United Nations Participation Act of 1945, as amended by subsection (a), is further amended by adding at the end the following:

“(g) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.”.

## TITLE VIII—MISCELLANEOUS PROVISIONS

### Subtitle A—General Provisions

#### SEC. 801. DENIAL OF ENTRY INTO UNITED STATES OF FOREIGN NATIONALS ENGAGED IN ESTABLISHMENT OR ENFORCEMENT OF FORCED ABORTION OR STERILIZATION POLICY.

(a) DENIAL OF ENTRY.—Notwithstanding any other provision of law, the Secretary of State may not issue any visa to, and the Attorney General may not admit to the United States, any foreign national whom the Secretary finds, based on credible and specific information, to have been directly involved in the establishment or enforcement of population control policies forcing a woman to undergo an abortion against her free choice or forcing a man or woman to undergo sterilization against his or her free choice, unless the Secretary has substantial grounds for believing that the foreign national has discontinued his or her involvement with, and support for, such policies.

(b) EXCEPTIONS.—The prohibitions in subsection (a) shall not apply in the case of a foreign national who is a head of state, head of government, or cabinet level minister.

(c) WAIVER.—The Secretary of State may waive the prohibitions in subsection (a) with respect to a foreign national if the Secretary—

(1) determines that it is important to the national interest of the United States to do so; and

(2) provides written notification to the appropriate congressional committees containing a justification for the waiver.

#### SEC. 802. TECHNICAL CORRECTIONS.

(a) Section 1422(b)(3)(B) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105-277; 112 Stat. 2681-792) is amended by striking “divisionAct” and inserting “division”.

(b) Section 1002(a) of the Foreign Affairs Reform and Restructuring Act (as contained in division G of Public Law 105-277; 112 Stat. 2681-762) is amended by striking paragraph (3).

(c) The table of contents of division G of Public Law 105-277 (112 Stat. 2681-762) is amended by striking “DIVISION\_\_” and inserting “DIVISION G”.

(d) Section 305 of Public Law 97-446 (19 U.S.C 2604) is amended in the first sentence by striking “Secretary” the first place it appears and inserting “Secretary, in consultation with the Secretary of State,”.

#### SEC. 803. REPORTS WITH RESPECT TO A REFERENDUM ON WESTERN SAHARA.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than each of the dates specified in paragraph (2), the Secretary of State shall submit a report to the appropriate congressional committees describing specific

steps being taken by the Government of Morocco and by the Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (POLISARIO) to ensure that a free, fair, and transparent referendum in which the people of the Western Sahara will choose between independence and integration with Morocco will be held by July 2000.

(2) DEADLINES FOR SUBMISSION OF REPORTS.—The dates referred to in paragraph (1) are January 1, 2000, and June 1, 2000.

(b) REPORT ELEMENTS.—The report shall include—

(1) a description of preparations for the referendum, including the extent to which free access to the territory for independent international organizations, including election observers and international media, will be guaranteed;

(2) a description of current efforts by the Department of State to ensure that a referendum will be held by July 2000;

(3) an assessment of the likelihood that the July 2000 date will be met;

(4) a description of obstacles, if any, to the voter registration process and other preparations for the referendum, and efforts being made by the parties and the United States Government to overcome those obstacles; and

(5) an assessment of progress being made in the repatriation process.

**SEC. 804. REPORTING REQUIREMENTS UNDER PLO COMMITMENTS COMPLIANCE ACT OF 1989.**

The PLO Commitments Compliance Act of 1989 is amended

— (1) in section 804(b), by striking “In conjunction with each written policy justification required under section 604(b)(1) of the Middle East Peace Facilitation Act of 1995 or every” and inserting “Every”;

(2) in section 804(b)—

(A) by striking “and” at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10); and

(C) by adding at the end the following new paragraphs:

“(11) a statement on the effectiveness of end-use monitoring of international or United States aid being provided to the Palestinian Authority, Palestinian Liberation Organization, or the Palestinian Legislative Council, or to any other agent or instrumentality of the Palestinian Authority, on Palestinian efforts to comply with international accounting standards and on enforcement of anti-corruption measures; and

“(12) a statement on compliance by the Palestinian Authority with the democratic reforms, with specific details regarding the separation of powers called for between the executive and Legislative Council, the status of legislation passed by the Legislative Council and sent to the executive, the support of the executive for local and municipal elections, the status of freedom of the press, and of the ability of the press to broadcast debate from within the Legislative Council and about the activities of the Legislative Council.”.

**SEC. 805. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.**

(a) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter until October 1, 2001, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) the date of each attack and the total number of people killed or injured in each attack;

(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993, and the response to each request from the Palestinian Authority and Israel.

(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.

(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is reasonably available, any stated claim of responsibility and the resolution or disposition of each case, except that this list shall be submitted only once with the initial report required under this section unless additional relevant information on these cases becomes available.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.

**SEC. 806. ANNUAL REPORTING ON WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE.**

(a) SECTION 116 OF FOREIGN ASSISTANCE ACT OF 1961.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “and”; and

(3) by adding at the end the following:

“(8) wherever applicable, consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987).”.

(b) SECTION 502B OF THE FOREIGN ASSISTANCE ACT OF 1961.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the first sentence the following: “Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987).”.

## Subtitle B—North Korea Threat Reduction

### SEC. 821. SHORT TITLE.

This subtitle may be cited as the “North Korea Threat Reduction Act of 1999”.

### SEC. 822. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) IN GENERAL.—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and no approval may be given for the transfer or retransfer directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) North Korea has come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), and has taken all steps that have been deemed necessary by the IAEA in this regard;

(2) North Korea has permitted the IAEA full access to all additional sites and all information (including historical records) deemed necessary by the IAEA to verify the accuracy and completeness of North Korea’s initial report of May 4, 1992, to the IAEA on all nuclear sites and material in North Korea;

(3) North Korea is in full compliance with its obligations under the Agreed Framework;

(4) North Korea has consistently taken steps to implement the Joint Declaration on Denuclearization, and is in full compliance with its obligations under numbered paragraphs 1, 2, and 3 of the Joint Declaration on Denuclearization (excluding in the case of numbered paragraph 3 facilities frozen pursuant to the Agreed Framework);

(5) North Korea does not have uranium enrichment or nuclear reprocessing facilities (excluding facilities frozen pursuant to the Agreed Framework), and is making no significant progress toward acquiring or developing such facilities;

(6) North Korea does not have nuclear weapons and is making no significant effort to acquire, develop, test, produce, or deploy such weapons; and

(7) the transfer to North Korea of key nuclear components, under the proposed agreement for cooperation with North Korea and in accordance with the Agreed Framework, is in the national interest of the United States.

(b) CONSTRUCTION.—The restrictions contained in subsection (a) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws.

**SEC. 823. DEFINITIONS.**

In this subtitle:

(1) **AGREED FRAMEWORK.**—The term “Agreed Framework” means the “Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea”, signed in Geneva on October 21, 1994, and the Confidential Minute to that Agreement.

(2) **IAEA.**—The term “IAEA” means the International Atomic Energy Agency.

(3) **NORTH KOREA.**—The term “North Korea” means the Democratic People’s Republic of Korea.

(4) **JOINT DECLARATION ON DENUCLEARIZATION.**—The term “Joint Declaration on Denuclearization” means the Joint Declaration on the Denuclearization of the Korean Peninsula, issued by the Republic of Korea and the Democratic People’s Republic of Korea on January 1, 1992.

## **Subtitle C—People’s Republic of China**

**SEC. 871. FINDINGS.**

Congress makes the following findings:

(1) Congress concurs in the conclusions of the Department of State, as set forth in the Country Reports on Human Rights Practices for 1998, on human rights in the People’s Republic of China in 1998 as follows:

(A) “The People’s Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. . . . Citizens lack both the freedom peacefully to express opposition to the party-led political system and the right to change their national leaders or form of government.”.

(B) “The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities’ very limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms.”.

(C) “Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process.”.

(D) “Prison conditions at most facilities remained harsh. . . . The Government infringed on citizens’ privacy rights. The Government continued restrictions on freedom of speech and of the press, and tightened these toward the end of the year. The Government severely restricted freedom of assembly, and continued to restrict freedom of association, religion, and movement.”.

(E) “Discrimination against women, minorities, and the disabled; violence against women, including coercive family planning practices—which sometimes include forced abortion and forced sterilization; prostitution, trafficking in women and children, and the abuse of children all are problems.”.

(F) “The Government continued to restrict tightly worker rights, and forced labor remains a problem.”.

(G) “Serious human rights abuses persisted in minority areas, including Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.”.

(H) “Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference and repression.”.

(I) “Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views.”.

(2) In addition to the State Department, credible press reports and human rights organizations have documented an intense crackdown on political activists by the Government of the People’s Republic of China, involving the harassment, detainment, arrest, and imprisonment of dozens of activists.

(3) The People’s Republic of China, as a member of the United Nations, is expected to abide by the provisions of the Universal Declaration of Human Rights.

(4) The People’s Republic of China is a party to numerous international human rights conventions, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and is a signatory to the International Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights.

**SEC. 872. FUNDING FOR ADDITIONAL PERSONNEL AT DIPLOMATIC POSTS TO REPORT ON POLITICAL, ECONOMIC, AND HUMAN RIGHTS MATTERS IN THE PEOPLE’S REPUBLIC OF CHINA.**

Of the amounts authorized to be appropriated for the Department of State by this Act, \$2,200,000 for fiscal year 2000 and \$2,200,000 for fiscal year 2001 shall be made available only to support additional personnel in the United States Embassies in Beijing and Kathmandu, as well as the American consulates in Guangzhou, Shanghai, Shenyang, Chengdu, and Hong Kong, in order to monitor political and social conditions, with particular emphasis on respect for, and violations of, internationally recognized human rights, in the People’s Republic of China.

**SEC. 873. PRISONER INFORMATION REGISTRY FOR THE PEOPLE’S REPUBLIC OF CHINA.**

(a) **REQUIREMENT.**—The Secretary of State shall establish and maintain a registry which shall, to the extent practicable, provide information on all political prisoners, prisoners of conscience, and prisoners of faith in the People’s Republic of China. The registry shall be known as the “Prisoner Information Registry for the People’s Republic of China”.

(b) **INFORMATION IN REGISTRY.**—The registry required by subsection (a) shall include information on the charges, judicial processes, administrative actions, uses of forced labor, incidents of torture, lengths of imprisonment, physical and health conditions, and other matters associated with the incarceration of prisoners in the People’s Republic of China referred to in that subsection.



(c) AVAILABILITY OF FUNDS.—The Secretary may make a grant to nongovernmental organizations currently engaged in monitoring activities regarding political prisoners in the People’s Republic of China in order to assist in the establishment and maintenance of the registry required by subsection (a).

## **TITLE IX—ARREARS PAYMENTS AND REFORM**

### **Subtitle A—General Provisions**

#### **SEC. 901. SHORT TITLE.**

This title may be cited as the “United Nations Reform Act of 1999”.

#### **SEC. 902. DEFINITIONS.**

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) DESIGNATED SPECIALIZED AGENCY DEFINED.—The term “designated specialized agency” means the International Labor Organization, the World Health Organization, and the Food and Agriculture Organization.

(3) GENERAL ASSEMBLY.—The term “General Assembly” means the General Assembly of the United Nations.

(4) SECRETARY GENERAL.—The term “Secretary General” means the Secretary General of the United Nations.

(5) SECURITY COUNCIL.—The term “Security Council” means the Security Council of the United Nations.

(6) UNITED NATIONS MEMBER.—The term “United Nations member” means any country that is a member of the United Nations.

(7) UNITED NATIONS PEACEKEEPING OPERATION.—The term “United Nations peacekeeping operation” means any United Nations-led operation to maintain or restore international peace or security that—

(A) is authorized by the Security Council; and

(B) is paid for from assessed contributions of United Nations members that are made available for peacekeeping activities.

### **Subtitle B—Arrearages to the United Nations**

#### **CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS; OBLIGATION AND EXPENDITURE OF FUNDS**

#### **SEC. 911. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—

(1) FISCAL YEAR 1998.—

(A) **REGULAR ASSESSMENTS.**—Amounts appropriated by title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119), under the heading “Contributions to International Organizations”, are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(B) **PEACEKEEPING ASSESSMENTS.**—Amounts appropriated by title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119), under the heading “Contributions for International Peacekeeping Activities”, are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(2) **FISCAL YEAR 1999.**—Amounts appropriated under the heading “Arrearage Payments” in title IV of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), are hereby authorized to be appropriated and shall be available for obligation and expenditure subject to the provisions of this title.

(3) **FISCAL YEAR 2000.**—There are authorized to be appropriated to the Department of State for payment of arrearages owed by the United States described in subsection (b) as of September 30, 1997, \$244,000,000 for fiscal year 2000. Amounts appropriated pursuant to this paragraph shall be available for obligation and expenditure subject to the provisions of this title.

(b) **LIMITATION.**—Amounts made available under subsection (a) are authorized to be available only—

(1) to pay the United States share of assessments for the regular budget of the United Nations;

(2) to pay the United States share of United Nations peacekeeping operations;

(3) to pay the United States share of United Nations specialized agencies; and

(4) to pay the United States share of other international organizations.

(c) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

(d) **STATUTORY CONSTRUCTION.**—For purposes of payments made using funds made available under subsection (a), section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) shall not apply to United Nations peacekeeping operation assessments received by the United States prior to October 1, 1995.

#### **SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.**

(a) **IN GENERAL.**—Funds made available pursuant to section 911 may be obligated and expended only if the requirements of subsections (b) and (c) of this section are satisfied.

(b) **OBLIGATION AND EXPENDITURE UPON SATISFACTION OF CERTIFICATION REQUIREMENTS.**—Subject to subsections (e) and (f), funds made available pursuant to section 911 may be obligated and

expended only in the following allotments and upon the following certifications:

(1) Amounts made available for fiscal year 1998, upon the certification described in section 921.

(2) Amounts made available for fiscal year 1999, upon the certification described in section 931.

(3) Amounts authorized to be appropriated for fiscal year 2000, upon the certification described in section 941.

(c) ADVANCE CONGRESSIONAL NOTIFICATION.—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

(d) TRANSMITTAL OF CERTIFICATIONS.—Certifications made under this chapter shall be transmitted by the Secretary of State to the appropriate congressional committees.

(e) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 1999 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (3) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 1999 may be obligated or expended pursuant to subsection (b)(2) even if the Secretary of State cannot certify that the condition described in section 931(b)(1) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive the condition described in paragraph (1) of this subsection may be exercised only if the Secretary of State—

(i) determines that substantial progress towards satisfying the condition has been made and that the expenditure of funds pursuant to that paragraph is important to the interests of the United States; and

(ii) has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1), the condition described in that paragraph shall be deemed to have been satisfied for purposes of making any certification under section 941.

(3) ADDITIONAL REQUIREMENT.—If the authority to waive a condition under paragraph (1)(A) is exercised, the Secretary of State shall notify the United Nations that the Congress does not consider the United States obligated to pay, and does not intend to pay, arrearages that have not been included in the contested arrearages account or other mechanism described in section 931(b)(1).

(f) WAIVER AUTHORITY WITH RESPECT TO FISCAL YEAR 2000 FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding subsection (b), funds made available under section 911 for fiscal year 2000 may be obligated or expended pursuant to subsection (b)(3) even if the Secretary of State cannot certify that the condition described in paragraph (1) of section 941(b) has been satisfied.

(2) REQUIREMENTS.—

(A) IN GENERAL.—The authority to waive a condition under paragraph (1) may be exercised only if the Secretary of State has notified, and consulted with, the appropriate congressional committees prior to exercising the authority.

(B) EFFECT ON SUBSEQUENT CERTIFICATION.—If the Secretary of State exercises the authority of paragraph (1) with respect to a condition, such condition shall be deemed to have been satisfied for purposes of making any certification under section 941.

**SEC. 913. FORGIVENESS OF AMOUNTS OWED BY THE UNITED NATIONS TO THE UNITED STATES.**

(a) FORGIVENESS OF INDEBTEDNESS.—Subject to subsection (b), the President is authorized to forgive or reduce any amount owed by the United Nations to the United States as a reimbursement, including any reimbursement payable under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945.

(b) LIMITATIONS.—

(1) TOTAL AMOUNT.—The total of amounts forgiven or reduced under subsection (a) may not exceed \$107,000,000.

(2) RELATION TO UNITED STATES ARREARAGES.—Amounts shall be forgiven or reduced under this section only to the same extent as the United Nations forgives or reduces amounts owed by the United States to the United Nations as of September 30, 1997.

(c) REQUIREMENTS.—The authority in subsection (a) shall be available only to the extent and in the amounts provided in advance in appropriations Acts.

(d) CONGRESSIONAL NOTIFICATION.—Before exercising any authority in subsection (a), the President shall notify the appropriate congressional committees in accordance with the same procedures as are applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1).

(e) EFFECTIVE DATE.—This section shall take effect on the date a certification is transmitted to the appropriate congressional committees under section 931.

**CHAPTER 2—UNITED STATES SOVEREIGNTY**

**SEC. 921. CERTIFICATION REQUIREMENTS.**

(a) CONTENTS OF CERTIFICATION.—A certification described in this section is a certification by the Secretary of State that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—

No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States;

or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

- (i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;
- (ii) the World Intellectual Property Organization;

or

- (iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made

known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) TRANSMITTAL.—The Secretary of State may transmit a certification under subsection (a) at any time during fiscal year 1998 or thereafter if the requirements of the certification are satisfied.

### **CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS**

#### **SEC. 931. CERTIFICATION REQUIREMENTS.**

(a) IN GENERAL.—A certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied. Such certification shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in section 921 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) CONTESTED ARREARAGES.—The United Nations has established an account or other appropriate mechanism with respect to all United States arrearages incurred before the date of enactment of this Act with respect to which payments are not authorized by this Act, and the failure to pay amounts specified in the account does not affect the application of Article 19 of the Charter of the United Nations. The account established under this paragraph may be referred to as the “contested arrearages account”.

(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.

(3) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

### **CHAPTER 4—BUDGET AND PERSONNEL REFORM**

#### **SEC. 941. CERTIFICATION REQUIREMENTS.**

(a) IN GENERAL.—

(1) IN GENERAL.—Except as provided in paragraph (2), a certification described in this section is a certification by the Secretary of State that the conditions in subsection (b) are satisfied.

(2) SPECIFIED CERTIFICATION.—A certification described in this section is also a certification that, with respect to the United Nations or a particular designated specialized agency, the conditions in subsection (b)(4) applicable to that organization are satisfied, regardless of whether the conditions in subsection (b)(4) applicable to any other organization are satisfied, if the other conditions in subsection (b) are satisfied.

(3) EFFECT OF SPECIFIED CERTIFICATION.—Funds made available under section 912(b)(3) upon a certification made under this section with respect to the United Nations or a particular designated specialized agency shall be limited to

that portion of the funds available under that section that is allocated for the organization with respect to which the certification is made and for any other organization to which none of the conditions in subsection (b) apply.

(4) LIMITATION.—A certification described in this section shall not be made by the Secretary if the Secretary determines that any of the conditions set forth in sections 921 and 931 are no longer satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.—The share of the total of all assessed contributions for the regular budget of the United Nations, or any designated specialized agency of the United Nations, does not exceed 20 percent for any single United Nations member.

(2) INSPECTORS GENERAL FOR CERTAIN ORGANIZATIONS.—

(A) ESTABLISHMENT OF OFFICES.—Each designated specialized agency has established an independent office of inspector general to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the organization.

(B) APPOINTMENT OF INSPECTORS GENERAL.—The Director General of each designated specialized agency has appointed an inspector general, with the approval of the member states, and that appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(C) ASSIGNED FUNCTIONS.—Each inspector general appointed under subparagraph (A) is authorized to—

(i) make investigations and reports relating to the administration of the programs and operations of the agency concerned;

(ii) have access to all records, documents, and other available materials relating to those programs and operations of the agency concerned; and

(iii) have direct and prompt access to any official of the agency concerned.

(D) COMPLAINTS.—Each designated specialized agency has procedures in place designed to protect the identity of, and to prevent reprisals against, any staff member making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the inspector general of the agency.

(E) COMPLIANCE WITH RECOMMENDATIONS.—Each designated specialized agency has in place procedures designed to ensure compliance with the recommendations of the inspector general of the agency.

(F) AVAILABILITY OF REPORTS.—Each designated specialized agency has in place procedures to ensure that all annual and other relevant reports submitted by the inspector general to the agency are made available to the member states without modification except to the extent necessary to protect the privacy rights of individuals.

(3) NEW BUDGET PROCEDURES FOR THE UNITED NATIONS.—The United Nations has established and is implementing budget procedures that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) require the system-wide identification of expenditures by functional categories such as personnel, travel, and equipment.

(4) SUNSET POLICY FOR CERTAIN UNITED NATIONS PROGRAMS.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each designated specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the designated specialized agencies to conduct evaluations of United Nations programs approved by the General Assembly, and of programs of the designated specialized agencies, in accordance with the standardized methodology referred to in subparagraph (B).

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of Internal Oversight Services has developed a standardized methodology for the evaluation of United Nations programs approved by the General Assembly, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(ii) DESIGNATED SPECIALIZED AGENCIES.—Patterned on the work of the Office of Internal Oversight Services of the United Nations, each designated specialized agency has developed a standardized methodology for the evaluation of the programs of the agency, including specific criteria for determining the continuing relevance and effectiveness of the programs.

(C) PROCEDURES.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each designated specialized agency has established and is implementing procedures—

(i) requiring the Secretary General or the Director General of the agency, as the case may be, to report on the results of evaluations referred to in this paragraph, including the identification of programs that have met criteria for continuing relevance and effectiveness and proposals to terminate or modify programs that have not met such criteria; and

(ii) authorizing an appropriate body within the United Nations or the agency, as the case may be, to review each evaluation referred to in this paragraph and report to the General Assembly on means of improving the program concerned or on terminating the program.

(D) UNITED STATES POLICY.—It shall be the policy of the United States to seek adoption by the United Nations of a resolution requiring that each United Nations program



approved by the General Assembly, and to seek adoption by each designated specialized agency of a resolution requiring that each program of the agency, be subject to an evaluation referred to in this paragraph and have a specific termination date so that the program will not be renewed unless the evaluation demonstrates the continuing relevance and effectiveness of the program.

(E) DEFINITION.—For purposes of this paragraph, the term “United Nations program approved by the General Assembly” means a program approved by the General Assembly of the United Nations which is administered or funded by the United Nations.

(5) UNITED NATIONS ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS.—

(A) IN GENERAL.—The United States has a seat on the United Nations Advisory Committee on Administrative and Budgetary Questions or the five largest member contributors each have a seat on the Advisory Committee.

(B) DEFINITION.—As used in this paragraph, the term “5 largest member contributors” means the 5 United Nations member states that, during a United Nations budgetary biennium, have more total assessed contributions than any other United Nations member state to the aggregate of the United Nations regular budget and the budget (or budgets) for United Nations peacekeeping operations.

(6) ACCESS BY THE GENERAL ACCOUNTING OFFICE.—The United Nations has in effect procedures providing access by the United States General Accounting Office to United Nations financial data to assist the Office in performing nationally mandated reviews of United Nations operations.

(7) PERSONNEL.—

(A) APPOINTMENT AND SERVICE OF PERSONNEL.—The Secretary General—

(i) has established and is implementing procedures that ensure that staff employed by the United Nations is appointed on the basis of merit consistent with Article 101 of the United Nations Charter; and

(ii) is enforcing those contractual obligations requiring worldwide availability of all professional staff of the United Nations to serve and be relocated based on the needs of the United Nations.

(B) CODE OF CONDUCT.—The General Assembly has adopted, and the Secretary General has the authority to enforce and is effectively enforcing, a code of conduct binding on all United Nations personnel, including the requirement of financial disclosure statements binding on senior United Nations personnel and the establishment of rules against nepotism that are binding on all United Nations personnel.

(C) PERSONNEL EVALUATION SYSTEM.—The United Nations has adopted and is enforcing a personnel evaluation system.

(D) PERIODIC ASSESSMENTS.—The United Nations has established and is implementing a mechanism to conduct periodic assessments of the United Nations payroll to determine total staffing, and the results of such assessments

are reported in an unabridged form to the General Assembly.

(E) REVIEW OF UNITED NATIONS ALLOWANCE SYSTEM.—The United States has completed a thorough review of the United Nations personnel allowance system. The review shall include a comparison of that system with the United States civil service system, and shall make recommendations to reduce entitlements to allowances and allowance funding levels from the levels in effect on January 1, 1998.

(8) REDUCTION IN BUDGET AUTHORITIES.—The designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–01 from the 1998–99 biennium budget levels of the respective agencies.

(9) NEW BUDGET PROCEDURES AND FINANCIAL REGULATIONS.—Each designated specialized agency has established procedures to—

(A) require the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) require the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) require approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

(10) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET FOR THE DESIGNATED SPECIALIZED AGENCIES.—The share of the total of all assessed contributions for any designated specialized agency does not exceed 22 percent for any single member of the agency.

## Subtitle C—Miscellaneous Provisions

### SEC. 951. STATUTORY CONSTRUCTION ON RELATION TO EXISTING LAWS.

Except as otherwise specifically provided, nothing in this title may be construed to make available funds in violation of any provision of law containing a specific prohibition or restriction on the use of the funds, including section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98–164; 22 U.S.C. 287e note), section 151 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99–93; 22 U.S.C. 287e note), and section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note).

### SEC. 952. PROHIBITION ON PAYMENTS RELATING TO UNIDO AND OTHER INTERNATIONAL ORGANIZATIONS FROM WHICH THE UNITED STATES HAS WITHDRAWN OR RESCINDED FUNDING.

None of the funds authorized to be appropriated by this title shall be used to pay any arrearage for—

(1) the United Nations Industrial Development Organization;

(2) any costs to merge that organization into the United Nations;

(3) the costs associated with any other organization of the United Nations from which the United States has withdrawn including the costs of the merger of such organization into the United Nations; or

(4) the World Tourism Organization, or any other international organization with respect to which Congress has rescinded funding.

## **DIVISION B—ARMS CONTROL, NON-PROLIFERATION, AND SECURITY ASSISTANCE PROVISIONS**

### **SEC. 1001. SHORT TITLE.**

This division may be cited as the “Arms Control, Nonproliferation, and Security Assistance Act of 1999”.

## **TITLE XI—ARMS CONTROL AND NONPROLIFERATION**

### **SEC. 1101. SHORT TITLE.**

This title may be cited as the “Arms Control and Nonproliferation Act of 1999”.

### **SEC. 1102. DEFINITIONS.**

In this title:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

(2) **ASSISTANT SECRETARY.**—The term “Assistant Secretary” means the position of Assistant Secretary of State for Verification and Compliance designated under section 1112.

(3) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given the term in section 105 of title 5, United States Code.

(4) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) **START TREATY OR TREATY.**—The term “START Treaty” or “Treaty” means the Treaty With the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, including all agreed statements, annexes, protocols, and memoranda, signed at Moscow on July 31, 1991.

(6) **START II TREATY.**—The term “START II Treaty” means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, and related protocols and memorandum of understanding, signed at Moscow on January 3, 1993.

## Subtitle A—Arms Control

### CHAPTER 1—EFFECTIVE VERIFICATION OF COMPLIANCE WITH ARMS CONTROL AGREEMENTS

#### SEC. 1111. KEY VERIFICATION ASSETS FUND.

(a) IN GENERAL.—The Secretary of State is authorized to transfer funds available to the Department of State under this section to the Department of Defense, the Department of Energy, or any agency, entity, or component of the intelligence community, as needed, for retaining, researching, developing, or acquiring technologies or programs relating to the verification of arms control, nonproliferation, and disarmament agreements or commitments.

(b) PROHIBITION ON REPROGRAMMING.—Notwithstanding any other provision of law, funds made available to carry out this section may not be used for any purpose other than the purposes specified in subsection (a).

(c) FUNDING.—Of the total amount of funds authorized to be appropriated to the Department of State by this Act for the fiscal years 2000 and 2001, \$5,000,000 is authorized to be available for each such fiscal year to carry out subsection (a).

(d) DESIGNATION OF FUND.—Amounts made available under subsection (c) may be referred to as the “Key Verification Assets Fund”.

#### SEC. 1112. ASSISTANT SECRETARY OF STATE FOR VERIFICATION AND COMPLIANCE.

(a) DESIGNATION OF POSITION.—The Secretary of State shall designate one of the Assistant Secretaries of State authorized by section 1(c)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(1)) as the Assistant Secretary of State for Verification and Compliance. The Assistant Secretary shall report to the Under Secretary of State for Arms Control and International Security.

(b) DIRECTIVE GOVERNING THE ASSISTANT SECRETARY OF STATE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall issue a directive governing the position of the Assistant Secretary.

(2) ELEMENTS OF THE DIRECTIVE.—The directive issued under paragraph (1) shall set forth, consistent with this section—

- (A) the duties of the Assistant Secretary;
- (B) the relationships between the Assistant Secretary and other officials of the Department of State;
- (C) any delegation of authority from the Secretary of State to the Assistant Secretary; and
- (D) such matters as the Secretary considers appropriate.

(c) DUTIES.—

(1) IN GENERAL.—The Assistant Secretary shall have as his principal responsibility the overall supervision (including oversight of policy and resources) within the Department of State of all matters relating to verification and compliance with international arms control, nonproliferation, and disarmament agreements or commitments.

(2) PARTICIPATION OF THE ASSISTANT SECRETARY.—

(A) PRIMARY ROLE.—Except as provided in subparagraphs (B) and (C), the Assistant Secretary, or his designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on verification or compliance matters, including interagency intelligence committees concerned with the development or exploitation of measurement or signals intelligence or other national technical means of verification.

(B) REQUIREMENT FOR DESIGNATION.—Subparagraph (A) shall not apply to groups or organizations on which the Secretary of State or the Undersecretary of State for Arms Control and International Security sits, unless such official designates the Assistant Secretary to attend in his stead.

(C) NATIONAL SECURITY LIMITATION.—

(i) WAIVER BY PRESIDENT.—The President may waive the provisions of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(ii) WAIVER BY OTHERS.—With respect to an interagency group or organization, or meeting thereof, working with exceptionally sensitive information contained in compartments under the control of the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, such Director or Secretary, as the case may be, may waive the provision of subparagraph (A) if inclusion of the Assistant Secretary would not be in the national security interests of the United States.

(iii) TRANSMISSION OF WAIVER TO CONGRESS.—Any waiver of participation under clause (i) or (ii) shall be transmitted in writing to the appropriate committees of Congress.

(3) RELATIONSHIP TO THE INTELLIGENCE COMMUNITY.—The Assistant Secretary shall be the principal policy community representative to the intelligence community on verification and compliance matters.

(4) REPORTING RESPONSIBILITIES.—The Assistant Secretary shall have responsibility within the Department of State for—

(A) all reports required pursuant to section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577);

(B) so much of the report required under paragraphs (4) through (6) of section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)(4) through (6)) as relates to verification or compliance matters; and

(C) other reports being prepared by the Department of State as of the date of enactment of this Act relating to arms control, nonproliferation, or disarmament verification or compliance matters.

#### **SEC. 1113. ENHANCED ANNUAL (“PELL”) REPORT.**

(a) ANNUAL REPORT.—Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended—

(1) in paragraph (4)—

(A) by inserting “or commitments, including the Missile Technology Control Regime,” after “agreements” the first time it appears;

(B) by inserting “or commitments” after “agreements” the second time it appears;

(C) by inserting “or commitment” after “agreement”; and

(D) by striking “and” at the end;

(2) by striking the period at the end of paragraph (5) and inserting “; and”; and

(3) by adding at the end the following:

“(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.”.

(b) **ADDITIONAL REQUIREMENT.**—Section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a) is amended by adding at the end the following:

“(d) Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).”.

**SEC. 1114. REPORT ON START AND START II TREATIES MONITORING ISSUES.**

(a) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Director of Central Intelligence shall submit to the appropriate committees of Congress a detailed report in classified form. Such report shall include the following:

(1) A comprehensive identification of all monitoring activities associated with the START Treaty and the START II Treaty.

(2) The specific intelligence community assets and capabilities, including analytical capabilities, that the Senate was informed, prior to the Senate giving its advice and consent to ratification of the treaties, would be necessary to accomplish those activities.

(3) An identification of the extent to which those assets and capabilities have, or have not, been attained or retained, and the corresponding effect this has had upon United States monitoring confidence levels.

(4) An assessment of any Russian activities relating to the START Treaty which have had an impact upon the ability of the United States to monitor Russian adherence to the Treaty.

(b) **COMPARTMENTED ANNEX.**—Exceptionally sensitive, compartmented information in the report required by this section may be provided in a compartmented annex submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 1115. STANDARDS FOR VERIFICATION.**

(a) **VERIFICATION OF COMPLIANCE.**—Section 306(a) of the Arms Control and Disarmament Act (22 U.S.C. 2577(a)) is amended in the matter preceding paragraph (1) by striking “adequately”.

(b) **ASSESSMENTS UPON REQUEST.**—Section 306 of the Arms Control and Disarmament Act (22 U.S.C. 2577) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) **ASSESSMENTS UPON REQUEST.**—Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal presented to a foreign country by the United States or presented to the United States by a foreign country, the Secretary of State shall submit a report to the Committee on the degree to which elements of the proposal are capable of being verified.”.

**SEC. 1116. CONTRIBUTION TO THE ADVANCEMENT OF SEISMOLOGY.**

The United States Government shall, to the maximum extent practicable, make available to the public in real time, or as quickly as possible, all raw seismological data provided to the United States Government by any international organization that is directly responsible for seismological monitoring.

**SEC. 1117. PROTECTION OF UNITED STATES COMPANIES.**

(a) **REIMBURSEMENT.**—During the 2-year period beginning on the date of the enactment of this Act, the United States National Authority (as designated pursuant to section 101 of the Chemical Weapons Convention Implementation Act of 1998 (as contained in division I of Public Law 105–277)) shall, upon request of the Director of the Federal Bureau of Investigation, reimburse the Federal Bureau of Investigation for all costs incurred by the Bureau for such period in connection with implementation of section 303(b)(2)(A) of that Act, except that such reimbursement may not exceed \$2,000,000 for such 2-year period.

(b) **REPORT.**—Not later than 180 days prior to the expiration of the 2-year period described in subsection (a), the Director of the Federal Bureau of Investigation shall prepare and submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on how activities under section 303(b)(2)(A) of the Chemical Weapons Convention Implementation Act of 1998 will be fully funded and implemented by the Federal Bureau of Investigation notwithstanding the expiration of the 2-year period described in subsection (a).

**SEC. 1118. REQUIREMENT FOR TRANSMITTAL OF SUMMARIES.**

Whenever a United States delegation engaging in negotiations on arms control, nonproliferation, or disarmament submits to the Secretary of State a summary of the activities of the delegation or the status of those negotiations, a copy of each such summary shall be further transmitted by the Secretary of State to the Committee on Foreign Relations of the Senate and to the Committee on International Relations of the House of Representatives promptly.

## **CHAPTER 2—MATTERS RELATING TO THE CONTROL OF BIOLOGICAL WEAPONS**

### **SEC. 1121. SHORT TITLE.**

This chapter may be cited as the “National Security and Corporate Fairness under the Biological Weapons Convention Act”.

### **SEC. 1122. DEFINITIONS.**

In this chapter:

(1) **BIOLOGICAL WEAPONS CONVENTION.**—The term “Biological Weapons Convention” means the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

(2) **COMPLIANCE PROTOCOL.**—The term “compliance protocol” means that segment of a bilateral or multilateral agreement that enables investigation of questions of compliance entailing written data or visits to facilities to monitor compliance.

(3) **INDUSTRY.**—The term “industry” means any corporate or private sector entity engaged in the research, development, production, import, and export of peaceful pharmaceuticals and bio-technological and related products.

### **SEC. 1123. FINDINGS.**

Congress makes the following findings:

(1) The threat of biological weapons and their proliferation is one of the greatest national security threats facing the United States.

(2) The threat of biological weapons and materials represents a serious and increasing danger to people around the world.

(3) Biological weapons are relatively inexpensive to produce, can be made with readily available expertise and equipment, do not require much space to make and can therefore be readily concealed, do not require unusual raw materials or materials not readily available for legitimate purposes, do not require the maintenance of stockpiles, or can be delivered with low-technology mechanisms, and can effect widespread casualties even in small quantities.

(4) Unlike other weapons of mass destruction, biological materials capable of use as weapons can occur naturally in the environment and are also used for medicinal or other beneficial purposes.

(5) Biological weapons are morally reprehensible, prompting the United States Government to halt its offensive biological weapons program in 1969, subsequently destroy its entire biological weapons arsenal, and maintain henceforth only a robust defensive capacity.

(6) The Senate gave its advice and consent to ratification of the Biological Weapons Convention in 1974.

(7) The Director of the Arms Control and Disarmament Agency explained, at the time of the Senate’s consideration of the Biological Weapons Convention, that the treaty contained no verification provisions because verification would be “difficult”.



(8) A compliance protocol has now been proposed to strengthen the 1972 Biological Weapons Convention.

(9) The resources needed to produce, stockpile, and store biological weapons are the same as those used in peaceful industry facilities to discover, develop, and produce medicines.

(10) The raw materials of biological agents are difficult to use as an indicator of an offensive military program because the same materials occur in nature or can be used to produce a wide variety of products.

(11) Some biological products are genetically manipulated to develop new commercial products, optimizing production and ensuring the integrity of the product, making it difficult to distinguish between legitimate commercial activities and offensive military activities.

(12) Only a small culture of a biological agent and some growth medium are needed to produce a large amount of biological agents with the potential for offensive purposes.

(13) The United States pharmaceutical and biotechnology industries are a national asset and resource that contribute to the health and well-being of the American public as well as citizens around the world.

(14) One bacterium strain can represent a large proportion of a company's investment in a pharmaceutical product and thus its potential loss during an arms control monitoring activity could conceivably be worth billions of dollars.

(15) Biological products contain proprietary genetic information.

(16) The proposed compliance regime for the Biological Weapons Convention entails new data reporting and investigation requirements for industry.

(17) A compliance regime which contributes to the control of biological weapons and materials must have a reasonable chance of success in reducing the risk of production, stockpiling, or use of biological weapons while protecting the reputations, intellectual property, and confidential business information of legitimate companies.

#### **SEC. 1124. TRIAL INVESTIGATIONS AND TRIAL VISITS.**

(a) NATIONAL SECURITY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall conduct a series of national security trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security of the United States. These trial investigations and trial visits shall be conducted at such sites as United States Government facilities, installations, and national laboratories.

(b) UNITED STATES INDUSTRY TRIAL INVESTIGATIONS AND TRIAL VISITS.—The President shall take all appropriate steps to conduct or sponsor a series of United States industry trial investigations and trial visits, both during and following negotiations to develop a compliance protocol to the Biological Weapons Convention, with the objective of ensuring that the compliance procedures of the protocol are effective and adequately protect the national security and the concerns of affected United States industries and research institutions. These trial investigations and trial visits shall be conducted at such sites as academic institutions, vaccine production

facilities, and pharmaceutical and biotechnology firms in the United States.

(c) PARTICIPATION BY DEFENSE DEPARTMENT AND OTHER APPROPRIATE PERSONNEL.—The Secretary of Defense and, as appropriate, the Director of the Federal Bureau of Investigation shall make available specialized personnel to participate—

(1) in each trial investigation or trial visit conducted pursuant to subsection (a); and

(2) in each trial investigation or trial visit conducted pursuant to subsection (b), except for any investigation or visit in which the host facility requests that such personnel not participate,

for the purpose of assessing the information security implications of such investigation or visit. The Secretary of Defense, in coordination with the Director of the Federal Bureau of Investigation, shall add to the report required by subsection (d)(2) a classified annex containing an assessment of the risk to proprietary and classified information posed by any investigation or visit procedures in the compliance protocol.

(d) STUDY.—

(1) IN GENERAL.—The President shall conduct a study on the need for investigations and visits under the compliance protocol to the Biological Weapons Convention, including—

(A) an assessment of risks to national security and United States industry and research institutions of such on-site activities; and

(B) an assessment of the monitoring results that can be expected from such investigations and visits.

(2) REPORT.—Not later than the date on which a compliance protocol to the Biological Weapons Convention is submitted to the Senate for its advice and consent to ratification, the President shall submit to the Committee on Foreign Relations of the Senate a report, in both unclassified and classified form, setting forth—

(A) the findings of the study conducted pursuant to paragraph (1); and

(B) the results of trial investigations and trial visits conducted pursuant to subsections (a) and (b).

## **Subtitle B—Nuclear Nonproliferation, Safety, and Related Matters**

### **SEC. 1131. CONGRESSIONAL NOTIFICATION OF NONPROLIFERATION ACTIVITIES.**

Section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) is amended to read as follows:

“(c)(1) The Department of State, the Department of Defense, the Department of Commerce, the Department of Energy, the Commission, and, with regard to subparagraph (B), the Director of Central Intelligence, shall keep the Committees on Foreign Relations and Governmental Affairs of the Senate and the Committee on International Relations of the House of Representatives fully and currently informed with respect to—

“(A) their activities to carry out the purposes and policies of this Act and to otherwise prevent proliferation, including

the proliferation of nuclear, chemical, or biological weapons, or their means of delivery; and

“(B) the current activities of foreign nations which are of significance from the proliferation standpoint.

“(2) For the purposes of this subsection with respect to paragraph (1)(B), the phrase ‘fully and currently informed’ means the transmittal of credible information not later than 60 days after becoming aware of the activity concerned.”.

**SEC. 1132. EFFECTIVE USE OF RESOURCES FOR NONPROLIFERATION PROGRAMS.**

(a) PROHIBITION.—Except as provided in subsection (b), no assistance may be provided by the United States Government to any person who is involved in the research, development, design, testing, or evaluation of chemical or biological weapons for offensive purposes.

(b) EXCEPTION.—The prohibition contained in subsection (a) shall not apply to any activity conducted pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

**SEC. 1133. DISPOSITION OF WEAPONS-GRADE MATERIAL.**

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report—

(1) detailing plans for United States implementation of such agreement;

(2) identifying, in classified form, the number of United States warhead “pits” of each type deemed “excess” for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

(b) SUBMISSION OF THE FABRICATION FACILITY AGREEMENT PURSUANT TO LAW.—Whenever the President submits to Congress the agreement to establish a mixed oxide fuel fabrication or production facility in Russia pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), it is the sense of the Congress that the Secretary of State should be prepared to certify to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House Representatives that—

(1) arrangements for the establishment of that facility will further United States nuclear nonproliferation objectives and will outweigh the proliferation risks inherent in the use of mixed oxide fuel elements;

(2) a guaranty has been given by Russia that no fuel elements produced, fabricated, reprocessed, or assembled at such facility, and no sensitive nuclear technology related to such facility, will be exported or supplied by Russia to any country in the event that the United States objects to such export or supply; and

(3) a guaranty has been given by Russia that the facility and all nuclear materials and equipment therein, and any fuel elements or special nuclear material produced, fabricated,

reprocessed, or assembled at that facility, including fuel elements exported or supplied by Russia to a third party, will be subject to international monitoring and transparency sufficient to ensure that special nuclear material is not diverted.

(c) DEFINITIONS.—

(1) PRODUCED.—The terms “produce” and “produced” have the same meaning that such terms are given under section 11 u. of the Atomic Energy Act of 1954.

(2) PRODUCTION FACILITY.—The term “production facility” has the same meaning that such term is given under section 11 v. of the Atomic Energy Act of 1954.

(3) SPECIAL NUCLEAR MATERIAL.—The term “special nuclear material” has the meaning that such term is given under section 11 aa. of the Atomic Energy Act of 1954.

#### **SEC. 1134. PROVISION OF CERTAIN INFORMATION TO CONGRESS.**

(a) REQUIREMENT TO PROVIDE INFORMATION.—The head of each department and agency described in section 602(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c)) shall promptly provide information to the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in meeting the requirements of subsection (c) or (d) of section 602 of such Act.

(b) ISSUANCE OF DIRECTIVES.—Not later than February 1, 2000, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Nuclear Regulatory Commission shall issue directives, which shall provide access to information, including information contained in special access programs, to implement their responsibilities under subsections (c) and (d) of section 602 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3282(c) and (d)). Copies of such directives shall be forwarded promptly to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives upon the issuance of the directives.

#### **SEC. 1135. AMENDED NUCLEAR EXPORT REPORTING REQUIREMENT.**

Section 1523 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2180; 42 U.S.C. 2155 note) is amended—

(1) by striking “Congress” and inserting “the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives”; and

(2) by adding at the end the following:

“(c) CONTENT OF NOTIFICATION.—The notification required pursuant to this section shall include—

“(1) a detailed description of the articles or services to be exported or reexported, including a brief description of the capabilities of any article to be exported or reexported;

“(2) an estimate of the number of officers and employees of the United States Government and of United States Government civilian contract personnel expected to be required in such country to carry out the proposed export or reexport;

“(3) the name of each licensee expected to provide the article or service proposed to be sold and a description from the licensee of any offset agreements proposed to be entered

into in connection with such sale (if known on the date of transmittal of such statement);

“(4) the projected delivery dates of the articles or services to be exported or reexported; and

“(5) the extent to which the recipient country in the previous two years has engaged in any of the actions specified in subparagraph (A), (B), or (C) of section 129(2) of the Atomic Energy Act of 1954.

**SEC. 1136. ADHERENCE TO THE MISSILE TECHNOLOGY CONTROL REGIME.**

(a) **CLARIFICATION OF REQUIREMENT FOR CONTROL.**—Section 74 of the Arms Export Control Act (22 U.S.C. 2797c) is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “For purposes of”; and

(2) by adding at the end the following:

“(b) **INTERNATIONAL UNDERSTANDING DEFINED.**—For purposes of subsection (a)(3), as it relates to any international understanding concluded with the United States after January 1, 2000, the term ‘international understanding’ means—

“(1) any specific agreement by a country not to export, transfer, or otherwise engage in the trade of any MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act; or

“(2) any specific understanding by a country that, notwithstanding section 73(b) of this Act, the United States retains the right to take the actions under section 73(a)(2) of this Act in the case of any export or transfer of any MTCR equipment or technology that contributes to the acquisition, design, development, or production of missiles in a country that is not an MTCR adherent and would be, if it were United States-origin equipment or technology, subject to the jurisdiction of the United States under this Act.”.

(b) **CLARIFICATION OF APPLICABILITY.**—Section 73(b) of the Arms Export Control Act (22 U.S.C. 2797b(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking “Subsection (a)” and inserting the following:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a)”; and

(3) by adding at the end the following:

“(2) **LIMITATION.**—Notwithstanding paragraph (1), subsection (a) shall apply to an entity subordinate to a government that engages in exports or transfers described in section 498A(b)(3)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(b)(3)(A)).”.

(c) **ENFORCEMENT ACTIONS.**—Section 73(c) of the Arms Export Control Act (22 U.S.C. 2797b(c)) is amended by inserting before the period at the end the following: “, and if the President certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that—

“(1) for any judicial or other enforcement action taken by the MTCR adherent, such action has—

“(A) been comprehensive; and

“(B) been performed to the satisfaction of the United States; and

“(2) with respect to any finding of innocence of wrongdoing, the United States is satisfied with the basis for such finding”.

(d) **POLICY REPORT.**—Section 73A of the Arms Export Control Act (22 U.S.C. 2797b-1) is amended—

(1) by striking “Following any action” and inserting the following:

“(a) **POLICY REPORT.**—Following any action”; and

(2) by adding at the end the following:

“(b) **INTELLIGENCE ASSESSMENT REPORT.**—At such times that a report is transmitted pursuant to subsection (a), the Director of Central Intelligence shall promptly prepare and submit to the Congress a separate report containing any credible information indicating that the country described in subsection (a) has engaged in any activity identified under subparagraph (A), (B), or (C) of section 73(a)(1) within the previous two years.”.

(e) **MTCR DEFINED.**—The term “MTCR” means the Missile Technology Control Regime, as defined in section 74(a)(2) of the Arms Export Control Act (22 U.S.C. 2797c(a)(2)).

**SEC. 1137. AUTHORITY RELATING TO MTCR ADHERENTS.**

Chapter 7 of the Arms Export Control Act (22 U.S.C. 2797 et seq.) is amended by inserting after section 73A the following new section:

**“SEC. 73B. AUTHORITY RELATING TO MTCR ADHERENTS.**

“Notwithstanding section 73(b), the President may take the actions under section 73(a)(2) under the circumstances described in section 74(b)(2).”.

**SEC. 1138. TRANSFER OF FUNDING FOR SCIENCE AND TECHNOLOGY CENTERS IN THE FORMER SOVIET UNION.**

(a) **AUTHORIZATION.**—For fiscal year 2001 and subsequent fiscal years, funds made available under “Nonproliferation, Antiterrorism, Demining, and Related Programs” accounts in annual foreign operations appropriations Acts are authorized to be available for science and technology centers in the independent states of the former Soviet Union assisted under section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) or section 1412(b)(5) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 5901 et seq.), including the use of those and other funds by any Federal agency having expertise and programs related to the activities carried out by those centers, including the Departments of Agriculture, Commerce, and Health and Human Services and the Environmental Protection Agency.

(b) **AVAILABILITY OF FUNDS.**—Amounts made available under any provision of law for the activities described in subsection (a) shall be available until expended and may be used notwithstanding any other provision of law.

**SEC. 1139. RESEARCH AND EXCHANGE ACTIVITIES BY SCIENCE AND TECHNOLOGY CENTERS.**

(a) **IN GENERAL.**—Support for science and technology centers in the independent states of the former Soviet Union, as authorized

by section 503(a)(5) of the FREEDOM Support Act (22 U.S.C. 5853(a)(5)) and section 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484, 22 U.S.C. 5901 et seq.), is authorized for activities described in subsection (b) to support the redirection of former Soviet weapons scientists, especially those with expertise in weapons of mass destruction (nuclear, radiological, chemical, biological), missile and other delivery systems, and other advanced technologies with military applications.

(b) **ACTIVITIES SUPPORTED.**—Activities supported under subsection (a) include—

(1) any research activity involving the participation of former Soviet weapons scientists and civilian scientists and engineers, if the participation of the weapons scientists predominates; and

(2) any program of international exchanges that would provide former Soviet weapons scientists exposure to, and the opportunity to develop relations with, research and industry partners.

## **TITLE XII—SECURITY ASSISTANCE**

### **SEC. 1201. SHORT TITLE.**

This title may be cited as the “Security Assistance Act of 1999”.

## **Subtitle A—Transfers of Excess Defense Articles**

### **SEC. 1211. EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTHERN EUROPEAN COUNTRIES.**

(a) **TRANSPORTATION AND RELATED COSTS.**—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking “1999 and 2000” and inserting “2000 and 2001”.

(b) **EXCESS DEFENSE ARTICLES FOR GREECE AND TURKEY.**—Section 516(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(b)(2)) is amended by inserting after “four-year period beginning on October 1, 1996,” the following: “and thereafter for the four-period beginning on October 1, 2000,”.

### **SEC. 1212. EXCESS DEFENSE ARTICLES FOR CERTAIN OTHER COUNTRIES.**

(a) **USES FOR WHICH FUNDS ARE AVAILABLE.**—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2000 and 2001, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of that Act to Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Slovakia, Ukraine, and Uzbekistan.

(b) **CONTENT OF CONGRESSIONAL NOTIFICATION.**—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)) with respect to a proposed transfer of a defense article described in subsection (a) shall

include an estimate of the amount of funds to be expended under subsection (a) with respect to that transfer.

**SEC. 1213. INCREASE IN ANNUAL LIMITATION ON TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended by striking “\$350,000,000” and inserting “\$425,000,000”.

## **Subtitle B—Foreign Military Sales Authorities**

**SEC. 1221. TERMINATION OF FOREIGN MILITARY TRAINING.**

Section 617 of the Foreign Assistance Act of 1961 (22 U.S.C. 2367) is amended by adding at the end the following new sentence: “Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country’s termination was not a result of activities beyond default of financial responsibilities.”.

**SEC. 1222. SALES OF EXCESS COAST GUARD PROPERTY.**

Section 21(a)(1) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)) is amended in the matter preceding subparagraph (A) by inserting “and the Coast Guard” after “Department of Defense”.

**SEC. 1223. COMPETITIVE PRICING FOR SALES OF DEFENSE ARTICLES.**

Section 22(d) of the Arms Export Control Act (22 U.S.C. 2762(d)) is amended—

- (1) by striking “Procurement contracts” and inserting “(1) Procurement contracts”; and
- (2) by adding at the end the following:

“(2) Direct costs associated with meeting additional or unique requirements of the purchaser shall be allowable under contracts described in paragraph (1). Loadings applicable to such direct costs shall be permitted at the same rates applicable to procurement of like items purchased by the Department of Defense for its own use.”.

**SEC. 1224. NOTIFICATION OF UPGRADES TO DIRECT COMMERCIAL SALES.**

Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by adding at the end the following new paragraph:

“(4) The provisions of subsection (b)(5) shall apply to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to paragraph (1) in the same manner and to the same extent as that subsection applies to any equipment, article, or service for which a numbered certification has been transmitted to Congress pursuant to subsection (b)(1). For purposes of such application, any reference in subsection (b)(5) to ‘a letter of offer’ or ‘an offer’ shall be deemed to be a reference to ‘a contract’.”.



**SEC. 1225. UNAUTHORIZED USE OF DEFENSE ARTICLES.**

Section 3 of the Arms Export Control Act (22 U.S.C. 2753) is amended by adding at the end the following new subsection:

“(g) Any agreement for the sale or lease of any article on the United States Munitions List entered into by the United States Government after the date of enactment of this subsection shall state that the United States Government retains the right to verify credible reports that such article has been used for a purpose not authorized under section 4 or, if such agreement provides that such article may only be used for purposes more limited than those authorized under section 4, for a purpose not authorized under such agreement.”.

## **Subtitle C—Stockpiling of Defense Articles for Foreign Countries**

**SEC. 1231. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

Paragraph (2) of section 514(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

“(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$60,000,000 for fiscal year 2000.

“(B) Of the amount specified in subparagraph (A), not more than \$40,000,000 may be made available for stockpiles in the Republic of Korea and not more than \$20,000,000 may be made available for stockpiles in Thailand.”.

**SEC. 1232. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVES STOCKPILE FOR ALLIES.****(a) ITEMS IN THE KOREAN STOCKPILE.—**

(1) **IN GENERAL.**—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) **COVERED ITEMS.**—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of Defense;

(C) intended for use as reserve stocks for the Republic of Korea; and

(D) as of the date of the enactment of this Act, located in a stockpile in the Republic of Korea.

**(b) ITEMS IN THE THAILAND STOCKPILE.—**

(1) **IN GENERAL.**—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Thailand, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and material such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, ammunition, barrier material, and ancillary equipment, if such items are—

- (A) obsolete or surplus items;
- (B) in the inventory of the Department of Defense;
- (C) intended for use as reserve stocks for Thailand;

and

(D) as of the date of the enactment of this Act, located in a stockpile in Thailand.

(c) VALUATION OF CONCESSIONS.—The value of concessions negotiated pursuant to subsections (a) and (b) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(d) PRIOR NOTIFICATIONS OF PROPOSED TRANSFERS.—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a detailed notification of the proposed transfer, which shall include an identification of the items to be transferred and the concessions to be received.

(e) TERMINATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 3 years after the date of the enactment of this Act.

## Subtitle D—Defense Offsets Disclosure

### SEC. 1241. SHORT TITLE.

This subtitle may be cited as the “Defense Offsets Disclosure Act of 1999”.

### SEC. 1242. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) A fair business environment is necessary to advance international trade, economic stability, and development worldwide, is beneficial for American workers and businesses, and is in the United States national interest.

(2) In some cases, mandated offset requirements can cause economic distortions in international defense trade and undermine fairness and competitiveness, and may cause particular harm to small- and medium-sized businesses.

(3) The use of offsets may lead to increasing dependence on foreign suppliers for the production of United States weapons systems.

(4) The offset demands required by some purchasing countries, including some close allies of the United States, equal or exceed the value of the base contract they are intended to offset, mitigating much of the potential economic benefit of the exports.

(5) Offset demands often unduly distort the prices of defense contracts.

(6) In some cases, United States contractors are required to provide indirect offsets which can negatively impact non-defense industrial sectors.

(7) Unilateral efforts by the United States to prohibit offsets may be impractical in the current era of globalization and would severely hinder the competitiveness of the United States defense industry in the global market.

(8) The development of global standards to manage and restrict demands for offsets would enhance United States efforts to mitigate the negative impact of offsets.

(b) **DECLARATION OF POLICY.**—It is the policy of the United States to monitor the use of offsets in international defense trade, to promote fairness in such trade, and to ensure that foreign participation in the production of United States weapons systems does not harm the economy of the United States.

**SEC. 1243. DEFINITIONS.**

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations of the Senate; and

(B) the Committee on International Relations of the House of Representatives.

(2) **G–8.**—The term “G–8” means the group consisting of France, Germany, Japan, the United Kingdom, the United States, Canada, Italy, and Russia established to facilitate economic cooperation among the eight major economic powers.

(3) **OFFSET.**—The term “offset” means the entire range of industrial and commercial benefits provided to foreign governments as an inducement or condition to purchase military goods or services, including benefits such as coproduction, licensed production, subcontracting, technology transfer, in-country procurement, marketing and financial assistance, and joint ventures.

(4) **TRANSATLANTIC ECONOMIC PARTNERSHIP.**—The term “Transatlantic Economic Partnership” means the joint commitment made by the United States and the European Union to reinforce their close relationship through an initiative involving the intensification and extension of multilateral and bilateral cooperation and common actions in the areas of trade and investment.

(5) **WASSENAAR ARRANGEMENT.**—The term “Wassenaar Arrangement” means the multilateral export control regime in which the United States participates that seeks to promote transparency and responsibility with regard to transfers of conventional armaments and sensitive dual-use items.

(6) **WORLD TRADE ORGANIZATION.**—The term “World Trade Organization” means the organization established pursuant to the WTO Agreement.

(7) **WTO AGREEMENT.**—The term “WTO Agreement” means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

**SEC. 1244. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the executive branch should pursue efforts to address trade fairness by establishing reasonable, business-friendly standards for the use of offsets in international business transactions between the United States and its trading partners and competitors;

(2) the Secretary of Defense, the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, or their designees, should raise with other industrialized nations at every suitable venue the need for transparency and reasonable standards to govern the role of offsets in international defense trade;

(3) the United States Government should enter into discussions regarding the establishment of multilateral standards for the use of offsets in international defense trade through the appropriate multilateral fora, including such organizations as the Transatlantic Economic Partnership, the Wassenaar Arrangement, the G–8, and the World Trade Organization; and

(4) the United States Government, in entering into the discussions described in paragraph (3), should take into account the distortions produced by the provision of other benefits and subsidies, such as export financing, by various countries to support defense trade.

#### **SEC. 1245. REPORTING OF OFFSET AGREEMENTS.**

(a) INITIAL REPORTING OF OFFSET AGREEMENTS.—

(1) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in subparagraph (C) of the fifth sentence, by striking “and a description” and all that follows and inserting “and a description of any offset agreement with respect to such sale;”.

(2) COMMERCIAL SALES.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the second sentence, by striking “(if known on the date of transmittal of such certification)” and inserting “and a description of any such offset agreement”.

(b) CONFIDENTIALITY OF INFORMATION RELATING TO OFFSET AGREEMENTS.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) by redesignating the second subsection (e) (as added by section 155 of Public Law 104–164) as subsection (f); and

(2) by adding at the end the following new subsection:  
“(g) Information relating to offset agreements provided pursuant to subparagraph (C) of the fifth sentence of subsection (b)(1) and the second sentence of subsection (c)(1) shall be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)).”.

#### **SEC. 1246. EXPANDED PROHIBITION ON INCENTIVE PAYMENTS.**

(a) IN GENERAL.—Section 39A(a) of the Arms Export Control Act (22 U.S.C. 2779a(a)) is amended—

(1) by inserting “or licensed” after “sold”; and

(2) by inserting “or export” after “sale”.

(b) DEFINITION OF UNITED STATES PERSON.—Section 39A(d)(3)(B)(ii) of the Arms Export Control Act (22 U.S.C. 2779a(d)(3)(B)(ii)) is amended by inserting “or by an entity described in clause (i)” after “subparagraph (A)”.

#### **SEC. 1247. ESTABLISHMENT OF REVIEW COMMISSION.**

(a) IN GENERAL.—There is established a National Commission on the Use of Offsets in Defense Trade (in this section referred

to as the “Commission”) to address all aspects of the use of offsets in international defense trade.

(b) COMMISSION MEMBERSHIP.—Not later than 120 days after the date of enactment of this Act, the President, with the concurrence of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, shall appoint 11 individuals to serve as members of the Commission. Commission membership shall include—

(1) representatives from the private sector, including—

(A) one each from—

(i) a labor organization,

(ii) a United States defense manufacturing company dependent on foreign sales,

(iii) a United States company dependent on foreign sales that is not a defense manufacturer, and

(iv) a United States company that specializes in international investment, and

(B) two members from academia with widely recognized expertise in international economics; and

(2) five members from the executive branch, including a member from—

(A) the Office of Management and Budget,

(B) the Department of Commerce,

(C) the Department of Defense,

(D) the Department of State, and

(E) the Department of Labor.

The member designated from the Office of Management and Budget shall serve as Chairperson of the Commission. The President shall ensure that the Commission is nonpartisan and that the full range of perspectives on the subject of offsets in the defense industry is adequately represented.

(c) DUTIES.—The Commission shall be responsible for reviewing and reporting on—

(1) the full range of current practices by foreign governments in requiring offsets in purchasing agreements and the extent and nature of offsets offered by United States and foreign defense industry contractors;

(2) the impact of the use of offsets on defense subcontractors and nondefense industrial sectors affected by indirect offsets; and

(3) the role of offsets, both direct and indirect, on domestic industry stability, United States trade competitiveness and national security.

(d) COMMISSION REPORT.—Not later than 12 months after the Commission is established, the Commission shall submit a report to the appropriate congressional committees. In addition to the items described under subsection (c), the report shall include—

(1) an analysis of—

(A) the collateral impact of offsets on industry sectors that may be different than those of the contractor providing the offsets, including estimates of contracts and jobs lost as well as an assessment of damage to industrial sectors;

(B) the role of offsets with respect to competitiveness of the United States defense industry in international trade and the potential damage to the ability of United States contractors to compete if offsets were prohibited or limited; and

(C) the impact on United States national security, and upon United States nonproliferation objectives, of the use of coproduction, subcontracting, and technology transfer with foreign governments or companies that results from fulfilling offset requirements, with particular emphasis on the question of dependency upon foreign nations for the supply of critical components or technology;

(2) proposals for unilateral, bilateral, or multilateral measures aimed at reducing any detrimental effects of offsets; and

(3) an identification of the appropriate executive branch agencies to be responsible for monitoring the use of offsets in international defense trade.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

(h) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) **DETAIL OF GOVERNMENT EMPLOYEES.**—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(i) **TERMINATION.**—The Commission shall terminate 30 days after the transmission of the report from the President as mandated in section 1248(b).

**SEC. 1248. MULTILATERAL STRATEGY TO ADDRESS OFFSETS.**

(a) **IN GENERAL.**—The President shall initiate a review to determine the feasibility of establishing, and the most effective means of negotiating, a multilateral treaty on standards for the use of offsets in international defense trade, with a goal of limiting all offset transactions that are considered injurious to the economy of the United States.

(b) **REPORT REQUIRED.**—Not later than 90 days after the date on which the Commission submits the report required under section 1247(d), the President shall submit to the appropriate congressional committees a report containing the President's determination pursuant to subsection (a), and, if the President determines a multilateral treaty is feasible or desirable, a strategy for United States negotiation of such a treaty. One year after the date the report is submitted under the preceding sentence, and annually thereafter for 5 years, the President shall submit to the appropriate congressional committees a report detailing the progress toward reaching such a treaty.

(c) **REQUIRED INFORMATION.**—The report required by subsection (b) shall include—

(1) a description of the United States efforts to pursue multilateral negotiations on standards for the use of offsets in international defense trade;

(2) an evaluation of existing multilateral fora as appropriate venues for establishing such negotiations;

(3) a description on a country-by-country basis of any United States efforts to engage in negotiations to establish bilateral treaties or agreements with respect to the use of offsets in international defense trade; and

(4) an evaluation on a country-by-country basis of any foreign government efforts to address the use of offsets in international defense trade.

(d) **COMPTROLLER GENERAL REVIEW.**—The Comptroller General of the United States shall monitor and periodically report to Congress on the progress in reaching a multilateral treaty.

## **Subtitle E—Automated Export System Relating to Export Information**

**SEC. 1251. SHORT TITLE.**

This subtitle may be cited as the “Proliferation Prevention Enhancement Act of 1999”.

**SEC. 1252. MANDATORY USE OF THE AUTOMATED EXPORT SYSTEM FOR FILING CERTAIN SHIPPERS' EXPORT DECLARATIONS.**

(a) **AUTHORITY.**—Section 301 of title 13, United States Code, is amended by adding at the end the following new subsection:  
“(h) The Secretary is authorized to require by regulation the filing of Shippers' Export Declarations under this chapter through an automated and electronic system for the filing of export information established by the Department of the Treasury.”.

(b) **IMPLEMENTING REGULATIONS.**—

(1) **IN GENERAL.**—The Secretary of Commerce, with the concurrence of the Secretary of State, shall publish regulations in the Federal Register to require that, upon the effective date of those regulations, exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, file such Declarations through the Automated Export System with respect to exports of items on the United States Munitions List or the Commerce Control List.

(2) **ELEMENTS OF THE REGULATIONS.**—The regulations referred to in paragraph (1) shall include at a minimum—

(A) provision by the Department of Commerce for the establishment of on-line assistance services to be available for those individuals who must use the Automated Export System;

(B) provision by the Department of Commerce for ensuring that an individual who is required to use the Automated Export System is able to print out from the System a validated record of the individual's submission, including the date of the submission and a serial number or other unique identifier, where appropriate, for the export transaction; and

(C) a requirement that the Department of Commerce print out and maintain on file a paper copy or other acceptable back-up record of the individual's submission at a location selected by the Secretary of Commerce.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 270 days after the Secretary of Commerce, the Secretary of the Treasury, and the Director of the National Institute of Standards and Technology jointly provide a certification to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that a secure Automated Export System available through the Internet that is capable of handling the expected volume of information required to be filed under subsection (b), plus the anticipated volume from voluntary use of the Automated Export System, has been successfully implemented and tested and is fully functional with respect to reporting all items on the United States Munitions List, including their quantities and destinations.

**SEC. 1253. VOLUNTARY USE OF THE AUTOMATED EXPORT SYSTEM.**

It is the sense of Congress that exporters (or their agents) who are required to file Shippers' Export Declarations under chapter 9 of title 13, United States Code, but who are not required under section 1252(b) to file such Declarations using the Automated Export System, should do so.



**SEC. 1254. REPORT TO APPROPRIATE COMMITTEES OF CONGRESS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of the Treasury, the Secretary of Energy, and the Director of Central Intelligence, shall submit a report to the appropriate committees of Congress setting forth—

(1) the advisability and feasibility of mandating electronic filing through the Automated Export System for all Shippers' Export Declarations;

(2) the manner in which data gathered through the Automated Export System can most effectively be used, consistent with the need to ensure the confidentiality of business information, by other automated licensing systems administered by Federal agencies, including—

(A) the Defense Trade Application System of the Department of State;

(B) the Export Control Automated Support System of the Department of Commerce;

(C) the Foreign Disclosure and Technology Information System of the Department of Defense;

(D) the Proliferation Information Network System of the Department of Energy;

(E) the Enforcement Communication System of the Department of the Treasury; and

(F) the Export Control System of the Central Intelligence Agency; and

(3) a proposed timetable for any expansion of information required to be filed through the Automated Export System.

(b) **DEFINITION.**—In this section, the term “appropriate committees of Congress” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

**SEC. 1255. ACCELERATION OF DEPARTMENT OF STATE LICENSING PROCEDURES.**

Notwithstanding any other provision of law, the Secretary of State may use funds appropriated or otherwise made available to the Department of State to employ—

(1) up to 40 percent of the individuals who are performing services within the Office of Defense Trade Controls of the Department of State in positions classified at GS-14 and GS-15 on the General Schedule under section 5332 of title 5, United States Code; and

(2) other individuals within the Office at a rate of basic pay that may exceed the maximum rate payable for positions classified at GS-15 on the General Schedule under section 5332 of that title.

**SEC. 1256. DEFINITIONS.**

In this subtitle:

(1) **AUTOMATED EXPORT SYSTEM.**—The term “Automated Export System” means the automated and electronic system for filing export information established under chapter 9 of title 13, United States Code, on June 19, 1995 (60 Federal Register 32040).

(2) **COMMERCE CONTROL LIST.**—The term “Commerce Control List” has the meaning given the term in section 774.1 of title 15, Code of Federal Regulations.

(3) **SHIPPERS’ EXPORT DECLARATION.**—The term “Shippers’ Export Declaration” means the export information filed under chapter 9 of title 13, United States Code, as described in part 30 of title 15, Code of Federal Regulations.

(4) **UNITED STATES MUNITIONS LIST.**—The term “United States Munitions List” means the list of items controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

## **Subtitle F—International Arms Sales Code of Conduct Act of 1999**

### **SEC. 1261. SHORT TITLE.**

This subtitle may be cited as the “International Arms Sales Code of Conduct Act of 1999”.

### **SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.**

(a) **NEGOTIATIONS.**—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct. The President shall take the necessary steps to begin negotiations within appropriate international fora not later than 120 days after the date of the enactment of this Act. The purpose of these negotiations shall be to establish an international regime to promote global transparency with respect to arms transfers, including participation by countries in the United Nations Register of Conventional Arms, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability.

(b) **CRITERIA.**—The President shall consider the following criteria in the negotiations referred to in subsection (a):

(1) **PROMOTES DEMOCRACY.**—The government of the country—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law and provides its nationals the same rights that they would be afforded under the United States Constitution if they were United States citizens; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) **RESPECTS HUMAN RIGHTS.**—The government of the country—

(A) does not persistently engage in gross violations of internationally recognized human rights, including—

(i) extrajudicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—The government of the country is not engaged in acts of armed aggression in violation of international law.

(4) NOT SUPPORTING TERRORISM.—The government of the country does not provide support for international terrorism.

(5) NOT CONTRIBUTING TO PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.—The government of the country does not contribute to the proliferation of weapons of mass destruction.

(6) REGIONAL LOCATION OF COUNTRY.—The country is not located in a region in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

(c) REPORTS TO CONGRESS.—

(1) REPORT RELATING TO NEGOTIATIONS.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made during these negotiations.

(2) HUMAN RIGHTS REPORTS.—In the report required in sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(b) and 2304(b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of subsection (a).

## **Subtitle G—Transfer of Naval Vessels to Certain Foreign Countries**

### **SEC. 1271. AUTHORITY TO TRANSFER NAVAL VESSELS.**

(a) INAPPLICABILITY OF AGGREGATE ANNUAL LIMITATION ON VALUE OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by section 1018(a) of the National Defense Authorization Act for Fiscal Year 2000 shall not be counted

for the purposes of section 516(g) of the Foreign Assistance Act of 1961 in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1018 of the National Defense Authorization Act for Fiscal Year 2000 is amended—

- (1) in subsections (a) and (d), by striking “Secretary of the Navy” each place it appears and inserting “President”;
- (2) by striking subsection (b); and
- (3) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

## TITLE XIII—MISCELLANEOUS PROVISIONS

### SEC. 1301. PUBLICATION OF ARMS SALES CERTIFICATIONS.

(a) IN GENERAL.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended in the second subsection (e) (as added by section 155 of Public Law 104–164)—

(1) by inserting “in a timely manner” after “to be published”; and

(2) by striking “the full unclassified text of” and all that follows and inserting the following: “the full unclassified text of—

“(1) each numbered certification submitted pursuant to subsection (b);

“(2) each notification of a proposed commercial sale submitted under subsection (c); and

“(3) each notification of a proposed commercial technical assistance or manufacturing licensing agreement submitted under subsection (d).”.

(b) NOTICE OF CLASSIFIED ARMS SALES.—

(1) GOVERNMENT-TO-GOVERNMENT SALES.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended in the sixth sentence by inserting before the period at the end the following: “, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information”.

(2) COMMERCIAL SALES.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended in the fifth sentence by inserting before the period at the end the following: “, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information”.

### SEC. 1302. NOTIFICATION REQUIREMENTS FOR COMMERCIAL EXPORT OF ITEMS ON UNITED STATES MUNITIONS LIST.

(a) NOTIFICATION REQUIREMENT.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(i) As prescribed in regulations issued under this section, a United States person to whom a license has been granted to export an item on the United States Munitions List shall, not later than 15 days after the item is exported, submit to the Department

of State a report containing all shipment information, including a description of the item and the quantity, value, port of exit, and end-user and country of destination of the item.”.

(b) QUARTERLY REPORTS TO CONGRESS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking “third-party transfers.” and inserting “third-party transfers; and”; and

(C) by adding after paragraph (12) (but before the last sentence of the subsection), the following:

“(13) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i).”.

#### **SEC. 1303. ENFORCEMENT OF ARMS EXPORT CONTROL ACT.**

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended in sections 38(e), 39A(c), and 40(k) by inserting after “except that” each place it appears the following: “section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that”.

#### **SEC. 1304. VIOLATIONS RELATING TO MATERIAL SUPPORT TO TERRORISTS.**

Section 38(g)(1)(A)(iii) of the Arms Export Control Act (22 U.S.C. 2778(g)(1)(A)(iii)) is amended by adding at the end before the comma the following: “or section 2339A of such title (relating to providing material support to terrorists)”.

#### **SEC. 1305. AUTHORITY TO CONSENT TO THIRD PARTY TRANSFER OF EX-U.S.S. BOWMAN COUNTY TO USS LST SHIP MEMORIAL, INC.**

(a) FINDINGS.—Congress makes the following findings:

(1) It is the long-standing policy of the United States Government to deny requests for the retransfer of significant military equipment that originated in the United States to private entities.

(2) In very exceptional circumstances, when the United States public interest would be served by the proposed retransfer and end-use, such requests may be favorably considered.

(3) Such retransfers to private entities have been authorized in very exceptional circumstances following appropriate demilitarization and receipt of assurances from the private entity that the item to be transferred would be used solely in furtherance of Federal Government contracts or for static museum display.

(4) Nothing in this section should be construed as a revision of long-standing policy referred to in paragraph (1).

(5) The Government of Greece has requested the consent of the United States Government to the retransfer of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(b) AUTHORITY TO CONSENT TO RETRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2), the President may consent to the retransfer by the Government of Greece

of HS Rodos (ex-U.S.S. Bowman County (LST 391)) to the USS LST Ship Memorial, Inc.

(2) CONDITIONS FOR CONSENT.—The President should not exercise the authority under paragraph (1) unless USS LST Memorial, Inc.—

(A) utilizes the vessel for public, nonprofit, museum-related purposes; and

(B) complies with applicable law with respect to the vessel, including law related to demilitarization of guns prior to transfer and to facilitation of Federal Government monitoring and mitigation of potential environmental hazards associated with aging vessels, and has a demonstrated financial capability to so comply.

**SEC. 1306. ANNUAL MILITARY ASSISTANCE REPORT.**

(a) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended to read as follows:

“(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

“(1) were furnished by grant under chapter 2 or chapter 5 of part II of this Act or under any other authority of law or by sale under chapter 2 of the Arms Export Control Act;

“(2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; or

“(3) were licensed for export under section 38 of the Arms Export Control Act.”.

(b) AVAILABILITY ON INTERNET.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended by adding at the end the following:

“(d) AVAILABILITY ON INTERNET.—All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.”.

**SEC. 1307. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

Chapter 3 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2401 et seq.) is amended by inserting after section 655 the following:

**“SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

“(a) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

“(b) CONTENTS.—The report described in subsection (a) shall include the following:

“(1) For each military training activity, the foreign policy justification and purpose for the activity, the number of foreign military personnel provided training and their units of operation, and the location of the training.

“(2) For each country, the aggregate number of students trained and the aggregate cost of the military training activities.

“(3) With respect to United States personnel, the operational benefits to United States forces derived from each military training activity and the United States military units involved in each activity.

“(c) FORM.—The report described in subsection (a) shall be in unclassified form but may include a classified annex.

“(d) AVAILABILITY ON INTERNET.—All unclassified portions of the report described in subsection (a) shall be made available to the public on the Internet through the Department of State.

“(e) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

“(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.”.

#### **SEC. 1308. SECURITY ASSISTANCE FOR THE PHILIPPINES.**

(a) STATEMENT OF POLICY.—The Congress declares the following:

(1) The President should transfer to the Government of the Philippines, on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), the excess defense articles described in subsection (b).

(2) The United States should not oppose the transfer of F-5 aircraft by a third country to the Government of the Philippines.

(b) EXCESS DEFENSE ARTICLES.—The excess defense articles described in this subsection are the following:

(1) UH-1 helicopters and A-4 aircraft.

(2) Amphibious landing craft, naval patrol vessels (including patrol vessels of the Coast Guard), and other naval vessels (such as frigates), if such vessels are available.

(c) FUNDING.—Of the amounts made available to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) for fiscal years 2000 and 2001, \$5,000,000 for each such fiscal year should be made available for assistance on a grant basis for the Philippines.

#### **SEC. 1309. EFFECTIVE REGULATION OF SATELLITE EXPORT ACTIVITIES.**

(a) LICENSING REGIME.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a regulatory regime for the licensing for export of commercial satellites, satellite technologies, their components, and systems which shall include expedited approval, as appropriate, of the licensing for export by United States companies of commercial satellites, satellite technologies, their components, and systems, to NATO allies and major non-NATO allies (as used within the meaning of section 644(q) of the Foreign Assistance Act of 1961).

(2) REQUIREMENTS.—For proposed exports to those nations which meet the requirements of paragraph (1), the regime should include expedited processing of requests for export authorizations that—

(A) are time-critical, including a transfer or exchange of information relating to a satellite failure or anomaly in-flight or on-orbit;

(B) are required to submit bids to procurements offered by foreign persons;

(C) relate to the re-export of unimproved materials, products, or data; or

(D) are required to obtain launch and on-orbit insurance.

(3) ADDITIONAL REQUIREMENTS.—In establishing the regulatory regime under paragraph (1), the Secretary of State shall ensure that—

(A) United States national security considerations and United States obligations under the Missile Technology Control Regime are given priority in the evaluation of any license; and

(B) such time is afforded as is necessary for the Department of Defense, the Department of State, and the United States intelligence community to conduct a review of any license.

(b) FINANCIAL AND PERSONNEL RESOURCES.—Of the funds authorized to be appropriated in section 101(1)(A), \$9,000,000 is authorized to be appropriated for the Office of Defense Trade Controls of the Department of State for each of the fiscal years 2000 and 2001, to enable that office to carry out its responsibilities.

(c) IMPROVEMENT AND ASSESSMENT.—The Secretary of State should, not later than 6 months after the date of the enactment of this Act, submit to the Congress a plan for—

(1) continuously gathering industry and public suggestions for potential improvements in the Department of State's export control regime for commercial satellites; and

(2) arranging for the conduct and submission to Congress, not later than 15 months after the date of the enactment of this Act, of an independent review of the export control regime for commercial satellites as to its effectiveness at promoting national security and economic competitiveness.

#### **SEC. 1310. STUDY ON LICENSING PROCESS UNDER THE ARMS EXPORT CONTROL ACT.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of State should submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a study on the performance of the licensing process pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.), with recommendations on how to improve that performance.

(b) CONTENTS.—The study should include the following:

(1) An analysis of the typology of licenses on which action was completed in 1999. The analysis should provide information on major categories of license requests, including—

(A) the number for nonautomatic small arms, automatic small arms, technical data, parts and components, and other weapons;



(B) the percentage of each category staffed to other agencies;

(C) the average and median time taken for the processing cycle for each category when staffed and not staffed;

(D) the average time taken by Presidential or National Security Council review or scrutiny, if significant; and

(E) the average time spent at the Department of State after a decision had been taken on a license but before a contractor was notified of the decision.

For each major category of license requests under this paragraph, the study should include a breakdown of licenses by country and the identity of each country that has been identified in the past three years pursuant to section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)).

(2) A review of the current computer capabilities of the Department of State relevant to the processing of licenses and its capability to communicate electronically with other agencies and contractors, and what improvements could be made that would speed the process, including the cost for such improvements.

(3) An analysis of the work load and salary structure for export licensing officers of the Office of Defense Trade Controls of the Department of State as compared to comparable jobs at the Department of Commerce and the Department of Defense.

(4) Any suggestions of the Department of State relating to resources and regulations, and any relevant statutory changes that might expedite the licensing process while furthering the objectives of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

#### **SEC. 1311. REPORT CONCERNING PROLIFERATION OF SMALL ARMS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress a report containing—

(1) an assessment of whether the global trade in small arms poses any proliferation problems, including—

(A) estimates of the numbers and sources of licit and illicit small arms and light arms in circulation and their origins;

(B) the challenges associated with monitoring small arms; and

(C) the political, economic, and security dimensions of this issue, and the threats posed, if any, by these weapons to United States interests, including national security interests;

(2) an assessment of whether the export of small arms of the type sold commercially in the United States should be considered a foreign policy or proliferation issue;

(3) a description and analysis of the adequacy of current Department of State activities to monitor and, to the extent possible, ensure adequate control of, both the licit and illicit manufacture, transfer, and proliferation of small arms and light weapons, including efforts to survey and assess this matter with respect to Africa and to survey and assess the scope

and scale of the issue, including stockpile security and destruction of excess inventory, in NATO and Partnership for Peace countries;

(4) a description of the impact of the reorganization of the Department of State made by the Foreign Affairs Reform and Restructuring Act of 1998 on the transfer of functions relating to monitoring, licensing, analysis, and policy on small arms and light weapons, including—

(A) the integration of and the functions relating to small arms and light weapons of the United States Arms Control and Disarmament Agency with those of the Department of State;

(B) the functions of the Bureau of Arms Control, the Bureau of Nonproliferation, the Bureau of Political-Military Affairs, the Bureau of International Narcotics and Law Enforcement, regional bureaus, and any other relevant bureau or office of the Department of State, including the allocation of personnel and funds, as they pertain to small arms and light weapons;

(C) the functions of the regional bureaus of the Department of State in providing information and policy coordination in bilateral and multilateral settings on small arms and light weapons;

(D) the functions of the Under Secretary of State for Arms Control and International Security pertaining to small arms and light weapons; and

(E) the functions of the scientific and policy advisory board on arms control, nonproliferation, and disarmament pertaining to small arms and light weapons; and

(5) an assessment of whether foreign governments are enforcing their own laws concerning small arms and light weapons import and sale, including commitments under the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials or other relevant international agreements.

(b) **DEFINITION.**—In this section, the term “appropriate committees of Congress” means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

#### **SEC. 1312. CONFORMING AMENDMENT.**

Subsection (d) of section 248 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1958) is amended by inserting “, and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives,” after “congressional defense committees”.

**APPENDIX H—H.R. 3428****SECTION 1. USE OF OPTION 1A AS PRICE STRUCTURE FOR CLASS I MILK UNDER CONSOLIDATED FEDERAL MILK MARKETING ORDERS.**

(a) **FINAL RULE DEFINED.**—In this section, the term “final rule” means the final rule for the consolidation and reform of Federal milk marketing orders that was published in the Federal Register on September 1, 1999 (64 Fed. Reg. 47897–48021), to comply with section 143 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7253).

(b) **IMPLEMENTATION OF FINAL RULE FOR MILK ORDER REFORM.**—Subject to subsection (c), the final rule shall take effect, and be implemented by the Secretary of Agriculture, on the first day of the first month beginning at least 30 days after the date of the enactment of this Act.

(c) **USE OF OPTION 1A FOR PRICING CLASS I MILK.**—In lieu of the Class I price differentials specified in the final rule, the Secretary of Agriculture shall price fluid or Class I milk under the Federal milk marketing orders using the Class I price differentials identified as Option 1A “Location-Specific Differentials Analysis” in the proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802, 4809), except that the Secretary shall include the corrections and modifications to such Class I differentials made by the Secretary through April 2, 1999.

(d) **EFFECT OF PRIOR ANNOUNCEMENT OF MINIMUM PRICES.**—If the Secretary of Agriculture announces minimum prices for milk under Federal milk marketing orders pursuant to section 1000.50 of title 7, Code of Federal Regulations, before the effective date specified in subsection (b), the minimum prices so announced before that date shall be the only applicable minimum prices under Federal milk marketing orders for the month or months for which the prices have been announced.

(e) **IMPLEMENTATION OF REQUIREMENT.**—The implementation of the final rule, as modified by subsection (c), shall not be subject to any of the following:

(1) The notice and hearing requirements of section 8c(3) of the Agricultural Adjustment Act (7 U.S.C. 608c(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, or the notice and comment provisions of section 553 of title 5, United States Code.

(2) A referendum conducted by the Secretary of Agriculture pursuant to subsections (17) or (19) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(3) The Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking.

(4) Chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act).

(5) Any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this Act.

**SEC. 2. FURTHER RULEMAKING TO DEVELOP PRICING METHODS FOR CLASS III AND CLASS IV MILK UNDER MARKETING ORDERS.**

(a) CONGRESSIONAL FINDING.—The Class III and Class IV milk pricing formulas included in the final decision for the consolidation and reform of Federal milk marketing orders, as published in the Federal Register on April 2, 1999 (64 Fed. Reg. 16025), do not adequately reflect public comment on the original proposed rule published in the Federal Register on January 30, 1998 (63 Fed. Reg. 4802), and are sufficiently different from the proposed rule and any comments submitted with regard to the proposed rule that further emergency rulemaking is merited.

(b) RULEMAKING REQUIRED.—The Secretary of Agriculture shall conduct rulemaking, on the record after an opportunity for an agency hearing, to reconsider the Class III and Class IV milk pricing formulas included in the final rule for the consolidation and reform of Federal milk marketing orders that was published in the Federal Register on September 1, 1999 (64 Fed. Reg. 47897–48021).

(c) TIME PERIOD FOR RULEMAKING.—On December 1, 2000, the Secretary of Agriculture shall publish in the Federal Register a final decision on the Class III and Class IV milk pricing formulas. The resulting formulas shall take effect, and be implemented by the Secretary, on January 1, 2001.

(d) EFFECT OF COURT ORDER.—The actions authorized by subsections (b) and (c) are intended to ensure the timely publication and implementation of new pricing formulas for Class III and Class IV milk. In the event that the Secretary of Agriculture is enjoined or otherwise restrained by a court order from implementing a final decision within the time period specified in subsection (c), the length of time for which that injunction or other restraining order is effective shall be added to the time limitations specified in subsection (c) thereby extending those time limitations by a period of time equal to the period of time for which the injunction or other restraining order is effective.

(e) FAILURE TO TIMELY COMPLETE RULEMAKING.—If the Secretary of Agriculture fails to implement new Class III and Class IV milk pricing formulas within the time period required under subsection (c) (plus any additional period provided under subsection (d)), the Secretary may not assess or collect assessments from milk producers or handlers under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, for marketing order administration and services provided under such section after the end of that period until the pricing formulas are implemented. The Secretary may not reduce the level of services provided under that section on account of the prohibition against assessments, but shall rather cover the cost of marketing order administration

and services through funds available for the Agricultural Marketing Service of the Department.

(f) IMPLEMENTATION OF REQUIREMENT.—The implementation of the final decision on new Class III and Class IV milk pricing formulas shall not be subject to congressional review under chapter 8 of title 5, United States Code.

### SEC. 3. DAIRY FORWARD PRICING PROGRAM.

The Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by adding at the end the following new section:

#### “SEC. 23. DAIRY FORWARD PRICING PILOT PROGRAM.

“(a) PILOT PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this section, the Secretary of Agriculture shall establish a temporary pilot program under which milk producers and cooperatives are authorized to voluntarily enter into forward price contracts with milk handlers.

“(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperatives, and prices received by milk producers and cooperatives, under the forward contracts shall be deemed to satisfy—

“(1) all regulated minimum milk price requirements of paragraphs (B) and (F) of subsection (5) of section 8c; and

“(2) the requirement of paragraph (C) of such subsection regarding total payments by each handler.

“(c) MILK COVERED BY PILOT PROGRAM.—

“(1) COVERED MILK.—The pilot program shall apply only with respect to the marketing of federally regulated milk that—

“(A) is not classified as Class I milk or otherwise intended for fluid use; and

“(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

“(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with the limitation in paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the handler’s obligations with regard to Class I milk usage.

“(d) DURATION.—The authority of the Secretary of Agriculture to carry out the pilot program shall terminate on December 31, 2004. No forward price contract entered into under the program may extend beyond that date.

“(e) STUDY AND REPORT ON EFFECT OF PILOT PROGRAM.—

“(1) STUDY.—The Secretary of Agriculture shall conduct a study on forward contracting between milk producers and cooperatives and milk handlers to determine the impact on milk prices paid to producers in the United States. To obtain information for the study, the Secretary may use the authorities available to the Secretary under section 8d, subject to the confidentiality requirements of subsection (2) of such section.

“(2) REPORT.—Not later than April 30, 2002, the Secretary shall submit to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of

the House of Representatives a report containing the results of the study.”.

**SEC. 4. CONTINUATION OF CONGRESSIONAL CONSENT FOR NORTH-EAST INTERSTATE DAIRY COMPACT.**

Section 147(3) of the Agricultural Market Transition Act (7 U.S.C. 7256(3)) is amended by striking “concurrent with” and all that follows through the period at the end and inserting “on September 30, 2001.”.

## APPENDIX I—S. 1948

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Intellectual Property and Communications Omnibus Reform Act of 1999”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—SATELLITE HOME VIEWER IMPROVEMENT

Sec. 1001. Short title.

Sec. 1002. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets.

Sec. 1003. Extension of effect of amendments to section 119 of title 17, United States Code.

Sec. 1004. Computation of royalty fees for satellite carriers.

Sec. 1005. Distant signal eligibility for consumers.

Sec. 1006. Public broadcasting service satellite feed.

Sec. 1007. Application of Federal Communications Commission regulations.

Sec. 1008. Rules for satellite carriers retransmitting television broadcast signals.

Sec. 1009. Retransmission consent.

Sec. 1010. Severability.

Sec. 1011. Technical amendments.

Sec. 1012. Effective dates.

#### TITLE II—RURAL LOCAL TELEVISION SIGNALS

Sec. 2001. Short title.

Sec. 2002. Local television service in unserved and underserved markets.

#### TITLE III—TRADEMARK CYBERPIRACY PREVENTION

Sec. 3001. Short title; references.

Sec. 3002. Cyberpiracy prevention.

Sec. 3003. Damages and remedies.

Sec. 3004. Limitation on liability.

Sec. 3005. Definitions.

Sec. 3006. Study on abusive domain name registrations involving personal names.

Sec. 3007. Historic preservation.

Sec. 3008. Savings clause.

Sec. 3009. Technical and conforming amendments.

Sec. 3010. Effective date.

#### TITLE IV—INVENTOR PROTECTION

Sec. 4001. Short title.

##### Subtitle A—Inventors’ Rights

Sec. 4101. Short title.

Sec. 4102. Integrity in invention promotion services.

Sec. 4103. Effective date.

##### Subtitle B—Patent and Trademark Fee Fairness

Sec. 4201. Short title.

Sec. 4202. Adjustment of patent fees.

Sec. 4203. Adjustment of trademark fees.

Sec. 4204. Study on alternative fee structures.

Sec. 4205. Patent and Trademark Office funding.

Sec. 4206. Effective date.

Subtitle C—First Inventor Defense

Sec. 4301. Short title.

Sec. 4302. Defense to patent infringement based on earlier inventor.

Sec. 4303. Effective date and applicability.

Subtitle D—Patent Term Guarantee

Sec. 4401. Short title.

Sec. 4402. Patent term guarantee authority.

Sec. 4403. Continued examination of patent applications.

Sec. 4404. Technical clarification.

Sec. 4405. Effective date.

Subtitle E—Domestic Publication of Patent Applications Published Abroad

Sec. 4501. Short title.

Sec. 4502. Publication.

Sec. 4503. Time for claiming benefit of earlier filing date.

Sec. 4504. Provisional rights.

Sec. 4505. Prior art effect of published applications.

Sec. 4506. Cost recovery for publication.

Sec. 4507. Conforming amendments.

Sec. 4508. Effective date.

Subtitle F—Optional Inter Partes Reexamination Procedure

Sec. 4601. Short title.

Sec. 4602. Ex parte reexamination of patents.

Sec. 4603. Definitions.

Sec. 4604. Optional inter partes reexamination procedures.

Sec. 4605. Conforming amendments.

Sec. 4606. Report to Congress.

Sec. 4607. Estoppel effect of reexamination.

Sec. 4608. Effective date.

Subtitle G—Patent and Trademark Office

Sec. 4701. Short title.

CHAPTER 1—UNITED STATES PATENT AND TRADEMARK OFFICE

Sec. 4711. Establishment of Patent and Trademark Office.

Sec. 4712. Powers and duties.

Sec. 4713. Organization and management.

Sec. 4714. Public advisory committees.

Sec. 4715. Conforming amendments.

Sec. 4716. Trademark Trial and Appeal Board.

Sec. 4717. Board of Patent Appeals and Interferences.

Sec. 4718. Annual report of Director.

Sec. 4719. Suspension or exclusion from practice.

Sec. 4720. Pay of Director and Deputy Director.

CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS

Sec. 4731. Effective date.

Sec. 4732. Technical and conforming amendments.

CHAPTER 3—MISCELLANEOUS PROVISIONS

Sec. 4741. References.

Sec. 4742. Exercise of authorities.

Sec. 4743. Savings provisions.

Sec. 4744. Transfer of assets.

Sec. 4745. Delegation and assignment.

Sec. 4746. Authority of Director of the Office of Management and Budget with respect to functions transferred.

Sec. 4747. Certain vesting of functions considered transfers.

Sec. 4748. Availability of existing funds.

Sec. 4749. Definitions.

Subtitle H—Miscellaneous Patent Provisions

Sec. 4801. Provisional applications.

Sec. 4802. International applications.

Sec. 4803. Certain limitations on damages for patent infringement not applicable.



- Sec. 4804. Electronic filing and publications.
- Sec. 4805. Study and report on biological deposits in support of biotechnology patents.
- Sec. 4806. Prior invention.
- Sec. 4807. Prior art exclusion for certain commonly assigned patents.
- Sec. 4808. Exchange of copies of patents with foreign countries.

## TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 5001. Commission on online child protection.
- Sec. 5002. Privacy protection for donors to public broadcasting entities.
- Sec. 5003. Completion of biennial regulatory review.
- Sec. 5004. Public broadcasting entities.
- Sec. 5005. Technical amendments relating to vessel hull design protection.
- Sec. 5006. Informal rulemaking of copyright determination.
- Sec. 5007. Service of process for surety corporations.
- Sec. 5008. Low-power television.

## TITLE VI—SUPERFUND RECYCLING EQUITY

- Sec. 6001. Superfund recycling equity.

## TITLE I—SATELLITE HOME VIEWER IMPROVEMENT

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Satellite Home Viewer Improvement Act of 1999”.

**SEC. 1002. LIMITATIONS ON EXCLUSIVE RIGHTS; SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS WITHIN LOCAL MARKETS.**

(a) IN GENERAL.—Chapter 1 of title 17, United States Code, is amended by adding after section 121 the following new section:

**“§ 122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local markets**

“(a) SECONDARY TRANSMISSIONS OF TELEVISION BROADCAST STATIONS BY SATELLITE CARRIERS.—A secondary transmission of a performance or display of a work embodied in a primary transmission of a television broadcast station into the station’s local market shall be subject to statutory licensing under this section if—

“(1) the secondary transmission is made by a satellite carrier to the public;

“(2) with regard to secondary transmissions, the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals; and

“(3) the satellite carrier makes a direct or indirect charge for the secondary transmission to—

“(A) each subscriber receiving the secondary transmission; or

“(B) a distributor that has contracted with the satellite carrier for direct or indirect delivery of the secondary transmission to the public.

“(b) REPORTING REQUIREMENTS.—

“(1) INITIAL LISTS.—A satellite carrier that makes secondary transmissions of a primary transmission made by a network station under subsection (a) shall, within 90 days after commencing such secondary transmissions, submit to the network

that owns or is affiliated with the network station a list identifying (by name in alphabetical order and street address, including county and zip code) all subscribers to which the satellite carrier makes secondary transmissions of that primary transmission under subsection (a).

“(2) SUBSEQUENT LISTS.—After the list is submitted under paragraph (1), the satellite carrier shall, on the 15th of each month, submit to the network a list identifying (by name in alphabetical order and street address, including county and zip code) any subscribers who have been added or dropped as subscribers since the last submission under this subsection.

“(3) USE OF SUBSCRIBER INFORMATION.—Subscriber information submitted by a satellite carrier under this subsection may be used only for the purposes of monitoring compliance by the satellite carrier with this section.

“(4) REQUIREMENTS OF NETWORKS.—The submission requirements of this subsection shall apply to a satellite carrier only if the network to which the submissions are to be made places on file with the Register of Copyrights a document identifying the name and address of the person to whom such submissions are to be made. The Register of Copyrights shall maintain for public inspection a file of all such documents.

“(c) NO ROYALTY FEE REQUIRED.—A satellite carrier whose secondary transmissions are subject to statutory licensing under subsection (a) shall have no royalty obligation for such secondary transmissions.

“(d) NONCOMPLIANCE WITH REPORTING AND REGULATORY REQUIREMENTS.—Notwithstanding subsection (a), the willful or repeated secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a primary transmission embodying a performance or display of a work made by that television broadcast station is actionable as an act of infringement under section 501, and is fully subject to the remedies provided under sections 502 through 506 and 509, if the satellite carrier has not complied with the reporting requirements of subsection (b) or with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast signals.

“(e) WILLFUL ALTERATIONS.—Notwithstanding subsection (a), the secondary transmission to the public by a satellite carrier into the local market of a television broadcast station of a performance or display of a work embodied in a primary transmission made by that television broadcast station is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and sections 509 and 510, if the content of the particular program in which the performance or display is embodied, or any commercial advertising or station announcement transmitted by the primary transmitter during, or immediately before or after, the transmission of such program, is in any way willfully altered by the satellite carrier through changes, deletions, or additions, or is combined with programming from any other broadcast signal.

“(f) VIOLATION OF TERRITORIAL RESTRICTIONS ON STATUTORY LICENSE FOR TELEVISION BROADCAST STATIONS.—

“(1) INDIVIDUAL VIOLATIONS.—The willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission embodying a performance or display of

a work made by a television broadcast station to a subscriber who does not reside in that station's local market, and is not subject to statutory licensing under section 119 or a private licensing agreement, is actionable as an act of infringement under section 501 and is fully subject to the remedies provided by sections 502 through 506 and 509, except that—

“(A) no damages shall be awarded for such act of infringement if the satellite carrier took corrective action by promptly withdrawing service from the ineligible subscriber; and

“(B) any statutory damages shall not exceed \$5 for such subscriber for each month during which the violation occurred.

“(2) PATTERN OF VIOLATIONS.—If a satellite carrier engages in a willful or repeated pattern or practice of secondarily transmitting to the public a primary transmission embodying a performance or display of a work made by a television broadcast station to subscribers who do not reside in that station's local market, and are not subject to statutory licensing under section 119 or a private licensing agreement, then in addition to the remedies under paragraph (1)—

“(A) if the pattern or practice has been carried out on a substantially nationwide basis, the court—

“(i) shall order a permanent injunction barring the secondary transmission by the satellite carrier of the primary transmissions of that television broadcast station (and if such television broadcast station is a network station, all other television broadcast stations affiliated with such network); and

“(ii) may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out; and

“(B) if the pattern or practice has been carried out on a local or regional basis with respect to more than one television broadcast station, the court—

“(i) shall order a permanent injunction barring the secondary transmission in that locality or region by the satellite carrier of the primary transmissions of any television broadcast station; and

“(ii) may order statutory damages not exceeding \$250,000 for each 6-month period during which the pattern or practice was carried out.

“(g) BURDEN OF PROOF.—In any action brought under subsection (f), the satellite carrier shall have the burden of proving that its secondary transmission of a primary transmission by a television broadcast station is made only to subscribers located within that station's local market or subscribers being served in compliance with section 119 or a private licensing agreement.

“(h) GEOGRAPHIC LIMITATIONS ON SECONDARY TRANSMISSIONS.—The statutory license created by this section shall apply to secondary transmissions to locations in the United States.

“(i) EXCLUSIVITY WITH RESPECT TO SECONDARY TRANSMISSIONS OF BROADCAST STATIONS BY SATELLITE TO MEMBERS OF THE PUBLIC.—No provision of section 111 or any other law (other than this section and section 119) shall be construed to contain any authorization, exemption, or license through which secondary transmissions by satellite carriers of programming contained in a primary

transmission made by a television broadcast station may be made without obtaining the consent of the copyright owner.

“(j) DEFINITIONS.—In this section—

“(1) DISTRIBUTOR.—The term ‘distributor’ means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

“(2) LOCAL MARKET.—

“(A) IN GENERAL.—The term ‘local market’, in the case of both commercial and noncommercial television broadcast stations, means the designated market area in which a station is located, and—

“(i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and

“(ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

“(B) COUNTY OF LICENSE.—In addition to the area described in subparagraph (A), a station’s local market includes the county in which the station’s community of license is located.

“(C) DESIGNATED MARKET AREA.—For purposes of subparagraph (A), the term ‘designated market area’ means a designated market area, as determined by Nielsen Media Research and published in the 1999–2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication.

“(3) NETWORK STATION; SATELLITE CARRIER; SECONDARY TRANSMISSION.—The terms ‘network station’, ‘satellite carrier’, and ‘secondary transmission’ have the meanings given such terms under section 119(d).

“(4) SUBSCRIBER.—The term ‘subscriber’ means a person who receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

“(5) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’—

“(A) means an over-the-air, commercial or noncommercial television broadcast station licensed by the Federal Communications Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station; and

“(B) includes a television broadcast station licensed by an appropriate governmental authority of Canada or Mexico if the station broadcasts primarily in the English language and is a network station as defined in section 119(d)(2)(A).”.

(b) INFRINGEMENT OF COPYRIGHT.—Section 501 of title 17, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) With respect to any secondary transmission that is made by a satellite carrier of a performance or display of a work embodied in a primary transmission and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.

“(2) A television broadcast station may file a civil action against any satellite carrier that has refused to carry television broadcast signals, as required under section 122(a)(2), to enforce that television broadcast station’s rights under section 338(a) of the Communications Act of 1934.”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 1 of title 17, United States Code, is amended by adding after the item relating to section 121 the following:

“122. Limitations on exclusive rights; secondary transmissions by satellite carriers within local market.”.

**SEC. 1003. EXTENSION OF EFFECT OF AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.**

Section 4(a) of the Satellite Home Viewer Act of 1994 (17 U.S.C. 119 note; Public Law 103–369; 108 Stat. 3481) is amended by striking “December 31, 1999” and inserting “December 31, 2004”.

**SEC. 1004. COMPUTATION OF ROYALTY FEES FOR SATELLITE CARRIERS.**

Section 119(c) of title 17, United States Code, is amended by adding at the end the following new paragraph:

“(4) REDUCTION.—

“(A) SUPERSTATION.—The rate of the royalty fee in effect on January 1, 1998, payable in each case under subsection (b)(1)(B)(i) shall be reduced by 30 percent.

“(B) NETWORK AND PUBLIC BROADCASTING SATELLITE FEED.—The rate of the royalty fee in effect on January 1, 1998, payable under subsection (b)(1)(B)(ii) shall be reduced by 45 percent.

“(5) PUBLIC BROADCASTING SERVICE AS AGENT.—For purposes of section 802, with respect to royalty fees paid by satellite carriers for retransmitting the Public Broadcasting Service satellite feed, the Public Broadcasting Service shall be the agent for all public television copyright claimants and all Public Broadcasting Service member stations.”.

**SEC. 1005. DISTANT SIGNAL ELIGIBILITY FOR CONSUMERS.**

(a) UNSERVED HOUSEHOLD.—

(1) IN GENERAL.—Section 119(d) of title 17, United States Code, is amended by striking paragraph (10) and inserting the following:

“(10) UNSERVED HOUSEHOLD.—The term ‘unserved household’, with respect to a particular television network, means a household that—

“(A) cannot receive, through the use of a conventional, stationary, outdoor rooftop receiving antenna, an over-the-air signal of a primary network station affiliated with

that network of Grade B intensity as defined by the Federal Communications Commission under section 73.683(a) of title 47 of the Code of Federal Regulations, as in effect on January 1, 1999;

“(B) is subject to a waiver granted under regulations established under section 339(c)(2) of the Communications Act of 1934;

“(C) is a subscriber to whom subsection (e) applies;

“(D) is a subscriber to whom subsection (a)(11) applies;

or

“(E) is a subscriber to whom the exemption under subsection (a)(2)(B)(iii) applies.”.

(2) CONFORMING AMENDMENT.—Section 119(a)(2)(B) of title 17, United States Code, is amended to read as follows:

“(B) SECONDARY TRANSMISSIONS TO UNSERVED HOUSEHOLDS.—

“(i) IN GENERAL.—The statutory license provided for in subparagraph (A) shall be limited to secondary transmissions of the signals of no more than two network stations in a single day for each television network to persons who reside in unserved households.

“(ii) ACCURATE DETERMINATIONS OF ELIGIBILITY.—

“(I) ACCURATE PREDICTIVE MODEL.—In determining presumptively whether a person resides in an unserved household under subsection (d)(10)(A), a court shall rely on the Individual Location Longley-Rice model set forth by the Federal Communications Commission in Docket No. 98–201, as that model may be amended by the Commission over time under section 339(c)(3) of the Communications Act of 1934 to increase the accuracy of that model.

“(II) ACCURATE MEASUREMENTS.—For purposes of site measurements to determine whether a person resides in an unserved household under subsection (d)(10)(A), a court shall rely on section 339(c)(4) of the Communications Act of 1934.

“(iii) C-BAND EXEMPTION TO UNSERVED HOUSEHOLDS.—

“(I) IN GENERAL.—The limitations of clause (i) shall not apply to any secondary transmissions by C-band services of network stations that a subscriber to C-band service received before any termination of such secondary transmissions before October 31, 1999.

“(II) DEFINITION.—In this clause the term ‘C-band service’ means a service that is licensed by the Federal Communications Commission and operates in the Fixed Satellite Service under part 25 of title 47 of the Code of Federal Regulations.”.

(b) EXCEPTION TO LIMITATION ON SECONDARY TRANSMISSIONS.—Section 119(a)(5) of title 17, United States Code, is amended by adding at the end the following:

“(E) EXCEPTION.—The secondary transmission by a satellite carrier of a performance or display of a work embodied in a primary transmission made by a network station to

subscribers who do not reside in unserved households shall not be an act of infringement if—

“(i) the station on May 1, 1991, was retransmitted by a satellite carrier and was not on that date owned or operated by or affiliated with a television network that offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States;

“(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of this section; and

“(iii) the station is not owned or operated by or affiliated with a television network that, as of January 1, 1995, offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States.”.

(c) MORATORIUM ON COPYRIGHT LIABILITY.—Section 119(e) of title 17, United States Code, is amended to read as follows:

“(e) MORATORIUM ON COPYRIGHT LIABILITY.—Until December 31, 2004, a subscriber who does not receive a signal of Grade A intensity (as defined in the regulations of the Federal Communications Commission under section 73.683(a) of title 47 of the Code of Federal Regulations, as in effect on January 1, 1999, or predicted by the Federal Communications Commission using the Individual Location Longley-Rice methodology described by the Federal Communications Commission in Docket No. 98-201) of a local network television broadcast station shall remain eligible to receive signals of network stations affiliated with the same network, if that subscriber had satellite service of such network signal terminated after July 11, 1998, and before October 31, 1999, as required by this section, or received such service on October 31, 1999.”.

(d) RECREATIONAL VEHICLE AND COMMERCIAL TRUCK EXEMPTION.—Section 119(a) of title 17, United States Code, is amended by adding at the end the following:

“(11) SERVICE TO RECREATIONAL VEHICLES AND COMMERCIAL TRUCKS.—

“(A) EXEMPTION.—

“(i) IN GENERAL.—For purposes of this subsection, and subject to clauses (ii) and (iii), the term ‘unserved household’ shall include—

“(I) recreational vehicles as defined in regulations of the Secretary of Housing and Urban Development under section 3282.8 of title 24 of the Code of Federal Regulations; and

“(II) commercial trucks that qualify as commercial motor vehicles under regulations of the Secretary of Transportation under section 383.5 of title 49 of the Code of Federal Regulations.

“(ii) LIMITATION.—Clause (i) shall apply only to a recreational vehicle or commercial truck if any satellite carrier that proposes to make a secondary transmission of a network station to the operator of such a recreational vehicle or commercial truck complies with the documentation requirements under subparagraphs (B) and (C).

“(iii) EXCLUSION.—For purposes of this subparagraph, the terms ‘recreational vehicle’ and ‘commercial truck’ shall not include any fixed dwelling, whether a mobile home or otherwise.

“(B) DOCUMENTATION REQUIREMENTS.—A recreational vehicle or commercial truck shall be deemed to be an unserved household beginning 10 days after the relevant satellite carrier provides to the network that owns or is affiliated with the network station that will be secondarily transmitted to the recreational vehicle or commercial truck the following documents:

“(i) DECLARATION.—A signed declaration by the operator of the recreational vehicle or commercial truck that the satellite dish is permanently attached to the recreational vehicle or commercial truck, and will not be used to receive satellite programming at any fixed dwelling.

“(ii) REGISTRATION.—In the case of a recreational vehicle, a copy of the current State vehicle registration for the recreational vehicle.

“(iii) REGISTRATION AND LICENSE.—In the case of a commercial truck, a copy of—

“(I) the current State vehicle registration for the truck; and

“(II) a copy of a valid, current commercial driver’s license, as defined in regulations of the Secretary of Transportation under section 383 of title 49 of the Code of Federal Regulations, issued to the operator.

“(C) UPDATED DOCUMENTATION REQUIREMENTS.—If a satellite carrier wishes to continue to make secondary transmissions to a recreational vehicle or commercial truck for more than a 2-year period, that carrier shall provide each network, upon request, with updated documentation in the form described under subparagraph (B) during the 90 days before expiration of that 2-year period.”.

(e) CONFORMING AMENDMENT.—Section 119(d)(11) of title 17, United States Code, is amended to read as follows:

“(11) LOCAL MARKET.—The term ‘local market’ has the meaning given such term under section 122(j).”.

#### **SEC. 1006. PUBLIC BROADCASTING SERVICE SATELLITE FEED.**

(a) SECONDARY TRANSMISSIONS.—Section 119(a)(1) of title 17, United States Code, is amended—

(1) by striking the paragraph heading and inserting “(1) SUPERSTATIONS AND PBS SATELLITE FEED.—”;

(2) by inserting “or by the Public Broadcasting Service satellite feed” after “superstation”; and

(3) by adding at the end the following: “In the case of the Public Broadcasting Service satellite feed, the statutory license shall be effective until January 1, 2002.”.

(b) ROYALTY FEES.—Section 119(b)(1)(B)(iii) of title 17, United States Code, is amended by inserting “or the Public Broadcasting Service satellite feed” after “network station”.

(c) DEFINITIONS.—Section 119(d) of title 17, United States Code, is amended—

(1) by amending paragraph (9) to read as follows:



“(9) SUPERSTATION.—The term ‘superstation’—

“(A) means a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier; and

“(B) except for purposes of computing the royalty fee, includes the Public Broadcasting Service satellite feed.”; and

(2) by adding at the end the following:

“(12) PUBLIC BROADCASTING SERVICE SATELLITE FEED.—The term ‘Public Broadcasting Service satellite feed’ means the national satellite feed distributed and designated for purposes of this section by the Public Broadcasting Service consisting of educational and informational programming intended for private home viewing, to which the Public Broadcasting Service holds national terrestrial broadcast rights.”.

**SEC. 1007. APPLICATION OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS.**

Section 119(a) of title 17, United States Code, is amended—

(1) in paragraph (1), by inserting “with regard to secondary transmissions the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals,” after “satellite carrier to the public for private home viewing,”;

(2) in paragraph (2), by inserting “with regard to secondary transmissions the satellite carrier is in compliance with the rules, regulations, or authorizations of the Federal Communications Commission governing the carriage of television broadcast station signals,” after “satellite carrier to the public for private home viewing,”; and

(3) by adding at the end of such subsection (as amended by section 1005(e) of this Act) the following new paragraph:

“(12) STATUTORY LICENSE CONTINGENT ON COMPLIANCE WITH FCC RULES AND REMEDIAL STEPS.—Notwithstanding any other provision of this section, the willful or repeated secondary transmission to the public by a satellite carrier of a primary transmission embodying a performance or display of a work made by a broadcast station licensed by the Federal Communications Commission is actionable as an act of infringement under section 501, and is fully subject to the remedies provided by sections 502 through 506 and 509, if, at the time of such transmission, the satellite carrier is not in compliance with the rules, regulations, and authorizations of the Federal Communications Commission concerning the carriage of television broadcast station signals.”.

**SEC. 1008. RULES FOR SATELLITE CARRIERS RETRANSMITTING TELEVISION BROADCAST SIGNALS.**

(a) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Title III of the Communications Act of 1934 is amended by inserting after section 337 (47 U.S.C. 337) the following new sections:

**“SEC. 338. CARRIAGE OF LOCAL TELEVISION SIGNALS BY SATELLITE CARRIERS.**

“(a) CARRIAGE OBLIGATIONS.—

“(1) IN GENERAL.—Subject to the limitations of paragraph (2), each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b).

“(2) REMEDIES FOR FAILURE TO CARRY.—The remedies for any failure to meet the obligations under this subsection shall be available exclusively under section 501(f) of title 17, United States Code.

“(3) EFFECTIVE DATE.—No satellite carrier shall be required to carry local television broadcast stations under paragraph (1) until January 1, 2002.

“(b) GOOD SIGNAL REQUIRED.—

“(1) COSTS.—A television broadcast station asserting its right to carriage under subsection (a) shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

“(2) REGULATIONS.—The regulations issued under subsection (g) shall set forth the obligations necessary to carry out this subsection.

“(c) DUPLICATION NOT REQUIRED.—

“(1) COMMERCIAL STATIONS.—Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or to carry upon request the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.

“(2) NONCOMMERCIAL STATIONS.—The Commission shall prescribe regulations limiting the carriage requirements under subsection (a) of satellite carriers with respect to the carriage of multiple local noncommercial television broadcast stations. To the extent possible, such regulations shall provide the same degree of carriage by satellite carriers of such multiple stations as is provided by cable systems under section 615.

“(d) CHANNEL POSITIONING.—No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station’s local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations’ local market on contiguous channels and provide access to such station’s signals at a nondiscriminatory price and in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.

“(e) COMPENSATION FOR CARRIAGE.—A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for

channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.

“(f) REMEDIES.—

“(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under subsections (b) through (e) of this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations. The satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations. A local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

“(2) OPPORTUNITY TO RESPOND.—The Commission shall afford the satellite carrier against which a complaint is filed under paragraph (1) an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section.

“(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed under paragraph (1), the Commission shall determine whether the satellite carrier has met its obligations under subsections (b) through (e). If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to take appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of such subsections, the Commission shall dismiss the complaint.

“(g) REGULATIONS BY COMMISSION.—Within 1 year after the date of the enactment of this section, the Commission shall issue regulations implementing this section following a rulemaking proceeding. The regulations prescribed under this section shall include requirements on satellite carriers that are comparable to the requirements on cable operators under sections 614(b) (3) and (4) and 615(g) (1) and (2).

“(h) DEFINITIONS.—As used in this section:

“(1) DISTRIBUTOR.—The term ‘distributor’ means an entity which contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers or indirectly through other program distribution entities.

“(2) LOCAL RECEIVE FACILITY.—The term ‘local receive facility’ means the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

“(3) LOCAL MARKET.—The term ‘local market’ has the meaning given that term under section 122(j) of title 17, United States Code.

“(4) SATELLITE CARRIER.—The term ‘satellite carrier’ has the meaning given such term under section 119(d) of title 17, United States Code.

“(5) SECONDARY TRANSMISSION.—The term ‘secondary transmission’ has the meaning given such term in section 119(d) of title 17, United States Code.

“(6) SUBSCRIBER.—The term ‘subscriber’ has the meaning given that term under section 122(j) of title 17, United States Code.

“(7) TELEVISION BROADCAST STATION.—The term ‘television broadcast station’ has the meaning given such term in section 325(b)(7).

**“SEC. 339. CARRIAGE OF DISTANT TELEVISION STATIONS BY SATELLITE CARRIERS.**

“(a) PROVISIONS RELATING TO CARRIAGE OF DISTANT SIGNALS.—

“(1) CARRIAGE PERMITTED.—

“(A) IN GENERAL.—Subject to section 119 of title 17, United States Code, any satellite carrier shall be permitted to provide the signals of no more than two network stations in a single day for each television network to any household not located within the local markets of those network stations.

“(B) ADDITIONAL SERVICE.—In addition to signals provided under subparagraph (A), any satellite carrier may also provide service under the statutory license of section 122 of title 17, United States Code, to the local market within which such household is located. The service provided under section 122 of such title may be in addition to the two signals provided under section 119 of such title.

“(2) PENALTY FOR VIOLATION.—Any satellite carrier that knowingly and willfully provides the signals of television stations to subscribers in violation of this subsection shall be liable for a forfeiture penalty under section 503 in the amount of \$50,000 for each violation or each day of a continuing violation.

“(b) EXTENSION OF NETWORK NONDUPLICATION, SYNDICATED EXCLUSIVITY, AND SPORTS BLACKOUT TO SATELLITE RETRANSMISSION.—

“(1) EXTENSION OF PROTECTIONS.—Within 45 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall commence a single rulemaking proceeding to establish regulations that—

“(A) apply network nonduplication protection (47 CFR 76.92) syndicated exclusivity protection (47 CFR 76.151), and sports blackout protection (47 CFR 76.67) to the retransmission of the signals of nationally distributed superstations by satellite carriers to subscribers; and

“(B) to the extent technically feasible and not economically prohibitive, apply sports blackout protection (47 CFR 76.67) to the retransmission of the signals of network stations by satellite carriers to subscribers.

“(2) DEADLINE FOR ACTION.—The Commission shall complete all actions necessary to prescribe regulations required by this section so that the regulations shall become effective within 1 year after such date of enactment.

“(c) ELIGIBILITY FOR RETRANSMISSION.—

“(1) SIGNAL STANDARD FOR SATELLITE CARRIER PURPOSES.—

For the purposes of identifying an unserved household under section 119(d)(10) of title 17, United States Code, within 1 year after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall conclude an inquiry to evaluate all possible standards and factors for determining eligibility for retransmissions of the signals of network stations, and, if appropriate—

“(A) recommend modifications to the Grade B intensity standard for analog signals set forth in section 73.683(a) of its regulations (47 CFR 73.683(a)), or recommend alternative standards or factors for purposes of determining such eligibility; and

“(B) make a further recommendation relating to an appropriate standard for digital signals.

“(2) WAIVERS.—A subscriber who is denied the retransmission of a signal of a network station under section 119 of title 17, United States Code, may request a waiver from such denial by submitting a request, through such subscriber’s satellite carrier, to the network station asserting that the retransmission is prohibited. The network station shall accept or reject a subscriber’s request for a waiver within 30 days after receipt of the request. The subscriber shall be permitted to receive such retransmission under section 119(d)(10)(B) of title 17, United States Code, if such station agrees to the waiver request and files with the satellite carrier a written waiver with respect to that subscriber allowing the subscriber to receive such retransmission. If a television network station fails to accept or reject a subscriber’s request for a waiver within the 30-day period after receipt of the request, that station shall be deemed to agree to the waiver request and have filed such written waiver.

“(3) ESTABLISHMENT OF IMPROVED PREDICTIVE MODEL REQUIRED.—Within 180 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall take all actions necessary, including any reconsideration, to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive signals in accordance with the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code. In prescribing such model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Federal Communications Commission in Docket No. 98-201 and ensure that such model takes into account terrain, building structures, and other land cover variations. The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.

“(4) OBJECTIVE VERIFICATION.—

“(A) IN GENERAL.—If a subscriber’s request for a waiver under paragraph (2) is rejected and the subscriber submits to the subscriber’s satellite carrier a request for a test verifying the subscriber’s inability to receive a signal that meets the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, the satellite carrier and the network station or stations asserting that

the retransmission is prohibited with respect to that subscriber shall select a qualified and independent person to conduct a test in accordance with section 73.686(d) of its regulations (47 CFR 73.686(d)), or any successor regulation. Such test shall be conducted within 30 days after the date the subscriber submits a request for the test. If the written findings and conclusions of a test conducted in accordance with such section (or any successor regulation) demonstrate that the subscriber does not receive a signal that meets or exceeds the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, the subscriber shall not be denied the retransmission of a signal of a network station under section 119 of title 17, United States Code.

“(B) DESIGNATION OF TESTER AND ALLOCATION OF COSTS.—If the satellite carrier and the network station or stations asserting that the retransmission is prohibited are unable to agree on such a person to conduct the test, the person shall be designated by an independent and neutral entity designated by the Commission by rule. Unless the satellite carrier and the network station or stations otherwise agree, the costs of conducting the test under this paragraph shall be borne by the satellite carrier, if the station’s signal meets or exceeds the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code, or by the network station, if its signal fails to meet or exceed such standard.

“(C) AVOIDANCE OF UNDUE BURDEN.—Commission regulations prescribed under this paragraph shall seek to avoid any undue burden on any party.

“(d) DEFINITIONS.—For the purposes of this section:

“(1) LOCAL MARKET.—The term ‘local market’ has the meaning given that term under section 122(j) of title 17, United States Code.

“(2) NATIONALLY DISTRIBUTED SUPERSTATION.—The term ‘nationally distributed superstation’ means a television broadcast station, licensed by the Commission, that—

“(A) is not owned or operated by or affiliated with a television network that, as of January 1, 1995, offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States;

“(B) on May 1, 1991, was retransmitted by a satellite carrier and was not a network station at that time; and

“(C) was, as of July 1, 1998, retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code.

“(3) NETWORK STATION.—The term ‘network station’ has the meaning given such term under section 119(d) of title 17, United States Code.

“(4) SATELLITE CARRIER.—The term ‘satellite carrier’ has the meaning given such term under section 119(d) of title 17, United States Code.

“(5) TELEVISION NETWORK.—The term ‘television network’ means a television network in the United States which offers an interconnected program service on a regular basis for 15

or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.”.

(b) NETWORK STATION DEFINITION.—Section 119(d)(2) of title 17, United States Code, is amended—

(1) in subparagraph (B) by striking the period and inserting a semicolon; and

(2) by adding after subparagraph (B) the following:

“except that the term does not include the signal of the Alaska Rural Communications Service, or any successor entity to that service.”.

**SEC. 1009. RETRANSMISSION CONSENT.**

(a) IN GENERAL.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) by amending paragraphs (1) and (2) to read as follows:

“(b)(1) No cable system or other multichannel video programming distributor shall retransmit the signal of a broadcasting station, or any part thereof, except—

“(A) with the express authority of the originating station;

“(B) under section 614, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section; or

“(C) under section 338, in the case of a station electing, in accordance with this subsection, to assert the right to carriage under such section.

“(2) This subsection shall not apply—

“(A) to retransmission of the signal of a noncommercial television broadcast station;

“(B) to retransmission of the signal of a television broadcast station outside the station’s local market by a satellite carrier directly to its subscribers, if—

“(i) such station was a superstation on May 1, 1991;

“(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; and

“(iii) the satellite carrier complies with any network nonduplication, syndicated exclusivity, and sports blackout rules adopted by the Commission under section 339(b) of this Act;

“(C) until December 31, 2004, to retransmission of the signals of network stations directly to a home satellite antenna, if the subscriber receiving the signal—

“(i) is located in an area outside the local market of such stations; and

“(ii) resides in an unserved household;

“(D) to retransmission by a cable operator or other multichannel video provider, other than a satellite carrier, of the signal of a television broadcast station outside the station’s local market if such signal was obtained from a satellite carrier and—

“(i) the originating station was a superstation on May 1, 1991; and

“(ii) as of July 1, 1998, such station was retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code; or

“(E) during the 6-month period beginning on the date of the enactment of the Satellite Home Viewer Improvement Act

of 1999, to the retransmission of the signal of a television broadcast station within the station's local market by a satellite carrier directly to its subscribers under the statutory license of section 122 of title 17, United States Code.

For purposes of this paragraph, the terms 'satellite carrier' and 'superstation' have the meanings given those terms, respectively, in section 119(d) of title 17, United States Code, as in effect on the date of the enactment of the Cable Television Consumer Protection and Competition Act of 1992, the term 'unserved household' has the meaning given that term under section 119(d) of such title, and the term 'local market' has the meaning given that term in section 122(j) of such title.”;

(2) by adding at the end of paragraph (3) the following new subparagraph:

“(C) Within 45 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall commence a rulemaking proceeding to revise the regulations governing the exercise by television broadcast stations of the right to grant retransmission consent under this subsection, and such other regulations as are necessary to administer the limitations contained in paragraph (2). The Commission shall complete all actions necessary to prescribe such regulations within 1 year after such date of enactment. Such regulations shall—

“(i) establish election time periods that correspond with those regulations adopted under subparagraph (B) of this paragraph; and

“(ii) until January 1, 2006, prohibit a television broadcast station that provides retransmission consent from engaging in exclusive contracts for carriage or failing to negotiate in good faith, and it shall not be a failure to negotiate in good faith if the television broadcast station enters into retransmission consent agreements containing different terms and conditions, including price terms, with different multichannel video programming distributors if such different terms and conditions are based on competitive marketplace considerations.”;

(3) in paragraph (4), by adding at the end the following new sentence: “If an originating television station elects under paragraph (3)(C) to exercise its right to grant retransmission consent under this subsection with respect to a satellite carrier, section 338 shall not apply to the carriage of the signal of such station by such satellite carrier.”;

(4) in paragraph (5), by striking “614 or 615” and inserting “338, 614, or 615”; and

(5) by adding at the end the following new paragraph:

“(7) For purposes of this subsection, the term—

“(A) ‘network station’ has the meaning given such term under section 119(d) of title 17, United States Code; and

“(B) ‘television broadcast station’ means an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station.”.

(b) ENFORCEMENT PROVISIONS FOR CONSENT FOR RETRANSMISSIONS.—Section 325 of the Communications Act of 1934 (47



U.S.C. 325) is amended by adding at the end the following new subsection:

“(e) ENFORCEMENT PROCEEDINGS AGAINST SATELLITE CARRIERS CONCERNING RETRANSMISSIONS OF TELEVISION BROADCAST STATIONS IN THE RESPECTIVE LOCAL MARKETS OF SUCH CARRIERS.—

“(1) COMPLAINTS BY TELEVISION BROADCAST STATIONS.—If after the expiration of the 6-month period described under subsection (b)(2)(E) a television broadcast station believes that a satellite carrier has retransmitted its signal to any person in the local market of such station in violation of subsection (b)(1), the station may file with the Commission a complaint providing—

“(A) the name, address, and call letters of the station;

“(B) the name and address of the satellite carrier;

“(C) the dates on which the alleged retransmission occurred;

“(D) the street address of at least one person in the local market of the station to whom the alleged retransmission was made;

“(E) a statement that the retransmission was not expressly authorized by the television broadcast station; and

“(F) the name and address of counsel for the station.

“(2) SERVICE OF COMPLAINTS ON SATELLITE CARRIERS.—For purposes of any proceeding under this subsection, any satellite carrier that retransmits the signal of any broadcast station shall be deemed to designate the Secretary of the Commission as its agent for service of process. A television broadcast station may serve a satellite carrier with a complaint concerning an alleged violation of subsection (b)(1) through retransmission of a station within the local market of such station by filing the original and two copies of the complaint with the Secretary of the Commission and serving a copy of the complaint on the satellite carrier by means of two commonly used overnight delivery services, each addressed to the chief executive officer of the satellite carrier at its principal place of business, and each marked ‘URGENT LITIGATION MATTER’ on the outer packaging. Service shall be deemed complete one business day after a copy of the complaint is provided to the delivery services for overnight delivery. On receipt of a complaint filed by a television broadcast station under this subsection, the Secretary of the Commission shall send the original complaint by United States mail, postage prepaid, receipt requested, addressed to the chief executive officer of the satellite carrier at its principal place of business.

“(3) ANSWERS BY SATELLITE CARRIERS.—Within five business days after the date of service, the satellite carrier shall file an answer with the Commission and shall serve the answer by a commonly used overnight delivery service and by United States mail, on the counsel designated in the complaint at the address listed for such counsel in the complaint.

“(4) DEFENSES.—

“(A) EXCLUSIVE DEFENSES.—The defenses under this paragraph are the exclusive defenses available to a satellite carrier against which a complaint under this subsection is filed.

“(B) DEFENSES.—The defenses referred to under subparagraph (A) are the defenses that—

“(i) the satellite carrier did not retransmit the television broadcast station to any person in the local market of the station during the time period specified in the complaint;

“(ii) the television broadcast station had, in a writing signed by an officer of the television broadcast station, expressly authorized the retransmission of the station by the satellite carrier to each person in the local market of the television broadcast station to which the satellite carrier made such retransmissions for the entire time period during which it is alleged that a violation of subsection (b)(1) has occurred;

“(iii) the retransmission was made after January 1, 2002, and the television broadcast station had elected to assert the right to carriage under section 338 as against the satellite carrier for the relevant period; or

“(iv) the station being retransmitted is a non-commercial television broadcast station.

“(5) COUNTING OF VIOLATIONS.—The retransmission without consent of a particular television broadcast station on a particular day to one or more persons in the local market of the station shall be considered a separate violation of subsection (b)(1).

“(6) BURDEN OF PROOF.—With respect to each alleged violation, the burden of proof shall be on a television broadcast station to establish that the satellite carrier retransmitted the station to at least one person in the local market of the station on the day in question. The burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under paragraph (4)(B)(i).

“(7) PROCEDURES.—

“(A) REGULATIONS.—Within 60 days after the date of the enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall issue procedural regulations implementing this subsection which shall supersede procedures under section 312.

“(B) DETERMINATIONS.—

“(i) IN GENERAL.—Within 45 days after the filing of a complaint, the Commission shall issue a final determination in any proceeding brought under this subsection. The Commission’s final determination shall specify the number of violations committed by the satellite carrier. The Commission shall hear witnesses only if it clearly appears, based on written filings by the parties, that there is a genuine dispute about material facts. Except as provided in the preceding sentence, the Commission may issue a final ruling based on written filings by the parties.

“(ii) DISCOVERY.—The Commission may direct the parties to exchange pertinent documents, and if necessary to take prehearing depositions, on such schedule as the Commission may approve, but only if the Commission first determines that such discovery is necessary to resolve a genuine dispute about material

facts, consistent with the obligation to make a final determination within 45 days.

“(8) RELIEF.—If the Commission determines that a satellite carrier has retransmitted the television broadcast station to at least one person in the local market of such station and has failed to meet its burden of proving one of the defenses under paragraph (4) with respect to such retransmission, the Commission shall be required to—

“(A) make a finding that the satellite carrier violated subsection (b)(1) with respect to that station; and

“(B) issue an order, within 45 days after the filing of the complaint, containing—

“(i) a cease-and-desist order directing the satellite carrier immediately to stop making any further retransmissions of the television broadcast station to any person within the local market of such station until such time as the Commission determines that the satellite carrier is in compliance with subsection (b)(1) with respect to such station;

“(ii) if the satellite carrier is found to have violated subsection (b)(1) with respect to more than two television broadcast stations, a cease-and-desist order directing the satellite carrier to stop making any further retransmission of any television broadcast station to any person within the local market of such station, until such time as the Commission, after giving notice to the station, that the satellite carrier is in compliance with subsection (b)(1) with respect to such stations; and

“(iii) an award to the complainant of that complainant’s costs and reasonable attorney’s fees.

“(9) COURT PROCEEDINGS ON ENFORCEMENT OF COMMISSION ORDER.—

“(A) IN GENERAL.—On entry by the Commission of a final order granting relief under this subsection—

“(i) a television broadcast station may apply within 30 days after such entry to the United States District Court for the Eastern District of Virginia for a final judgment enforcing all relief granted by the Commission; and

“(ii) the satellite carrier may apply within 30 days after such entry to the United States District Court for the Eastern District of Virginia for a judgment reversing the Commission’s order.

“(B) APPEAL.—The procedure for an appeal under this paragraph by the satellite carrier shall supersede any other appeal rights under Federal or State law. A United States district court shall be deemed to have personal jurisdiction over the satellite carrier if the carrier, or a company under common control with the satellite carrier, has delivered television programming by satellite to more than 30 customers in that district during the preceding 4-year period. If the United States District Court for the Eastern District of Virginia does not have personal jurisdiction over the satellite carrier, an enforcement action or appeal shall be brought in the United States District Court for the District of Columbia, which may find personal jurisdiction based

on the satellite carrier's ownership of licenses issued by the Commission. An application by a television broadcast station for an order enforcing any cease-and-desist relief granted by the Commission shall be resolved on a highly expedited schedule. No discovery may be conducted by the parties in any such proceeding. The district court shall enforce the Commission order unless the Commission record reflects manifest error and an abuse of discretion by the Commission.

“(10) CIVIL ACTION FOR STATUTORY DAMAGES.—Within 6 months after issuance of an order by the Commission under this subsection, a television broadcast station may file a civil action in any United States district court that has personal jurisdiction over the satellite carrier for an award of statutory damages for any violation that the Commission has determined to have been committed by a satellite carrier under this subsection. Such action shall not be subject to transfer under section 1404(a) of title 28, United States Code. On finding that the satellite carrier has committed one or more violations of subsection (b), the District Court shall be required to award the television broadcast station statutory damages of \$25,000 per violation, in accordance with paragraph (5), and the costs and attorney's fees incurred by the station. Such statutory damages shall be awarded only if the television broadcast station has filed a binding stipulation with the court that such station will donate the full amount in excess of \$1,000 of any statutory damage award to the United States Treasury for public purposes. Notwithstanding any other provision of law, a station shall incur no tax liability of any kind with respect to any amounts so donated. Discovery may be conducted by the parties in any proceeding under this paragraph only if and to the extent necessary to resolve a genuinely disputed issue of fact concerning one of the defenses under paragraph (4). In any such action, the defenses under paragraph (4) shall be exclusive, and the burden of proof shall be on the satellite carrier with respect to all defenses other than the defense under paragraph (4)(B)(i). A judgment under this paragraph may be enforced in any manner permissible under Federal or State law.

“(11) APPEALS.—

“(A) IN GENERAL.—The nonprevailing party before a United States district court may appeal a decision under this subsection to the United States Court of Appeals with jurisdiction over that district court. The Court of Appeals shall not issue any stay of the effectiveness of any decision granting relief against a satellite carrier unless the carrier presents clear and convincing evidence that it is highly likely to prevail on appeal and only after posting a bond for the full amount of any monetary award assessed against it and for such further amount as the Court of Appeals may believe appropriate.

“(B) APPEAL.—If the Commission denies relief in response to a complaint filed by a television broadcast station under this subsection, the television broadcast station filing the complaint may file an appeal with the United States Court of Appeals for the District of Columbia Circuit.

“(12) SUNSET.—No complaint or civil action may be filed under this subsection after December 31, 2001. This subsection shall continue to apply to any complaint or civil action filed on or before such date.”.

**SEC. 1010. SEVERABILITY.**

If any provision of section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)), or the application of that provision to any person or circumstance, is held by a court of competent jurisdiction to violate any provision of the Constitution of the United States, then the other provisions of that section, and the application of that provision to other persons and circumstances, shall not be affected.

**SEC. 1011. TECHNICAL AMENDMENTS.**

(a) TECHNICAL AMENDMENTS RELATING TO CABLE SYSTEMS.—Title 17, United States Code, is amended as follows:

(1) Such title is amended by striking “programing” each place it appears and inserting “programming”.

(2) Section 111 is amended by striking “compulsory” each place it appears and inserting “statutory”.

(3) Section 510(b) is amended by striking “compulsory” and inserting “statutory”.

(b) TECHNICAL AMENDMENTS RELATING TO PERFORMANCE OR DISPLAYS OF WORKS.—

(1) Section 111 of title 17, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “primary transmission embodying a performance or display of a work” and inserting “performance or display of a work embodied in a primary transmission”;

(B) in subsection (b), in the matter preceding paragraph (1), by striking “primary transmission embodying a performance or display of a work” and inserting “performance or display of a work embodied in a primary transmission”; and

(C) in subsection (c)—

(i) in paragraph (1)—

(I) by inserting “a performance or display of a work embodied in” after “by a cable system of”; and

(II) by striking “and embodying a performance or display of a work”; and

(ii) in paragraphs (3) and (4)—

(I) by striking “a primary transmission” and inserting “a performance or display of a work embodied in a primary transmission”; and

(II) by striking “and embodying a performance or display of a work”.

(2) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (1), by striking “primary transmission made by a superstation and embodying a performance or display of a work” and inserting “performance or display of a work embodied in a primary transmission made by a superstation”;

(B) in paragraph (2)(A), by striking “programming” and all that follows through “a work” and inserting “a performance or display of a work embodied in a primary transmission made by a network station”;

(C) in paragraph (4)—

(i) by inserting “a performance or display of a work embodied in” after “by a satellite carrier of”; and

(ii) by striking “and embodying a performance or display of a work”; and

(D) in paragraph (6)—

(i) by inserting “performance or display of a work embodied in” after “by a satellite carrier of”; and

(ii) by striking “and embodying a performance or display of a work”.

(3) Section 501(e) of title 17, United States Code, is amended by striking “primary transmission embodying the performance or display of a work” and inserting “performance or display of a work embodied in a primary transmission”.

(c) CONFORMING AMENDMENT.—Section 119(a)(2)(C) of title 17, United States Code, is amended in the first sentence by striking “currently”.

(d) WORK MADE FOR HIRE.—Section 101 of title 17, United States Code, is amended in the definition relating to work for hire in paragraph (2) by inserting “as a sound recording,” after “audiovisual work”.

#### **SEC. 1012. EFFECTIVE DATES.**

Sections 1001, 1003, 1005, 1007, 1008, 1009, 1010, and 1011 (and the amendments made by such sections) shall take effect on the date of the enactment of this Act. The amendments made by sections 1002, 1004, and 1006 shall be effective as of July 1, 1999.

## **TITLE II—RURAL LOCAL TELEVISION SIGNALS**

#### **SEC. 2001. SHORT TITLE.**

This title may be cited as the “Rural Local Broadcast Signal Act”.

#### **SEC. 2002. LOCAL TELEVISION SERVICE IN UNSERVED AND UNDERSERVED MARKETS.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission (“the Commission”) shall take all actions necessary to make a determination regarding licenses or other authorizations for facilities that will utilize, for delivering local broadcast television station signals to satellite television subscribers in unserved and underserved local television markets, spectrum otherwise allocated to commercial use.

(b) RULES.—

(1) FORM OF BUSINESS.—To the extent not inconsistent with the Communications Act of 1934 and the Commission’s rules, the Commission shall permit applicants under subsection

(a) to engage in partnerships, joint ventures, and similar operating arrangements for the purpose of carrying out subsection (a).

(2) **HARMFUL INTERFERENCE.**—The Commission shall ensure that no facility licensed or authorized under subsection (a) causes harmful interference to the primary users of that spectrum or to public safety spectrum use.

(3) **LIMITATION ON COMMISSION.**—Except as provided in paragraphs (1) and (2), the Commission may not restrict any entity granted a license or other authorization under subsection (a) from using any reasonable compression, reformatting, or other technology.

(c) **REPORT.**—Not later than January 1, 2001, the Commission shall report to the Agriculture, Appropriations, and the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Commerce, on the extent to which licenses and other authorizations under subsection (a) have facilitated the delivery of local signals to satellite television subscribers in unserved and underserved local television markets. The report shall include—

(1) an analysis of the extent to which local signals are being provided by direct-to-home satellite television providers and by other multichannel video program distributors;

(2) an enumeration of the technical, economic, and other impediments each type of multichannel video programming distributor has encountered; and

(3) recommendations for specific measures to facilitate the provision of local signals to subscribers in unserved and underserved markets by direct-to-home satellite television providers and by other distributors of multichannel video programming service.

## **TITLE III—TRADEMARK CYBERPIRACY PREVENTION**

### **SEC. 3001. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This title may be cited as the “Anticybersquatting Consumer Protection Act”.

(b) **REFERENCES TO THE TRADEMARK ACT OF 1946.**—Any reference in this title to the Trademark Act of 1946 shall be a reference to the Act entitled “An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

### **SEC. 3002. CYBERPIRACY PREVENTION.**

(a) **IN GENERAL.**—Section 43 of the Trademark Act of 1946 (15 U.S.C. 1125) is amended by inserting at the end the following:

“(d)(1)(A) A person shall be liable in a civil action by the owner of a mark, including a personal name which is protected as a mark under this section, if, without regard to the goods or services of the parties, that person—

“(i) has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section; and

“(ii) registers, traffics in, or uses a domain name that—

“(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark;

“(II) in the case of a famous mark that is famous at the time of registration of the domain name, is identical or confusingly similar to or dilutive of that mark; or

“(III) is a trademark, word, or name protected by reason of section 706 of title 18, United States Code, or section 220506 of title 36, United States Code.

“(B)(i) In determining whether a person has a bad faith intent described under subparagraph (A), a court may consider factors such as, but not limited to—

“(I) the trademark or other intellectual property rights of the person, if any, in the domain name;

“(II) the extent to which the domain name consists of the legal name of the person or a name that is otherwise commonly used to identify that person;

“(III) the person’s prior use, if any, of the domain name in connection with the bona fide offering of any goods or services;

“(IV) the person’s bona fide noncommercial or fair use of the mark in a site accessible under the domain name;

“(V) the person’s intent to divert consumers from the mark owner’s online location to a site accessible under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the site;

“(VI) the person’s offer to transfer, sell, or otherwise assign the domain name to the mark owner or any third party for financial gain without having used, or having an intent to use, the domain name in the bona fide offering of any goods or services, or the person’s prior conduct indicating a pattern of such conduct;

“(VII) the person’s provision of material and misleading false contact information when applying for the registration of the domain name, the person’s intentional failure to maintain accurate contact information, or the person’s prior conduct indicating a pattern of such conduct;

“(VIII) the person’s registration or acquisition of multiple domain names which the person knows are identical or confusingly similar to marks of others that are distinctive at the time of registration of such domain names, or dilutive of famous marks of others that are famous at the time of registration of such domain names, without regard to the goods or services of the parties; and

“(IX) the extent to which the mark incorporated in the person’s domain name registration is or is not distinctive and famous within the meaning of subsection (c)(1) of section 43.

“(ii) Bad faith intent described under subparagraph (A) shall not be found in any case in which the court determines that the person believed and had reasonable grounds to believe that the use of the domain name was a fair use or otherwise lawful.

“(C) In any civil action involving the registration, trafficking, or use of a domain name under this paragraph, a court may order



the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark.

“(D) A person shall be liable for using a domain name under subparagraph (A) only if that person is the domain name registrant or that registrant’s authorized licensee.

“(E) As used in this paragraph, the term ‘traffics in’ refers to transactions that include, but are not limited to, sales, purchases, loans, pledges, licenses, exchanges of currency, and any other transfer for consideration or receipt in exchange for consideration.

“(2)(A) The owner of a mark may file an in rem civil action against a domain name in the judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located if—

“(i) the domain name violates any right of the owner of a mark registered in the Patent and Trademark Office, or protected under subsection (a) or (c); and

“(ii) the court finds that the owner—

“(I) is not able to obtain in personam jurisdiction over a person who would have been a defendant in a civil action under paragraph (1); or

“(II) through due diligence was not able to find a person who would have been a defendant in a civil action under paragraph (1) by—

“(aa) sending a notice of the alleged violation and intent to proceed under this paragraph to the registrant of the domain name at the postal and e-mail address provided by the registrant to the registrar; and

“(bb) publishing notice of the action as the court may direct promptly after filing the action.

“(B) The actions under subparagraph (A)(ii) shall constitute service of process.

“(C) In an in rem action under this paragraph, a domain name shall be deemed to have its situs in the judicial district in which—

“(i) the domain name registrar, registry, or other domain name authority that registered or assigned the domain name is located; or

“(ii) documents sufficient to establish control and authority regarding the disposition of the registration and use of the domain name are deposited with the court.

“(D)(i) The remedies in an in rem action under this paragraph shall be limited to a court order for the forfeiture or cancellation of the domain name or the transfer of the domain name to the owner of the mark. Upon receipt of written notification of a filed, stamped copy of a complaint filed by the owner of a mark in a United States district court under this paragraph, the domain name registrar, domain name registry, or other domain name authority shall—

“(I) expeditiously deposit with the court documents sufficient to establish the court’s control and authority regarding the disposition of the registration and use of the domain name to the court; and

“(II) not transfer, suspend, or otherwise modify the domain name during the pendency of the action, except upon order of the court.

“(ii) The domain name registrar or registry or other domain name authority shall not be liable for injunctive or monetary relief under this paragraph except in the case of bad faith or reckless disregard, which includes a willful failure to comply with any such court order.

“(3) The civil action established under paragraph (1) and the in rem action established under paragraph (2), and any remedy available under either such action, shall be in addition to any other civil action or remedy otherwise applicable.

“(4) The in rem jurisdiction established under paragraph (2) shall be in addition to any other jurisdiction that otherwise exists, whether in rem or in personam.”.

(b) CYBERPIRACY PROTECTIONS FOR INDIVIDUALS.—

(1) IN GENERAL.—

(A) CIVIL LIABILITY.—Any person who registers a domain name that consists of the name of another living person, or a name substantially and confusingly similar thereto, without that person’s consent, with the specific intent to profit from such name by selling the domain name for financial gain to that person or any third party, shall be liable in a civil action by such person.

(B) EXCEPTION.—A person who in good faith registers a domain name consisting of the name of another living person, or a name substantially and confusingly similar thereto, shall not be liable under this paragraph if such name is used in, affiliated with, or related to a work of authorship protected under title 17, United States Code, including a work made for hire as defined in section 101 of title 17, United States Code, and if the person registering the domain name is the copyright owner or licensee of the work, the person intends to sell the domain name in conjunction with the lawful exploitation of the work, and such registration is not prohibited by a contract between the registrant and the named person. The exception under this subparagraph shall apply only to a civil action brought under paragraph (1) and shall in no manner limit the protections afforded under the Trademark Act of 1946 (15 U.S.C. 1051 et seq.) or other provision of Federal or State law.

(2) REMEDIES.—In any civil action brought under paragraph (1), a court may award injunctive relief, including the forfeiture or cancellation of the domain name or the transfer of the domain name to the plaintiff. The court may also, in its discretion, award costs and attorneys fees to the prevailing party.

(3) DEFINITION.—In this subsection, the term “domain name” has the meaning given that term in section 45 of the Trademark Act of 1946 (15 U.S.C. 1127).

(4) EFFECTIVE DATE.—This subsection shall apply to domain names registered on or after the date of the enactment of this Act.

**SEC. 3003. DAMAGES AND REMEDIES.**

(a) REMEDIES IN CASES OF DOMAIN NAME PIRACY.—

(1) INJUNCTIONS.—Section 34(a) of the Trademark Act of 1946 (15 U.S.C. 1116(a)) is amended in the first sentence by striking “(a) or (c)” and inserting “(a), (c), or (d)”.

(2) DAMAGES.—Section 35(a) of the Trademark Act of 1946 (15 U.S.C. 1117(a)) is amended in the first sentence by inserting “, (c), or (d)” after “section 43(a)”.

(b) STATUTORY DAMAGES.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

“(d) In a case involving a violation of section 43(d)(1), the plaintiff may elect, at any time before final judgment is rendered by the trial court, to recover, instead of actual damages and profits, an award of statutory damages in the amount of not less than \$1,000 and not more than \$100,000 per domain name, as the court considers just.

**SEC. 3004. LIMITATION ON LIABILITY.**

Section 32(2) of the Trademark Act of 1946 (15 U.S.C. 1114) is amended—

(1) in the matter preceding subparagraph (A) by striking “under section 43(a)” and inserting “under section 43 (a) or (d)”; and

(2) by redesignating subparagraph (D) as subparagraph (E) and inserting after subparagraph (C) the following:

“(D)(i)(I) A domain name registrar, a domain name registry, or other domain name registration authority that takes any action described under clause (ii) affecting a domain name shall not be liable for monetary relief or, except as provided in subclause (II), for injunctive relief, to any person for such action, regardless of whether the domain name is finally determined to infringe or dilute the mark.

“(II) A domain name registrar, domain name registry, or other domain name registration authority described in subclause (I) may be subject to injunctive relief only if such registrar, registry, or other registration authority has—

“(aa) not expeditiously deposited with a court, in which an action has been filed regarding the disposition of the domain name, documents sufficient for the court to establish the court’s control and authority regarding the disposition of the registration and use of the domain name;

“(bb) transferred, suspended, or otherwise modified the domain name during the pendency of the action, except upon order of the court; or

“(cc) willfully failed to comply with any such court order.

“(ii) An action referred to under clause (i)(I) is any action of refusing to register, removing from registration, transferring, temporarily disabling, or permanently canceling a domain name—

“(I) in compliance with a court order under section 43(d); or

“(II) in the implementation of a reasonable policy by such registrar, registry, or authority prohibiting the registration of a domain name that is identical to, confusingly similar to, or dilutive of another’s mark.

“(iii) A domain name registrar, a domain name registry, or other domain name registration authority shall not be liable for damages under this section for the registration or maintenance of a domain name for another absent a showing of

bad faith intent to profit from such registration or maintenance of the domain name.

“(iv) If a registrar, registry, or other registration authority takes an action described under clause (ii) based on a knowing and material misrepresentation by any other person that a domain name is identical to, confusingly similar to, or dilutive of a mark, the person making the knowing and material misrepresentation shall be liable for any damages, including costs and attorney’s fees, incurred by the domain name registrant as a result of such action. The court may also grant injunctive relief to the domain name registrant, including the reactivation of the domain name or the transfer of the domain name to the domain name registrant.

“(v) A domain name registrant whose domain name has been suspended, disabled, or transferred under a policy described under clause (ii)(II) may, upon notice to the mark owner, file a civil action to establish that the registration or use of the domain name by such registrant is not unlawful under this Act. The court may grant injunctive relief to the domain name registrant, including the reactivation of the domain name or transfer of the domain name to the domain name registrant.”.

#### **SEC. 3005. DEFINITIONS.**

Section 45 of the Trademark Act of 1946 (15 U.S.C. 1127) is amended by inserting after the undesignated paragraph defining the term “counterfeit” the following:

“The term ‘domain name’ means any alphanumeric designation which is registered with or assigned by any domain name registrar, domain name registry, or other domain name registration authority as part of an electronic address on the Internet.

“The term ‘Internet’ has the meaning given that term in section 230(f)(1) of the Communications Act of 1934 (47 U.S.C. 230(f)(1)).”.

#### **SEC. 3006. STUDY ON ABUSIVE DOMAIN NAME REGISTRATIONS INVOLVING PERSONAL NAMES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Patent and Trademark Office and the Federal Election Commission, shall conduct a study and report to Congress with recommendations on guidelines and procedures for resolving disputes involving the registration or use by a person of a domain name that includes the personal name of another person, in whole or in part, or a name confusingly similar thereto, including consideration of and recommendations for—

(1) protecting personal names from registration by another person as a second level domain name for purposes of selling or otherwise transferring such domain name to such other person or any third party for financial gain;

(2) protecting individuals from bad faith uses of their personal names as second level domain names by others with malicious intent to harm the reputation of the individual or the goodwill associated with that individual’s name;

(3) protecting consumers from the registration and use of domain names that include personal names in the second level domain in manners which are intended or are likely to confuse or deceive the public as to the affiliation, connection, or association of the domain name registrant, or a site accessible

under the domain name, with such other person, or as to the origin, sponsorship, or approval of the goods, services, or commercial activities of the domain name registrant;

(4) protecting the public from registration of domain names that include the personal names of government officials, official candidates, and potential official candidates for Federal, State, or local political office in the United States, and the use of such domain names in a manner that disrupts the electoral process or the public's ability to access accurate and reliable information regarding such individuals;

(5) existing remedies, whether under State law or otherwise, and the extent to which such remedies are sufficient to address the considerations described in paragraphs (1) through (4); and

(6) the guidelines, procedures, and policies of the Internet Corporation for Assigned Names and Numbers and the extent to which they address the considerations described in paragraphs (1) through (4).

(b) **GUIDELINES AND PROCEDURES.**—The Secretary of Commerce shall, under its Memorandum of Understanding with the Internet Corporation for Assigned Names and Numbers, collaborate to develop guidelines and procedures for resolving disputes involving the registration or use by a person of a domain name that includes the personal name of another person, in whole or in part, or a name confusingly similar thereto.

#### **SEC. 3007. HISTORIC PRESERVATION.**

Section 101(a)(1)(A) of the National Historic Preservation Act (16 U.S.C. 470a(a)(1)(A)) is amended by adding at the end the following: “Notwithstanding section 43(c) of the Act entitled ‘An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes’, approved July 5, 1946 (commonly known as the ‘Trademark Act of 1946’ (15 U.S.C. 1125(c))), buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.”.

#### **SEC. 3008. SAVINGS CLAUSE.**

Nothing in this title shall affect any defense available to a defendant under the Trademark Act of 1946 (including any defense under section 43(c)(4) of such Act or relating to fair use) or a person's right of free speech or expression under the first amendment of the United States Constitution.

#### **SEC. 3009. TECHNICAL AND CONFORMING AMENDMENTS.**

Chapter 85 of title 28, United States Code, is amended as follows:

(1) Section 1338 of title 28, United States Code, is amended—

(A) in the section heading by striking “**trade-marks**” and inserting “**trademarks**”;

(B) in subsection (a) by striking “trade-marks” and inserting “trademarks”; and

(C) in subsection (b) by striking “trade-mark” and inserting “trademark”.

(2) The item relating to section 1338 in the table of sections for chapter 85 of title 28, United States Code, is amended by striking “trade-marks” and inserting “trademarks”.

**SEC. 3010. EFFECTIVE DATE.**

Sections 3002(a), 3003, 3004, 3005, and 3008 of this title shall apply to all domain names registered before, on, or after the date of the enactment of this Act, except that damages under subsection (a) or (d) of section 35 of the Trademark Act of 1946 (15 U.S.C. 1117), as amended by section 3003 of this title, shall not be available with respect to the registration, trafficking, or use of a domain name that occurs before the date of the enactment of this Act.

## **TITLE IV—INVENTOR PROTECTION**

**SEC. 4001. SHORT TITLE.**

This title may be cited as the “American Inventors Protection Act of 1999”.

### **Subtitle A—Inventors’ Rights**

**SEC. 4101. SHORT TITLE.**

This subtitle may be cited as the “Inventors’ Rights Act of 1999”.

**SEC. 4102. INTEGRITY IN INVENTION PROMOTION SERVICES.**

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by adding at the end the following new section:

**“§ 297. Improper and deceptive invention promotion**

“(a) IN GENERAL.—An invention promoter shall have a duty to disclose the following information to a customer in writing, prior to entering into a contract for invention promotion services—

“(1) the total number of inventions evaluated by the invention promoter for commercial potential in the past 5 years, as well as the number of those inventions that received positive evaluations, and the number of those inventions that received negative evaluations;

“(2) the total number of customers who have contracted with the invention promoter in the past 5 years, not including customers who have purchased trade show services, research, advertising, or other nonmarketing services from the invention promoter, or who have defaulted in their payment to the invention promoter;

“(3) the total number of customers known by the invention promoter to have received a net financial profit as a direct result of the invention promotion services provided by such invention promoter;

“(4) the total number of customers known by the invention promoter to have received license agreements for their inventions as a direct result of the invention promotion services provided by such invention promoter; and

“(5) the names and addresses of all previous invention promotion companies with which the invention promoter or

its officers have collectively or individually been affiliated in the previous 10 years.

“(b) CIVIL ACTION.—(1) Any customer who enters into a contract with an invention promoter and who is found by a court to have been injured by any material false or fraudulent statement or representation, or any omission of material fact, by that invention promoter (or any agent, employee, director, officer, partner, or independent contractor of such invention promoter), or by the failure of that invention promoter to disclose such information as required under subsection (a), may recover in a civil action against the invention promoter (or the officers, directors, or partners of such invention promoter), in addition to reasonable costs and attorneys’ fees—

“(A) the amount of actual damages incurred by the customer; or

“(B) at the election of the customer at any time before final judgment is rendered, statutory damages in a sum of not more than \$5,000, as the court considers just.

“(2) Notwithstanding paragraph (1), in a case where the customer sustains the burden of proof, and the court finds, that the invention promoter intentionally misrepresented or omitted a material fact to such customer, or willfully failed to disclose such information as required under subsection (a), with the purpose of deceiving that customer, the court may increase damages to not more than three times the amount awarded, taking into account past complaints made against the invention promoter that resulted in regulatory sanctions or other corrective actions based on those records compiled by the Commissioner of Patents under subsection (d).

“(c) DEFINITIONS.—For purposes of this section—

“(1) a ‘contract for invention promotion services’ means a contract by which an invention promoter undertakes invention promotion services for a customer;

“(2) a ‘customer’ is any individual who enters into a contract with an invention promoter for invention promotion services;

“(3) the term ‘invention promoter’ means any person, firm, partnership, corporation, or other entity who offers to perform or performs invention promotion services for, or on behalf of, a customer, and who holds itself out through advertising in any mass media as providing such services, but does not include—

“(A) any department or agency of the Federal Government or of a State or local government;

“(B) any nonprofit, charitable, scientific, or educational organization, qualified under applicable State law or described under section 170(b)(1)(A) of the Internal Revenue Code of 1986;

“(C) any person or entity involved in the evaluation to determine commercial potential of, or offering to license or sell, a utility patent or a previously filed nonprovisional utility patent application;

“(D) any party participating in a transaction involving the sale of the stock or assets of a business; or

“(E) any party who directly engages in the business of retail sales of products or the distribution of products; and

“(4) the term ‘invention promotion services’ means the procurement or attempted procurement for a customer of a firm, corporation, or other entity to develop and market products or services that include the invention of the customer.

“(d) RECORDS OF COMPLAINTS.—

“(1) RELEASE OF COMPLAINTS.—The Commissioner of Patents shall make all complaints received by the Patent and Trademark Office involving invention promoters publicly available, together with any response of the invention promoters. The Commissioner of Patents shall notify the invention promoter of a complaint and provide a reasonable opportunity to reply prior to making such complaint publicly available.

“(2) REQUEST FOR COMPLAINTS.—The Commissioner of Patents may request complaints relating to invention promotion services from any Federal or State agency and include such complaints in the records maintained under paragraph (1), together with any response of the invention promoters.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 29 of title 35, United States Code, is amended by adding at the end the following new item:

“297. Improper and deceptive invention promotion.”.

#### **SEC. 4103. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle shall take effect 60 days after the date of the enactment of this Act.

## **Subtitle B—Patent and Trademark Fee Fairness**

#### **SEC. 4201. SHORT TITLE.**

This subtitle may be cited as the “Patent and Trademark Fee Fairness Act of 1999”.

#### **SEC. 4202. ADJUSTMENT OF PATENT FEES.**

(a) ORIGINAL FILING FEE.—Section 41(a)(1)(A) of title 35, United States Code, relating to the fee for filing an original patent application, is amended by striking “\$760” and inserting “\$690”.

(b) REISSUE FEE.—Section 41(a)(4)(A) of title 35, United States Code, relating to the fee for filing for a reissue of a patent, is amended by striking “\$760” and inserting “\$690”.

(c) NATIONAL FEE FOR CERTAIN INTERNATIONAL APPLICATIONS.—Section 41(a)(10) of title 35, United States Code, relating to the national fee for certain international applications, is amended by striking “\$760” and inserting “\$690”.

(d) MAINTENANCE FEES.—Section 41(b)(1) of title 35, United States Code, relating to certain maintenance fees, is amended by striking “\$940” and inserting “\$830”.

#### **SEC. 4203. ADJUSTMENT OF TRADEMARK FEES.**

Notwithstanding the second sentence of section 31(a) of the Trademark Act of 1946 (15 U.S.C. 111(a)), the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office is authorized in fiscal year 2000 to adjust trademark fees without regard to fluctuations in the Consumer Price Index during the preceding 12 months.



**SEC. 4204. STUDY ON ALTERNATIVE FEE STRUCTURES.**

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall conduct a study of alternative fee structures that could be adopted by the United States Patent and Trademark Office to encourage maximum participation by the inventor community in the United States. The Director shall submit such study to the Committees on the Judiciary of the House of Representatives and the Senate not later than 1 year after the date of the enactment of this Act.

**SEC. 4205. PATENT AND TRADEMARK OFFICE FUNDING.**

Section 42(c) of title 35, United States Code, is amended in the second sentence—

- (1) by striking “Fees available” and inserting “All fees available”; and
- (2) by striking “may” and inserting “shall”.

**SEC. 4206. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) SECTION 4202.—The amendments made by section 4202 of this subtitle shall take effect 30 days after the date of the enactment of this Act.

## Subtitle C—First Inventor Defense

**SEC. 4301. SHORT TITLE.**

This subtitle may be cited as the “First Inventor Defense Act of 1999”.

**SEC. 4302. DEFENSE TO PATENT INFRINGEMENT BASED ON EARLIER INVENTOR.**

(a) DEFENSE.—Chapter 28 of title 35, United States Code, is amended by adding at the end the following new section:

**“§ 273. Defense to infringement based on earlier inventor**

“(a) DEFINITIONS.—For purposes of this section—

“(1) the terms ‘commercially used’ and ‘commercial use’ mean use of a method in the United States, so long as such use is in connection with an internal commercial use or an actual arm’s-length sale or other arm’s-length commercial transfer of a useful end result, whether or not the subject matter at issue is accessible to or otherwise known to the public, except that the subject matter for which commercial marketing or use is subject to a premarketing regulatory review period during which the safety or efficacy of the subject matter is established, including any period specified in section 156(g), shall be deemed ‘commercially used’ and in ‘commercial use’ during such regulatory review period;

“(2) in the case of activities performed by a nonprofit research laboratory, or nonprofit entity such as a university, research center, or hospital, a use for which the public is the intended beneficiary shall be considered to be a use described in paragraph (1), except that the use—

“(A) may be asserted as a defense under this section only for continued use by and in the laboratory or nonprofit entity; and

“(B) may not be asserted as a defense with respect to any subsequent commercialization or use outside such laboratory or nonprofit entity;

“(3) the term ‘method’ means a method of doing or conducting business; and

“(4) the ‘effective filing date’ of a patent is the earlier of the actual filing date of the application for the patent or the filing date of any earlier United States, foreign, or international application to which the subject matter at issue is entitled under section 119, 120, or 365 of this title.

“(b) DEFENSE TO INFRINGEMENT.—

“(1) IN GENERAL.—It shall be a defense to an action for infringement under section 271 of this title with respect to any subject matter that would otherwise infringe one or more claims for a method in the patent being asserted against a person, if such person had, acting in good faith, actually reduced the subject matter to practice at least 1 year before the effective filing date of such patent, and commercially used the subject matter before the effective filing date of such patent.

“(2) EXHAUSTION OF RIGHT.—The sale or other disposition of a useful end product produced by a patented method, by a person entitled to assert a defense under this section with respect to that useful end result shall exhaust the patent owner’s rights under the patent to the extent such rights would have been exhausted had such sale or other disposition been made by the patent owner.

“(3) LIMITATIONS AND QUALIFICATIONS OF DEFENSE.—The defense to infringement under this section is subject to the following:

“(A) PATENT.—A person may not assert the defense under this section unless the invention for which the defense is asserted is for a method.

“(B) DERIVATION.—A person may not assert the defense under this section if the subject matter on which the defense is based was derived from the patentee or persons in privity with the patentee.

“(C) NOT A GENERAL LICENSE.—The defense asserted by a person under this section is not a general license under all claims of the patent at issue, but extends only to the specific subject matter claimed in the patent with respect to which the person can assert a defense under this chapter, except that the defense shall also extend to variations in the quantity or volume of use of the claimed subject matter, and to improvements in the claimed subject matter that do not infringe additional specifically claimed subject matter of the patent.

“(4) BURDEN OF PROOF.—A person asserting the defense under this section shall have the burden of establishing the defense by clear and convincing evidence.

“(5) ABANDONMENT OF USE.—A person who has abandoned commercial use of subject matter may not rely on activities performed before the date of such abandonment in establishing a defense under this section with respect to actions taken after the date of such abandonment.

“(6) **PERSONAL DEFENSE.**—The defense under this section may be asserted only by the person who performed the acts necessary to establish the defense and, except for any transfer to the patent owner, the right to assert the defense shall not be licensed or assigned or transferred to another person except as an ancillary and subordinate part of a good faith assignment or transfer for other reasons of the entire enterprise or line of business to which the defense relates.

“(7) **LIMITATION ON SITES.**—A defense under this section, when acquired as part of a good faith assignment or transfer of an entire enterprise or line of business to which the defense relates, may only be asserted for uses at sites where the subject matter that would otherwise infringe one or more of the claims is in use before the later of the effective filing date of the patent or the date of the assignment or transfer of such enterprise or line of business.

“(8) **UNSUCCESSFUL ASSERTION OF DEFENSE.**—If the defense under this section is pleaded by a person who is found to infringe the patent and who subsequently fails to demonstrate a reasonable basis for asserting the defense, the court shall find the case exceptional for the purpose of awarding attorney fees under section 285 of this title.

“(9) **INVALIDITY.**—A patent shall not be deemed to be invalid under section 102 or 103 of this title solely because a defense is raised or established under this section.”.

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 28 of title 35, United States Code, is amended by adding at the end the following new item:

“273. Defense to infringement based on earlier inventor.”.

**SEC. 4303. EFFECTIVE DATE AND APPLICABILITY.**

This subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act, but shall not apply to any action for infringement that is pending on such date of enactment or with respect to any subject matter for which an adjudication of infringement, including a consent judgment, has been made before such date of enactment.

## **Subtitle D—Patent Term Guarantee**

**SEC. 4401. SHORT TITLE.**

This subtitle may be cited as the “Patent Term Guarantee Act of 1999”.

**SEC. 4402. PATENT TERM GUARANTEE AUTHORITY.**

(a) **ADJUSTMENT OF PATENT TERM.**—Section 154(b) of title 35, United States Code, is amended to read as follows:

“(b) **ADJUSTMENT OF PATENT TERM.**—

“(1) **PATENT TERM GUARANTEES.**—

“(A) **GUARANTEE OF PROMPT PATENT AND TRADEMARK OFFICE RESPONSES.**—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to—

“(i) provide at least one of the notifications under section 132 of this title or a notice of allowance under

section 151 of this title not later than 14 months after—

“(I) the date on which an application was filed under section 111(a) of this title; or

“(II) the date on which an international application fulfilled the requirements of section 371 of this title;

“(ii) respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

“(iii) act on an application within 4 months after the date of a decision by the Board of Patent Appeals and Interferences under section 134 or 135 or a decision by a Federal court under section 141, 145, or 146 in a case in which allowable claims remain in the application; or

“(iv) issue a patent within 4 months after the date on which the issue fee was paid under section 151 and all outstanding requirements were satisfied, the term of the patent shall be extended 1 day for each day after the end of the period specified in clause (i), (ii), (iii), or (iv), as the case may be, until the action described in such clause is taken.

“(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY.—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including—

“(i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

“(ii) any time consumed by a proceeding under section 135(a), any time consumed by the imposition of an order under section 181, or any time consumed by appellate review by the Board of Patent Appeals and Interferences or by a Federal court; or

“(iii) any delay in the processing of the application by the United States Patent and Trademark Office requested by the applicant except as permitted by paragraph (3)(C),

the term of the patent shall be extended 1 day for each day after the end of that 3-year period until the patent is issued.

“(C) GUARANTEE OR ADJUSTMENTS FOR DELAYS DUE TO INTERFERENCES, SECRECY ORDERS, AND APPEALS.—Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to—

“(i) a proceeding under section 135(a);

“(ii) the imposition of an order under section 181;

or

“(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court in a case in which the patent was issued under a decision in the review reversing an adverse determination of patentability,

the term of the patent shall be extended 1 day for each day of the pendency of the proceeding, order, or review, as the case may be.

“(2) LIMITATIONS.—

“(A) IN GENERAL.—To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

“(B) DISCLAIMED TERM.—No patent the term of which has been disclaimed beyond a specified date may be adjusted under this section beyond the expiration date specified in the disclaimer.

“(C) REDUCTION OF PERIOD OF ADJUSTMENT.—

“(i) The period of adjustment of the term of a patent under paragraph (1) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution of the application.

“(ii) With respect to adjustments to patent term made under the authority of paragraph (1)(B), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of 3 months that are taken to respond to a notice from the Office making any rejection, objection, argument, or other request, measuring such 3-month period from the date the notice was given or mailed to the applicant.

“(iii) The Director shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to engage in reasonable efforts to conclude processing or examination of an application.

“(3) PROCEDURES FOR PATENT TERM ADJUSTMENT DETERMINATION.—

“(A) The Director shall prescribe regulations establishing procedures for the application for and determination of patent term adjustments under this subsection.

“(B) Under the procedures established under subparagraph (A), the Director shall—

“(i) make a determination of the period of any patent term adjustment under this subsection, and shall transmit a notice of that determination with the written notice of allowance of the application under section 151; and

“(ii) provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director.

“(C) The Director shall reinstate all or part of the cumulative period of time of an adjustment under paragraph (2)(C) if the applicant, prior to the issuance of the patent, makes a showing that, in spite of all due care, the applicant was unable to respond within the 3-month period, but in no case shall more than three additional months for each such response beyond the original 3-month period be reinstated.

“(D) The Director shall proceed to grant the patent after completion of the Director’s determination of a patent term adjustment under the procedures established under this subsection, notwithstanding any appeal taken by the applicant of such determination.

“(4) APPEAL OF PATENT TERM ADJUSTMENT DETERMINATION.—

“(A) An applicant dissatisfied with a determination made by the Director under paragraph (3) shall have remedy by a civil action against the Director filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent. Chapter 7 of title 5, United States Code, shall apply to such action. Any final judgment resulting in a change to the period of adjustment of the patent term shall be served on the Director, and the Director shall thereafter alter the term of the patent to reflect such change.

“(B) The determination of a patent term adjustment under this subsection shall not be subject to appeal or challenge by a third party prior to the grant of the patent.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 282 of title 35, United States Code, is amended in the fourth paragraph by striking “156 of this title” and inserting “154(b) or 156 of this title”.

(2) Section 1295(a)(4)(C) of title 28, United States Code, is amended by striking “145 or 146” and inserting “145, 146, or 154(b)”.

**SEC. 4403. CONTINUED EXAMINATION OF PATENT APPLICATIONS.**

Section 132 of title 35, United States Code, is amended—

(1) in the first sentence by striking “Whenever” and inserting “(a) Whenever”; and

(2) by adding at the end the following:

“(b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.”.

**SEC. 4404. TECHNICAL CLARIFICATION.**

Section 156(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting “, which shall include any patent term adjustment granted under section 154(b),” after “the original expiration date of the patent”.

**SEC. 4405. EFFECTIVE DATE.**

(a) AMENDMENTS MADE BY SECTIONS 4402 AND 4404.—The amendments made by sections 4402 and 4404 shall take effect on the date that is 6 months after the date of the enactment of this Act and, except for a design patent application filed under chapter 16 of title 35, United States Code, shall apply to any application filed on or after the date that is 6 months after the date of the enactment of this Act.

(b) AMENDMENTS MADE BY SECTION 4403.—The amendments made by section 4403—

(1) shall take effect on the date that is 6 months after the date of the enactment of this Act, and shall apply to

all applications filed under section 111(a) of title 35, United States Code, on or after June 8, 1995, and all applications complying with section 371 of title 35, United States Code, that resulted from international applications filed on or after June 8, 1995; and

(2) do not apply to applications for design patents under chapter 16 of title 35, United States Code.

## **Subtitle E—Domestic Publication of Patent Applications Published Abroad**

### **SEC. 4501. SHORT TITLE.**

This subtitle may be cited as the “Domestic Publication of Foreign Filed Patent Applications Act of 1999”.

### **SEC. 4502. PUBLICATION.**

(a) PUBLICATION.—Section 122 of title 35, United States Code, is amended to read as follows:

#### **“§ 122. Confidential status of applications; publication of patent applications**

“(a) CONFIDENTIALITY.—Except as provided in subsection (b), applications for patents shall be kept in confidence by the Patent and Trademark Office and no information concerning the same given without authority of the applicant or owner unless necessary to carry out the provisions of an Act of Congress or in such special circumstances as may be determined by the Director.

“(b) PUBLICATION.—

“(1) IN GENERAL.—(A) Subject to paragraph (2), each application for a patent shall be published, in accordance with procedures determined by the Director, promptly after the expiration of a period of 18 months from the earliest filing date for which a benefit is sought under this title. At the request of the applicant, an application may be published earlier than the end of such 18-month period.

“(B) No information concerning published patent applications shall be made available to the public except as the Director determines.

“(C) Notwithstanding any other provision of law, a determination by the Director to release or not to release information concerning a published patent application shall be final and nonreviewable.

“(2) EXCEPTIONS.—(A) An application shall not be published if that application is—

“(i) no longer pending;

“(ii) subject to a secrecy order under section 181 of this title;

“(iii) a provisional application filed under section 111(b) of this title; or

“(iv) an application for a design patent filed under chapter 16 of this title.

“(B)(i) If an applicant makes a request upon filing, certifying that the invention disclosed in the application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing, the

application shall not be published as provided in paragraph (1).

“(ii) An applicant may rescind a request made under clause (i) at any time.

“(iii) An applicant who has made a request under clause (i) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

“(iv) If an applicant rescinds a request made under clause (i) or notifies the Director that an application was filed in a foreign country or under a multilateral international agreement specified in clause (i), the application shall be published in accordance with the provisions of paragraph (1) on or as soon as is practical after the date that is specified in clause (i).

“(v) If an applicant has filed applications in one or more foreign countries, directly or through a multilateral international agreement, and such foreign filed applications corresponding to an application filed in the Patent and Trademark Office or the description of the invention in such foreign filed applications is less extensive than the application or description of the invention in the application filed in the Patent and Trademark Office, the applicant may submit a redacted copy of the application filed in the Patent and Trademark Office eliminating any part or description of the invention in such application that is not also contained in any of the corresponding applications filed in a foreign country. The Director may only publish the redacted copy of the application unless the redacted copy of the application is not received within 16 months after the earliest effective filing date for which a benefit is sought under this title. The provisions of section 154(d) shall not apply to a claim if the description of the invention published in the redacted application filed under this clause with respect to the claim does not enable a person skilled in the art to make and use the subject matter of the claim.

“(c) PROTEST AND PRE-ISSUANCE OPPOSITION.—The Director shall establish appropriate procedures to ensure that no protest or other form of pre-issuance opposition to the grant of a patent on an application may be initiated after publication of the application without the express written consent of the applicant.

“(d) NATIONAL SECURITY.—No application for patent shall be published under subsection (b)(1) if the publication or disclosure of such invention would be detrimental to the national security. The Director shall establish appropriate procedures to ensure that such applications are promptly identified and the secrecy of such inventions is maintained in accordance with chapter 17 of this title.”.

(b) STUDY.—



(1) **IN GENERAL.**—The Comptroller General shall conduct a 3-year study of the applicants who file only in the United States on or after the effective date of this subtitle and shall provide the results of such study to the Judiciary Committees of the House of Representatives and the Senate.

(2) **CONTENTS.**—The study conducted under paragraph (1) shall—

(A) consider the number of such applicants in relation to the number of applicants who file in the United States and outside of the United States;

(B) examine how many domestic-only filers request at the time of filing not to be published;

(C) examine how many such filers rescind that request or later choose to file abroad;

(D) examine the status of the entity seeking an application and any correlation that may exist between such status and the publication of patent applications; and

(E) examine the abandonment/issuance ratios and length of application pendency before patent issuance or abandonment for published versus unpublished applications.

**SEC. 4503. TIME FOR CLAIMING BENEFIT OF EARLIER FILING DATE.**

(a) **IN A FOREIGN COUNTRY.**—Section 119(b) of title 35, United States Code, is amended to read as follows:

“(b)(1) No application for patent shall be entitled to this right of priority unless a claim is filed in the Patent and Trademark Office, identifying the foreign application by specifying the application number on that foreign application, the intellectual property authority or country in or for which the application was filed, and the date of filing the application, at such time during the pendency of the application as required by the Director.

“(2) The Director may consider the failure of the applicant to file a timely claim for priority as a waiver of any such claim. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed claim under this section.

“(3) The Director may require a certified copy of the original foreign application, specification, and drawings upon which it is based, a translation if not in the English language, and such other information as the Director considers necessary. Any such certification shall be made by the foreign intellectual property authority in which the foreign application was filed and show the date of the application and of the filing of the specification and other papers.”.

(b) **IN THE UNITED STATES.**—

(1) **IN GENERAL.**—Section 120 of title 35, United States Code, is amended by adding at the end the following: “No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this section. The Director may establish procedures, including the payment of a surcharge, to accept

an unintentionally delayed submission of an amendment under this section.”.

(2) RIGHT OF PRIORITY.—Section 119(e)(1) of title 35, United States Code, is amended by adding at the end the following: “No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director. The Director may consider the failure to submit such an amendment within that time period as a waiver of any benefit under this subsection. The Director may establish procedures, including the payment of a surcharge, to accept an unintentionally delayed submission of an amendment under this subsection during the pendency of the application.”.

#### SEC. 4504. PROVISIONAL RIGHTS.

Section 154 of title 35, United States Code, is amended—

(1) in the section caption by inserting “; **provisional rights**” after “**patent**”; and

(2) by adding at the end the following new subsection: “(d) PROVISIONAL RIGHTS.—

“(1) IN GENERAL.—In addition to other rights provided by this section, a patent shall include the right to obtain a reasonable royalty from any person who, during the period beginning on the date of publication of the application for such patent under section 122(b), or in the case of an international application filed under the treaty defined in section 351(a) designating the United States under Article 21(2)(a) of such treaty, the date of publication of the application, and ending on the date the patent is issued—

“(A)(i) makes, uses, offers for sale, or sells in the United States the invention as claimed in the published patent application or imports such an invention into the United States; or

“(ii) if the invention as claimed in the published patent application is a process, uses, offers for sale, or sells in the United States or imports into the United States products made by that process as claimed in the published patent application; and

“(B) had actual notice of the published patent application and, in a case in which the right arising under this paragraph is based upon an international application designating the United States that is published in a language other than English, had a translation of the international application into the English language.

“(2) RIGHT BASED ON SUBSTANTIALLY IDENTICAL INVENTIONS.—The right under paragraph (1) to obtain a reasonable royalty shall not be available under this subsection unless the invention as claimed in the patent is substantially identical to the invention as claimed in the published patent application.

“(3) TIME LIMITATION ON OBTAINING A REASONABLE ROYALTY.—The right under paragraph (1) to obtain a reasonable royalty shall be available only in an action brought not later than 6 years after the patent is issued. The right under paragraph (1) to obtain a reasonable royalty shall not be affected by the duration of the period described in paragraph (1).

“(4) REQUIREMENTS FOR INTERNATIONAL APPLICATIONS.—

“(A) EFFECTIVE DATE.—The right under paragraph (1) to obtain a reasonable royalty based upon the publication under the treaty defined in section 351(a) of an international application designating the United States shall commence on the date on which the Patent and Trademark Office receives a copy of the publication under the treaty of the international application, or, if the publication under the treaty of the international application is in a language other than English, on the date on which the Patent and Trademark Office receives a translation of the international application in the English language.

“(B) COPIES.—The Director may require the applicant to provide a copy of the international application and a translation thereof.”.

**SEC. 4505. PRIOR ART EFFECT OF PUBLISHED APPLICATIONS.**

Section 102(e) of title 35, United States Code, is amended to read as follows:

“(e) The invention was described in—

“(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

“(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a); or”.

**SEC. 4506. COST RECOVERY FOR PUBLICATION.**

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall recover the cost of early publication required by the amendment made by section 4502 by charging a separate publication fee after notice of allowance is given under section 151 of title 35, United States Code.

**SEC. 4507. CONFORMING AMENDMENTS.**

The following provisions of title 35, United States Code, are amended:

(1) Section 11 is amended in paragraph 1 of subsection (a) by inserting “and published applications for patents” after “Patents”.

(2) Section 12 is amended—

(A) in the section caption by inserting “**and applications**” after “**patents**”; and

(B) by inserting “and published applications for patents” after “patents”.

(3) Section 13 is amended—

(A) in the section caption by inserting “**and applications**” after “**patents**”; and

(B) by inserting “and published applications for patents” after “patents”.

(4) The items relating to sections 12 and 13 in the table of sections for chapter 1 are each amended by inserting “and applications” after “patents”.

(5) The item relating to section 122 in the table of sections for chapter 11 is amended by inserting “; publication of patent applications” after “applications”.

(6) The item relating to section 154 in the table of sections for chapter 14 is amended by inserting “; provisional rights” after “patent”.

(7) Section 181 is amended—

(A) in the first undesignated paragraph—

(i) by inserting “by the publication of an application or” after “disclosure”; and

(ii) by inserting “the publication of the application or” after “withhold”;

(B) in the second undesignated paragraph by inserting “by the publication of an application or” after “disclosure of an invention”;

(C) in the third undesignated paragraph—

(i) by inserting “by the publication of the application or” after “disclosure of the invention”; and

(ii) by inserting “the publication of the application or” after “withhold”; and

(D) in the fourth undesignated paragraph by inserting “the publication of an application or” after “and” in the first sentence.

(8) Section 252 is amended in the first undesignated paragraph by inserting “substantially” before “identical” each place it appears.

(9) Section 284 is amended by adding at the end of the second undesignated paragraph the following: “Increased damages under this paragraph shall not apply to provisional rights under section 154(d) of this title.”

(10) Section 374 is amended to read as follows:

**“§ 374. Publication of international application**

“The publication under the treaty defined in section 351(a) of this title, of an international application designating the United States shall confer the same rights and shall have the same effect under this title as an application for patent published under section 122(b), except as provided in sections 102(e) and 154(d) of this title.”

(11) Section 135(b) is amended—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following:

“(2) A claim which is the same as, or for the same or substantially the same subject matter as, a claim of an application published under section 122(b) of this title may be made in an application filed after the application is published only if the claim is made before 1 year after the date on which the application is published.”

**SEC. 4508. EFFECTIVE DATE.**

Sections 4502 through 4507, and the amendments made by such sections, shall take effect on the date that is 1 year after

the date of the enactment of this Act and shall apply to all applications filed under section 111 of title 35, United States Code, on or after that date, and all applications complying with section 371 of title 35, United States Code, that resulted from international applications filed on or after that date. The amendments made by sections 4504 and 4505 shall apply to any such application voluntarily published by the applicant under procedures established under this subtitle that is pending on the date that is 1 year after the date of the enactment of this Act. The amendment made by section 4504 shall also apply to international applications designating the United States that are filed on or after the date that is 1 year after the date of the enactment of this Act.

## **Subtitle F—Optional Inter Partes Reexamination Procedure**

### **SEC. 4601. SHORT TITLE.**

This subtitle may be cited as the “Optional Inter Partes Reexamination Procedure Act of 1999”.

### **SEC. 4602. EX PARTE REEXAMINATION OF PATENTS.**

The chapter heading for chapter 30 of title 35, United States Code, is amended by inserting “**EX PARTE**” before “**REEXAMINATION OF PATENTS**”.

### **SEC. 4603. DEFINITIONS.**

Section 100 of title 35, United States Code, is amended by adding at the end the following new subsection:

“(e) The term ‘third-party requester’ means a person requesting ex parte reexamination under section 302 or inter partes reexamination under section 311 who is not the patent owner.”.

### **SEC. 4604. OPTIONAL INTER PARTES REEXAMINATION PROCEDURES.**

(a) **IN GENERAL.**—Part 3 of title 35, United States Code, is amended by adding after chapter 30 the following new chapter:

## **“CHAPTER 31—OPTIONAL INTER PARTES REEXAMINATION PROCEDURES**

“Sec.

“311. Request for inter partes reexamination.

“312. Determination of issue by Director.

“313. Inter partes reexamination order by Director.

“314. Conduct of inter partes reexamination proceedings.

“315. Appeal.

“316. Certificate of patentability, unpatentability, and claim cancellation.

“317. Inter partes reexamination prohibited.

“318. Stay of litigation.

### **“§ 311. Request for inter partes reexamination**

“(a) **IN GENERAL.**—Any person at any time may file a request for inter partes reexamination by the Office of a patent on the basis of any prior art cited under the provisions of section 301.

“(b) **REQUIREMENTS.**—The request shall—

“(1) be in writing, include the identity of the real party in interest, and be accompanied by payment of an inter partes reexamination fee established by the Director under section 41; and

“(2) set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested.

“(c) COPY.—Unless the requesting person is the owner of the patent, the Director promptly shall send a copy of the request to the owner of record of the patent.

**“§ 312. Determination of issue by Director**

“(a) REEXAMINATION.—Not later than 3 months after the filing of a request for inter partes reexamination under section 311, the Director shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On the Director’s initiative, and at any time, the Director may determine whether a substantial new question of patentability is raised by patents and publications.

“(b) RECORD.—A record of the Director’s determination under subsection (a) shall be placed in the official file of the patent, and a copy shall be promptly given or mailed to the owner of record of the patent and to the third-party requester, if any.

“(c) FINAL DECISION.—A determination by the Director under subsection (a) shall be final and non-appealable. Upon a determination that no substantial new question of patentability has been raised, the Director may refund a portion of the inter partes reexamination fee required under section 311.

**“§ 313. Inter partes reexamination order by Director**

“If, in a determination made under section 312(a), the Director finds that a substantial new question of patentability affecting a claim of a patent is raised, the determination shall include an order for inter partes reexamination of the patent for resolution of the question. The order may be accompanied by the initial action of the Patent and Trademark Office on the merits of the inter partes reexamination conducted in accordance with section 314.

**“§ 314. Conduct of inter partes reexamination proceedings**

“(a) IN GENERAL.—Except as otherwise provided in this section, reexamination shall be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133. In any inter partes reexamination proceeding under this chapter, the patent owner shall be permitted to propose any amendment to the patent and a new claim or claims, except that no proposed amended or new claim enlarging the scope of the claims of the patent shall be permitted.

“(b) RESPONSE.—(1) This subsection shall apply to any inter partes reexamination proceeding in which the order for inter partes reexamination is based upon a request by a third-party requester.

“(2) With the exception of the inter partes reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party. In addition, the third-party requester shall receive a copy of any communication sent by the Office to the patent owner concerning the patent subject to the inter partes reexamination proceeding.

“(3) Each time that the patent owner files a response to an action on the merits from the Patent and Trademark Office, the third-party requester shall have one opportunity to file written comments addressing issues raised by the action of the Office or

the patent owner's response thereto, if those written comments are received by the Office within 30 days after the date of service of the patent owner's response.

“(c) SPECIAL DISPATCH.—Unless otherwise provided by the Director for good cause, all inter partes reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, shall be conducted with special dispatch within the Office.

#### **“§ 315. Appeal**

“(a) PATENT OWNER.—The patent owner involved in an inter partes reexamination proceeding under this chapter—

“(1) may appeal under the provisions of section 134 and may appeal under the provisions of sections 141 through 144, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent; and

“(2) may be a party to any appeal taken by a third-party requester under subsection (b).

“(b) THIRD-PARTY REQUESTER.—A third-party requester may—

“(1) appeal under the provisions of section 134 with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent; or

“(2) be a party to any appeal taken by the patent owner under the provisions of section 134, subject to subsection (c).

“(c) CIVIL ACTION.—A third-party requester whose request for an inter partes reexamination results in an order under section 313 is estopped from asserting at a later time, in any civil action arising in whole or in part under section 1338 of title 28, United States Code, the invalidity of any claim finally determined to be valid and patentable on any ground which the third-party requester raised or could have raised during the inter partes reexamination proceedings. This subsection does not prevent the assertion of invalidity based on newly discovered prior art unavailable to the third-party requester and the Patent and Trademark Office at the time of the inter partes reexamination proceedings.

#### **“§ 316. Certificate of patentability, unpatentability, and claim cancellation**

“(a) IN GENERAL.—In an inter partes reexamination proceeding under this chapter, when the time for appeal has expired or any appeal proceeding has terminated, the Director shall issue and publish a certificate canceling any claim of the patent finally determined to be unpatentable, confirming any claim of the patent determined to be patentable, and incorporating in the patent any proposed amended or new claim determined to be patentable.

“(b) AMENDED OR NEW CLAIM.—Any proposed amended or new claim determined to be patentable and incorporated into a patent following an inter partes reexamination proceeding shall have the same effect as that specified in section 252 of this title for reissued patents on the right of any person who made, purchased, or used within the United States, or imported into the United States, anything patented by such proposed amended or new claim, or who made substantial preparation therefor, prior to issuance of a certificate under the provisions of subsection (a) of this section.

**“§ 317. Inter partes reexamination prohibited**

“(a) ORDER FOR REEXAMINATION.—Notwithstanding any provision of this chapter, once an order for inter partes reexamination of a patent has been issued under section 313, neither the patent owner nor the third-party requester, if any, nor privies of either, may file a subsequent request for inter partes reexamination of the patent until an inter partes reexamination certificate is issued and published under section 316, unless authorized by the Director.

“(b) FINAL DECISION.—Once a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28, United States Code, that the party has not sustained its burden of proving the invalidity of any patent claim in suit or if a final decision in an inter partes reexamination proceeding instituted by a third-party requester is favorable to the patentability of any original or proposed amended or new claim of the patent, then neither that party nor its privies may thereafter request an inter partes reexamination of any such patent claim on the basis of issues which that party or its privies raised or could have raised in such civil action or inter partes reexamination proceeding, and an inter partes reexamination requested by that party or its privies on the basis of such issues may not thereafter be maintained by the Office, notwithstanding any other provision of this chapter. This subsection does not prevent the assertion of invalidity based on newly discovered prior art unavailable to the third-party requester and the Patent and Trademark Office at the time of the inter partes reexamination proceedings.

**“§ 318. Stay of litigation**

“Once an order for inter partes reexamination of a patent has been issued under section 313, the patent owner may obtain a stay of any pending litigation which involves an issue of patentability of any claims of the patent which are the subject of the inter partes reexamination order, unless the court before which such litigation is pending determines that a stay would not serve the interests of justice.”

(b) CONFORMING AMENDMENT.—The table of chapters for part III of title 25, United States Code, is amended by striking the item relating to chapter 30 and inserting the following:

“30. Prior Art Citations to Office and Ex Parte Reexamination of Patents .....	301
“31. Optional Inter Partes Reexamination of Patents .....	311”.

**SEC. 4605. CONFORMING AMENDMENTS.**

(a) PATENT FEES; PATENT SEARCH SYSTEMS.—Section 41(a)(7) of title 35, United States Code, is amended to read as follows:

“(7) On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in any reexamination proceeding, \$1,210, unless the petition is filed under section 133 or 151 of this title, in which case the fee shall be \$110.”

(b) APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES.—Section 134 of title 35, United States Code, is amended to read as follows:



**“§ 134. Appeal to the Board of Patent Appeals and Interferences**

“(a) PATENT APPLICANT.—An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the administrative patent judge to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

“(b) PATENT OWNER.—A patent owner in any reexamination proceeding may appeal from the final rejection of any claim by the administrative patent judge to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

“(c) THIRD-PARTY.—A third-party requester in an inter partes proceeding may appeal to the Board of Patent Appeals and Interferences from the final decision of the administrative patent judge favorable to the patentability of any original or proposed amended or new claim of a patent, having once paid the fee for such appeal. The third-party requester may not appeal the decision of the Board of Patent Appeals and Interferences.”.

(c) APPEAL TO COURT OF APPEALS FOR THE FEDERAL CIRCUIT.—Section 141 of title 35, United States Code, is amended by adding the following after the second sentence: “A patent owner in any reexamination proceeding dissatisfied with the final decision in an appeal to the Board of Patent Appeals and Interferences under section 134 may appeal the decision only to the United States Court of Appeals for the Federal Circuit.”.

(d) PROCEEDINGS ON APPEAL.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: “In any reexamination case, the Director shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal.”.

(e) CIVIL ACTION TO OBTAIN PATENT.—Section 145 of title 35, United States Code, is amended in the first sentence by inserting “(a)” after “section 134”.

**SEC. 4606. REPORT TO CONGRESS.**

Not later than 5 years after the date of the enactment of this Act, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall submit to the Congress a report evaluating whether the inter partes reexamination proceedings established under the amendments made by this subtitle are inequitable to any of the parties in interest and, if so, the report shall contain recommendations for changes to the amendments made by this subtitle to remove such inequity.

**SEC. 4607. ESTOPPEL EFFECT OF REEXAMINATION.**

Any party who requests an inter partes reexamination under section 311 of title 35, United States Code, is estopped from challenging at a later time, in any civil action, any fact determined during the process of such reexamination, except with respect to a fact determination later proved to be erroneous based on information unavailable at the time of the inter partes reexamination decision. If this section is held to be unenforceable, the enforceability of the remainder of this subtitle or of this title shall not be denied as a result.

**SEC. 4608. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Subject to subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the date of the enactment of this Act and shall apply to any patent that issues from an original application filed in the United States on or after that date.

(b) **SECTION 4605(a).**—The amendments made by section 4605(a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

## **Subtitle G—Patent and Trademark Office**

**SEC. 4701. SHORT TITLE.**

This subtitle may be cited as the “Patent and Trademark Office Efficiency Act”.

### **CHAPTER 1—UNITED STATES PATENT AND TRADEMARK OFFICE**

**SEC. 4711. ESTABLISHMENT OF PATENT AND TRADEMARK OFFICE.**

Section 1 of title 35, United States Code, is amended to read as follows:

**“§ 1. Establishment**

“(a) **ESTABLISHMENT.**—The United States Patent and Trademark Office is established as an agency of the United States, within the Department of Commerce. In carrying out its functions, the United States Patent and Trademark Office shall be subject to the policy direction of the Secretary of Commerce, but otherwise shall retain responsibility for decisions regarding the management and administration of its operations and shall exercise independent control of its budget allocations and expenditures, personnel decisions and processes, procurements, and other administrative and management functions in accordance with this title and applicable provisions of law. Those operations designed to grant and issue patents and those operations which are designed to facilitate the registration of trademarks shall be treated as separate operating units within the Office.

“(b) **OFFICES.**—The United States Patent and Trademark Office shall maintain its principal office in the metropolitan Washington, D.C., area, for the service of process and papers and for the purpose of carrying out its functions. The United States Patent and Trademark Office shall be deemed, for purposes of venue in civil actions, to be a resident of the district in which its principal office is located, except where jurisdiction is otherwise provided by law. The United States Patent and Trademark Office may establish satellite offices in such other places in the United States as it considers necessary and appropriate in the conduct of its business.

“(c) **REFERENCE.**—For purposes of this title, the United States Patent and Trademark Office shall also be referred to as the ‘Office’ and the ‘Patent and Trademark Office’.”

**SEC. 4712. POWERS AND DUTIES.**

Section 2 of title 35, United States Code, is amended to read as follows:

**“§ 2. Powers and duties**

“(a) IN GENERAL.—The United States Patent and Trademark Office, subject to the policy direction of the Secretary of Commerce—

“(1) shall be responsible for the granting and issuing of patents and the registration of trademarks; and

“(2) shall be responsible for disseminating to the public information with respect to patents and trademarks.

“(b) SPECIFIC POWERS.—The Office—

“(1) shall adopt and use a seal of the Office, which shall be judicially noticed and with which letters patent, certificates of trademark registrations, and papers issued by the Office shall be authenticated;

“(2) may establish regulations, not inconsistent with law, which—

“(A) shall govern the conduct of proceedings in the Office;

“(B) shall be made in accordance with section 553 of title 5, United States Code;

“(C) shall facilitate and expedite the processing of patent applications, particularly those which can be filed, stored, processed, searched, and retrieved electronically, subject to the provisions of section 122 relating to the confidential status of applications;

“(D) may govern the recognition and conduct of agents, attorneys, or other persons representing applicants or other parties before the Office, and may require them, before being recognized as representatives of applicants or other persons, to show that they are of good moral character and reputation and are possessed of the necessary qualifications to render to applicants or other persons valuable service, advice, and assistance in the presentation or prosecution of their applications or other business before the Office;

“(E) shall recognize the public interest in continuing to safeguard broad access to the United States patent system through the reduced fee structure for small entities under section 41(h)(1) of this title; and

“(F) provide for the development of a performance-based process that includes quantitative and qualitative measures and standards for evaluating cost-effectiveness and is consistent with the principles of impartiality and competitiveness;

“(3) may acquire, construct, purchase, lease, hold, manage, operate, improve, alter, and renovate any real, personal, or mixed property, or any interest therein, as it considers necessary to carry out its functions;

“(4)(A) may make such purchases, contracts for the construction, maintenance, or management and operation of facilities, and contracts for supplies or services, without regard to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Public Buildings Act (40 U.S.C. 601 et seq.), and the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

“(B) may enter into and perform such purchases and contracts for printing services, including the process of composition, platemaking, presswork, silk screen processes, binding, microform, and the products of such processes, as it considers

necessary to carry out the functions of the Office, without regard to sections 501 through 517 and 1101 through 1123 of title 44, United States Code;

“(5) may use, with their consent, services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government, on a reimbursable basis, and cooperate with such other departments, agencies, and instrumentalities in the establishment and use of services, equipment, and facilities of the Office;

“(6) may, when the Director determines that it is practicable, efficient, and cost-effective to do so, use, with the consent of the United States and the agency, instrumentality, Patent and Trademark Office, or international organization concerned, the services, records, facilities, or personnel of any State or local government agency or instrumentality or foreign patent and trademark office or international organization to perform functions on its behalf;

“(7) may retain and use all of its revenues and receipts, including revenues from the sale, lease, or disposal of any real, personal, or mixed property, or any interest therein, of the Office;

“(8) shall advise the President, through the Secretary of Commerce, on national and certain international intellectual property policy issues;

“(9) shall advise Federal departments and agencies on matters of intellectual property policy in the United States and intellectual property protection in other countries;

“(10) shall provide guidance, as appropriate, with respect to proposals by agencies to assist foreign governments and international intergovernmental organizations on matters of intellectual property protection;

“(11) may conduct programs, studies, or exchanges of items or services regarding domestic and international intellectual property law and the effectiveness of intellectual property protection domestically and throughout the world;

“(12)(A) shall advise the Secretary of Commerce on programs and studies relating to intellectual property policy that are conducted, or authorized to be conducted, cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

“(B) may conduct programs and studies described in subparagraph (A); and

“(13)(A) in coordination with the Department of State, may conduct programs and studies cooperatively with foreign intellectual property offices and international intergovernmental organizations; and

“(B) with the concurrence of the Secretary of State, may authorize the transfer of not to exceed \$100,000 in any year to the Department of State for the purpose of making special payments to international intergovernmental organizations for studies and programs for advancing international cooperation concerning patents, trademarks, and other matters.

“(c) CLARIFICATION OF SPECIFIC POWERS.—(1) The special payments under subsection (b)(13)(B) shall be in addition to any other payments or contributions to international organizations described in subsection (b)(13)(B) and shall not be subject to any limitations

imposed by law on the amounts of such other payments or contributions by the United States Government.

“(2) Nothing in subsection (b) shall derogate from the duties of the Secretary of State or from the duties of the United States Trade Representative as set forth in section 141 of the Trade Act of 1974 (19 U.S.C. 2171).

“(3) Nothing in subsection (b) shall derogate from the duties and functions of the Register of Copyrights or otherwise alter current authorities relating to copyright matters.

“(4) In exercising the Director’s powers under paragraphs (3) and (4)(A) of subsection (b), the Director shall consult with the Administrator of General Services.

“(5) In exercising the Director’s powers and duties under this section, the Director shall consult with the Register of Copyrights on all copyright and related matters.

“(d) CONSTRUCTION.—Nothing in this section shall be construed to nullify, void, cancel, or interrupt any pending request-for-proposal let or contract issued by the General Services Administration for the specific purpose of relocating or leasing space to the United States Patent and Trademark Office.”.

#### SEC. 4713. ORGANIZATION AND MANAGEMENT.

Section 3 of title 35, United States Code, is amended to read as follows:

#### “§ 3. Officers and employees

“(a) UNDER SECRETARY AND DIRECTOR.—

“(1) IN GENERAL.—The powers and duties of the United States Patent and Trademark Office shall be vested in an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this title referred to as the ‘Director’), who shall be a citizen of the United States and who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be a person who has a professional background and experience in patent or trademark law.

“(2) DUTIES.—

“(A) IN GENERAL.—The Director shall be responsible for providing policy direction and management supervision for the Office and for the issuance of patents and the registration of trademarks. The Director shall perform these duties in a fair, impartial, and equitable manner.

“(B) CONSULTING WITH THE PUBLIC ADVISORY COMMITTEES.—The Director shall consult with the Patent Public Advisory Committee established in section 5 on a regular basis on matters relating to the patent operations of the Office, shall consult with the Trademark Public Advisory Committee established in section 5 on a regular basis on matters relating to the trademark operations of the Office, and shall consult with the respective Public Advisory Committee before submitting budgetary proposals to the Office of Management and Budget or changing or proposing to change patent or trademark user fees or patent or trademark regulations which are subject to the requirement to provide notice and opportunity for public comment under section 553 of title 5, United States Code, as the case may be.

“(3) OATH.—The Director shall, before taking office, take an oath to discharge faithfully the duties of the Office.

“(4) REMOVAL.—The Director may be removed from office by the President. The President shall provide notification of any such removal to both Houses of Congress.

“(b) OFFICERS AND EMPLOYEES OF THE OFFICE.—

“(1) DEPUTY UNDER SECRETARY AND DEPUTY DIRECTOR.—The Secretary of Commerce, upon nomination by the Director, shall appoint a Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office who shall be vested with the authority to act in the capacity of the Director in the event of the absence or incapacity of the Director. The Deputy Director shall be a citizen of the United States who has a professional background and experience in patent or trademark law.

“(2) COMMISSIONERS.—

“(A) APPOINTMENT AND DUTIES.—The Secretary of Commerce shall appoint a Commissioner for Patents and a Commissioner for Trademarks, without regard to chapter 33, 51, or 53 of title 5, United States Code. The Commissioner for Patents shall be a citizen of the United States with demonstrated management ability and professional background and experience in patent law and serve for a term of 5 years. The Commissioner for Trademarks shall be a citizen of the United States with demonstrated management ability and professional background and experience in trademark law and serve for a term of 5 years. The Commissioner for Patents and the Commissioner for Trademarks shall serve as the chief operating officers for the operations of the Office relating to patents and trademarks, respectively, and shall be responsible for the management and direction of all aspects of the activities of the Office that affect the administration of patent and trademark operations, respectively. The Secretary may reappoint a Commissioner to subsequent terms of 5 years as long as the performance of the Commissioner as set forth in the performance agreement in subparagraph (B) is satisfactory.

“(B) SALARY AND PERFORMANCE AGREEMENT.—The Commissioners shall be paid an annual rate of basic pay not to exceed the maximum rate of basic pay for the Senior Executive Service established under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5, United States Code. The compensation of the Commissioners shall be considered, for purposes of section 207(c)(2)(A) of title 18, United States Code, to be the equivalent of that described under clause (ii) of section 207(c)(2)(A) of title 18, United States Code. In addition, the Commissioners may receive a bonus in an amount of up to, but not in excess of, 50 percent of the Commissioners’ annual rate of basic pay, based upon an evaluation by the Secretary of Commerce, acting through the Director, of the Commissioners’ performance as defined in an annual performance agreement between the Commissioners and the Secretary. The annual performance agreements shall incorporate measurable organization

and individual goals in key operational areas as delineated in an annual performance plan agreed to by the Commissioners and the Secretary. Payment of a bonus under this subparagraph may be made to the Commissioners only to the extent that such payment does not cause the Commissioners' total aggregate compensation in a calendar year to equal or exceed the amount of the salary of the Vice President under section 104 of title 3, United States Code.

“(C) REMOVAL.—The Commissioners may be removed from office by the Secretary for misconduct or nonsatisfactory performance under the performance agreement described in subparagraph (B), without regard to the provisions of title 5, United States Code. The Secretary shall provide notification of any such removal to both Houses of Congress.

“(3) OTHER OFFICERS AND EMPLOYEES.—The Director shall—

“(A) appoint such officers, employees (including attorneys), and agents of the Office as the Director considers necessary to carry out the functions of the Office; and

“(B) define the title, authority, and duties of such officers and employees and delegate to them such of the powers vested in the Office as the Director may determine.

The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.

“(4) TRAINING OF EXAMINERS.—The Office shall submit to the Congress a proposal to provide an incentive program to retain as employees patent and trademark examiners of the primary examiner grade or higher who are eligible for retirement, for the sole purpose of training patent and trademark examiners.

“(5) NATIONAL SECURITY POSITIONS.—The Director, in consultation with the Director of the Office of Personnel Management, shall maintain a program for identifying national security positions and providing for appropriate security clearances, in order to maintain the secrecy of certain inventions, as described in section 181, and to prevent disclosure of sensitive and strategic information in the interest of national security.

“(c) CONTINUED APPLICABILITY OF TITLE 5, UNITED STATES CODE.—Officers and employees of the Office shall be subject to the provisions of title 5, United States Code, relating to Federal employees.

“(d) ADOPTION OF EXISTING LABOR AGREEMENTS.—The Office shall adopt all labor agreements which are in effect, as of the day before the effective date of the Patent and Trademark Office Efficiency Act, with respect to such Office (as then in effect).

“(e) CARRYOVER OF PERSONNEL.—

“(1) FROM PTO.—Effective as of the effective date of the Patent and Trademark Office Efficiency Act, all officers and employees of the Patent and Trademark Office on the day before such effective date shall become officers and employees of the Office, without a break in service.

“(2) OTHER PERSONNEL.—Any individual who, on the day before the effective date of the Patent and Trademark Office

Efficiency Act, is an officer or employee of the Department of Commerce (other than an officer or employee under paragraph (1)) shall be transferred to the Office, as necessary to carry out the purposes of this Act, if—

“(A) such individual serves in a position for which a major function is the performance of work reimbursed by the Patent and Trademark Office, as determined by the Secretary of Commerce;

“(B) such individual serves in a position that performed work in support of the Patent and Trademark Office during at least half of the incumbent’s work time, as determined by the Secretary of Commerce; or

“(C) such transfer would be in the interest of the Office, as determined by the Secretary of Commerce in consultation with the Director.

Any transfer under this paragraph shall be effective as of the same effective date as referred to in paragraph (1), and shall be made without a break in service.

“(f) TRANSITION PROVISIONS.—

“(1) INTERIM APPOINTMENT OF DIRECTOR.—On or after the effective date of the Patent and Trademark Office Efficiency Act, the President shall appoint an individual to serve as the Director until the date on which a Director qualifies under subsection (a). The President shall not make more than one such appointment under this subsection.

“(2) CONTINUATION IN OFFICE OF CERTAIN OFFICERS.—(A) The individual serving as the Assistant Commissioner for Patents on the day before the effective date of the Patent and Trademark Office Efficiency Act may serve as the Commissioner for Patents until the date on which a Commissioner for Patents is appointed under subsection (b).

“(B) The individual serving as the Assistant Commissioner for Trademarks on the day before the effective date of the Patent and Trademark Office Efficiency Act may serve as the Commissioner for Trademarks until the date on which a Commissioner for Trademarks is appointed under subsection (b).”.

#### **SEC. 4714. PUBLIC ADVISORY COMMITTEES.**

Chapter 1 of part I of title 35, United States Code, is amended by inserting after section 4 the following:

#### **“§ 5. Patent and Trademark Office Public Advisory Committees**

“(a) ESTABLISHMENT OF PUBLIC ADVISORY COMMITTEES.—

“(1) APPOINTMENT.—The United States Patent and Trademark Office shall have a Patent Public Advisory Committee and a Trademark Public Advisory Committee, each of which shall have nine voting members who shall be appointed by the Secretary of Commerce and serve at the pleasure of the Secretary of Commerce. Members of each Public Advisory Committee shall be appointed for a term of 3 years, except that of the members first appointed, three shall be appointed for a term of 1 year, and three shall be appointed for a term of 2 years. In making appointments to each Committee, the



Secretary of Commerce shall consider the risk of loss of competitive advantage in international commerce or other harm to United States companies as a result of such appointments.

“(2) CHAIR.—The Secretary shall designate a chair of each Advisory Committee, whose term as chair shall be for 3 years.

“(3) TIMING OF APPOINTMENTS.—Initial appointments to each Advisory Committee shall be made within 3 months after the effective date of the Patent and Trademark Office Efficiency Act. Vacancies shall be filled within 3 months after they occur.

“(b) BASIS FOR APPOINTMENTS.—Members of each Advisory Committee—

“(1) shall be citizens of the United States who shall be chosen so as to represent the interests of diverse users of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to trademarks, in the case of the Trademark Public Advisory Committee;

“(2) shall include members who represent small and large entity applicants located in the United States in proportion to the number of applications filed by such applicants, but in no case shall members who represent small entity patent applicants, including small business concerns, independent inventors, and nonprofit organizations, constitute less than 25 percent of the members of the Patent Public Advisory Committee, and such members shall include at least one independent inventor; and

“(3) shall include individuals with substantial background and achievement in finance, management, labor relations, science, technology, and office automation.

In addition to the voting members, each Advisory Committee shall include a representative of each labor organization recognized by the United States Patent and Trademark Office. Such representatives shall be nonvoting members of the Advisory Committee to which they are appointed.

“(c) MEETINGS.—Each Advisory Committee shall meet at the call of the chair to consider an agenda set by the chair.

“(d) DUTIES.—Each Advisory Committee shall—

“(1) review the policies, goals, performance, budget, and user fees of the United States Patent and Trademark Office with respect to patents, in the case of the Patent Public Advisory Committee, and with respect to Trademarks, in the case of the Trademark Public Advisory Committee, and advise the Director on these matters;

“(2) within 60 days after the end of each fiscal year—

“(A) prepare an annual report on the matters referred to in paragraph (1);

“(B) transmit the report to the Secretary of Commerce, the President, and the Committees on the Judiciary of the Senate and the House of Representatives; and

“(C) publish the report in the Official Gazette of the United States Patent and Trademark Office.

“(e) COMPENSATION.—Each member of each Advisory Committee shall be compensated for each day (including travel time) during which such member is attending meetings or conferences of that Advisory Committee or otherwise engaged in the business of that Advisory Committee, at the rate which is the daily equivalent of the annual rate of basic pay in effect for level III of the

Executive Schedule under section 5314 of title 5, United States Code. While away from such member's home or regular place of business such member shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

“(f) ACCESS TO INFORMATION.—Members of each Advisory Committee shall be provided access to records and information in the United States Patent and Trademark Office, except for personnel or other privileged information and information concerning patent applications required to be kept in confidence by section 122.

“(g) APPLICABILITY OF CERTAIN ETHICS LAWS.—Members of each Advisory Committee shall be special Government employees within the meaning of section 202 of title 18, United States Code.

“(h) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to each Advisory Committee.

“(i) OPEN MEETINGS.—The meetings of each Advisory Committee shall be open to the public, except that each Advisory Committee may by majority vote meet in executive session when considering personnel or other confidential information.”.

**SEC. 4715. CONFORMING AMENDMENTS.**

(a) DUTIES.—Chapter 1 of title 35, United States Code, is amended by striking section 6.

(b) REGULATIONS FOR AGENTS AND ATTORNEYS.—Section 31 of title 35, United States Code, and the item relating to such section in the table of sections for chapter 3 of title 35, United States Code, are repealed.

(c) SUSPENSION OR EXCLUSION FROM PRACTICE.—Section 32 of title 35, United States Code, is amended by striking “31” and inserting “2(b)(2)(D)”.

**SEC. 4716. TRADEMARK TRIAL AND APPEAL BOARD.**

Section 17 of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”) (15 U.S.C. 1067) is amended to read as follows:

“SEC. 17. (a) In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Director shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration.

“(b) The Trademark Trial and Appeal Board shall include the Director, the Commissioner for Patents, the Commissioner for Trademarks, and administrative trademark judges who are appointed by the Director.”.

**SEC. 4717. BOARD OF PATENT APPEALS AND INTERFERENCES.**

Chapter 1 of title 35, United States Code, is amended—

(1) by striking section 7 and redesignating sections 8 through 14 as sections 7 through 13, respectively; and

(2) by inserting after section 5 the following:

**“§ 6. Board of Patent Appeals and Interferences**

“(a) ESTABLISHMENT AND COMPOSITION.—There shall be in the United States Patent and Trademark Office a Board of Patent Appeals and Interferences. The Director, the Commissioner for Patents, the Commissioner for Trademarks, and the administrative patent judges shall constitute the Board. The administrative patent

judges shall be persons of competent legal knowledge and scientific ability who are appointed by the Director.

“(b) DUTIES.—The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, review adverse decisions of examiners upon applications for patents and shall determine priority and patentability of invention in interferences declared under section 135(a). Each appeal and interference shall be heard by at least three members of the Board, who shall be designated by the Director. Only the Board of Patent Appeals and Interferences may grant rehearings.”.

**SEC. 4718. ANNUAL REPORT OF DIRECTOR.**

Section 13 of title 35, United States Code, as redesignated by section 4717 of this subtitle, is amended to read as follows:

**“§ 13. Annual report to Congress**

“The Director shall report to the Congress, not later than 180 days after the end of each fiscal year, the moneys received and expended by the Office, the purposes for which the moneys were spent, the quality and quantity of the work of the Office, the nature of training provided to examiners, the evaluation of the Commissioner of Patents and the Commissioner of Trademarks by the Secretary of Commerce, the compensation of the Commissioners, and other information relating to the Office.”.

**SEC. 4719. SUSPENSION OR EXCLUSION FROM PRACTICE.**

Section 32 of title 35, United States Code, is amended by inserting before the last sentence the following: “The Director shall have the discretion to designate any attorney who is an officer or employee of the United States Patent and Trademark Office to conduct the hearing required by this section.”.

**SEC. 4720. PAY OF DIRECTOR AND DEPUTY DIRECTOR.**

(a) PAY OF DIRECTOR.—Section 5314 of title 5, United States Code, is amended by striking:

“Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.”.

and inserting:

“Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.”.

(b) PAY OF DEPUTY DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Deputy Under Secretary of Commerce for Intellectual Property and Deputy Director of the United States Patent and Trademark Office.”.

**CHAPTER 2—EFFECTIVE DATE; TECHNICAL AMENDMENTS**

**SEC. 4731. EFFECTIVE DATE.**

This subtitle and the amendments made by this subtitle shall take effect 4 months after the date of the enactment of this Act.

**SEC. 4732. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) AMENDMENTS TO TITLE 35, UNITED STATES CODE.—

(1) The item relating to part I in the table of parts for chapter 35, United States Code, is amended to read as follows:

**“I. United States Patent and Trademark Office ..... 1”.**

(2) The heading for part I of title 35, United States Code, is amended to read as follows:

**“PART I—UNITED STATES PATENT AND  
TRADEMARK OFFICE”.**

(3) The table of chapters for part I of title 35, United States Code, is amended by amending the item relating to chapter 1 to read as follows:

**“1. Establishment, Officers and Employees, Functions ..... 1”.**

(4) The table of sections for chapter 1 of title 35, United States Code, is amended to read as follows:

**“CHAPTER 1—ESTABLISHMENT, OFFICERS AND  
EMPLOYEES, FUNCTIONS**

“Sec.

“ 1. Establishment.

“ 2. Powers and duties.

“ 3. Officers and employees.

“ 4. Restrictions on officers and employees as to interest in patents.

“ 5. Patent and Trademark Office Public Advisory Committees.

“ 6. Board of Patent Appeals and Interferences.

“ 7. Library.

“ 8. Classification of patents.

“ 9. Certified copies of records.

“10. Publications.

“11. Exchange of copies of patents and applications with foreign countries.

“12. Copies of patents and applications for public libraries.

“13. Annual report to Congress.”.

(5) Section 41(h) of title 35, United States Code, is amended by striking “Commissioner of Patents and Trademarks” and inserting “Director”.

(6) Section 155 of title 35, United States Code, is amended by striking “Commissioner of Patents and Trademarks” and inserting “Director”.

(7) Section 155A(c) of title 35, United States Code, is amended by striking “Commissioner of Patents and Trademarks” and inserting “Director”.

(8) Section 302 of title 35, United States Code, is amended by striking “Commissioner of Patents” and inserting “Director”.

(9)(A) Section 303 of title 35, United States Code, is amended—

(i) in the section heading by striking “**Commissioner**” and inserting “**Director**”; and

(ii) by striking “Commissioner’s” and inserting “Director’s”.

(B) The item relating to section 303 in the table of sections for chapter 30 of title 35, United States Code, is amended by striking “Commissioner” and inserting “Director”.

(10)(A) Except as provided in subparagraph (B), title 35, United States Code, is amended by striking “Commissioner” each place it appears and inserting “Director”.

(B) Chapter 17 of title 35, United States Code, is amended by striking “Commissioner” each place it appears and inserting “Commissioner of Patents”.

(11) Section 157(d) of title 35, United States Code, is amended by striking “Secretary of Commerce” and inserting “Director”.

(12) Section 202(a) of title 35, United States Code, is amended—

(A) by striking “iv)” and inserting “(iv)”;

(B) by striking the second period after “Department of Energy” at the end of the first sentence.

(b) OTHER PROVISIONS OF LAW.—

(1)(A) Section 45 of the Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1127), is amended by striking “The term ‘Commissioner’ means the Commissioner of Patents and Trademarks.” and inserting “The term ‘Director’ means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.”.

(B) The Act of July 5, 1946 (commonly referred to as the “Trademark Act of 1946”; 15 U.S.C. 1051 et seq.), except for section 17, as amended by 4716 of this subtitle, is amended by striking “Commissioner” each place it appears and inserting “Director”.

(C) Sections 8(e) and 9(b) of the Trademark Act of 1946 are each amended by striking “Commissioner” and inserting “Director”.

(2) Section 500(e) of title 5, United States Code, is amended by striking “Patent Office” and inserting “United States Patent and Trademark Office”.

(3) Section 5102(c)(23) of title 5, United States Code, is amended to read as follows:

“(23) administrative patent judges and designated administrative patent judges in the United States Patent and Trademark Office;”.

(4) Section 5316 of title 5, United States Code (5 U.S.C. 5316) is amended by striking “Commissioner of Patents, Department of Commerce.”, “Deputy Commissioner of Patents and Trademarks.”, “Assistant Commissioner for Patents.”, and “Assistant Commissioner for Trademarks.”.

(5) Section 9(p)(1)(B) of the Small Business Act (15 U.S.C. 638(p)(1)(B)) is amended to read as follows:

“(B) the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office; and”.

(6) Section 12 of the Act of February 14, 1903 (15 U.S.C. 1511) is amended—

(A) by striking “(d) Patent and Trademark Office;” and inserting:

“(4) United States Patent and Trademark Office”; and

(B) by redesignating subsections (a), (b), (c), (e), (f), and (g) as paragraphs (1), (2), (3), (5), (6), and (7), respectively and indenting the paragraphs as so redesignated 2 ems to the right.

(7) Section 19 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831r) is amended—

(A) by striking “Patent Office of the United States” and inserting “United States Patent and Trademark Office”; and

(B) by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(8) Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by striking “Commissioner of Patents and Trademarks” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(9) Section 302(b)(2)(D) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(D)) is amended by striking “Commissioner of Patents and Trademarks” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(10) The Act of April 12, 1892 (27 Stat. 395; 20 U.S.C. 91) is amended by striking “Patent Office” and inserting “United States Patent and Trademark Office”.

(11) Sections 505(m) and 512(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(m) and 360b(o)) are each amended by striking “Patent and Trademark Office of the Department of Commerce” and inserting “United States Patent and Trademark Office”.

(12) Section 702(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372(d)) is amended by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office” and by striking “Commissioner” and inserting “Director”.

(13) Section 105(e) of the Federal Alcohol Administration Act (27 U.S.C. 205(e)) is amended by striking “United States Patent Office” and inserting “United States Patent and Trademark Office”.

(14) Section 1295(a)(4) of title 28, United States Code, is amended—

(A) in subparagraph (A) by inserting “United States” before “Patent and Trademark”; and

(B) in subparagraph (B) by striking “Commissioner of Patents and Trademarks” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(15) Chapter 115 of title 28, United States Code, is amended—

(A) in the item relating to section 1744 in the table of sections by striking “Patent Office” and inserting “United States Patent and Trademark Office”;

(B) in section 1744—

(i) by striking “Patent Office” each place it appears in the text and section heading and inserting “United States Patent and Trademark Office”; and

(ii) by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”; and

(C) by striking “Commissioner” and inserting “Director”.

(16) Section 1745 of title 28, United States Code, is amended by striking “United States Patent Office” and inserting “United States Patent and Trademark Office”.

(17) Section 1928 of title 28, United States Code, is amended by striking “Patent Office” and inserting “United States Patent and Trademark Office”.

(18) Section 151 of the Atomic Energy Act of 1954 (42 U.S.C. 2181) is amended in subsections c. and d. by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(19) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182) is amended by striking “Commissioner of Patents” each place it appears and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(20) Section 305 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2457) is amended—

(A) in subsection (c) by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (hereafter in this section referred to as the ‘Director’)”; and

(B) by striking “Commissioner” each subsequent place it appears and inserting “Director”.

(21) Section 12(a) of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5510(a)) is amended by striking “Commissioner of the Patent Office” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

(22) Section 1111 of title 44, United States Code, is amended by striking “the Commissioner of Patents,”.

(23) Section 1114 of title 44, United States Code, is amended by striking “the Commissioner of Patents,”.

(24) Section 1123 of title 44, United States Code, is amended by striking “the Patent Office,”.

(25) Sections 1337 and 1338 of title 44, United States Code, and the items relating to those sections in the table of contents for chapter 13 of such title, are repealed.

(26) Section 10(i) of the Trading with the Enemy Act (50 U.S.C. App. 10(i)) is amended by striking “Commissioner of Patents” and inserting “Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office”.

### CHAPTER 3—MISCELLANEOUS PROVISIONS

#### SEC. 4741. REFERENCES.

(a) IN GENERAL.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department or office from which a function is transferred by this subtitle—

(1) to the head of such department or office is deemed to refer to the head of the department or office to which such function is transferred; or

(2) to such department or office is deemed to refer to the department or office to which such function is transferred.

(b) **SPECIFIC REFERENCES.**—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Patent and Trademark Office—

(1) to the Commissioner of Patents and Trademarks is deemed to refer to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office;

(2) to the Assistant Commissioner for Patents is deemed to refer to the Commissioner for Patents; or

(3) to the Assistant Commissioner for Trademarks is deemed to refer to the Commissioner for Trademarks.

**SEC. 4742. EXERCISE OF AUTHORITIES.**

Except as otherwise provided by law, a Federal official to whom a function is transferred by this subtitle may, for purposes of performing the function, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this subtitle.

**SEC. 4743. SAVINGS PROVISIONS.**

(a) **LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the President, the Secretary of Commerce, any officer or employee of any office transferred by this subtitle, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this subtitle; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, any other authorized official, a court of competent jurisdiction, or operation of law.

(b) **PROCEEDINGS.**—This subtitle shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the effective date of this subtitle before an office transferred by this subtitle, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be considered to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this subtitle had not been enacted.

(c) **SUITS.**—This subtitle shall not affect suits commenced before the effective date of this subtitle, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same



manner and with the same effect as if this subtitle had not been enacted.

(d) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Department of Commerce or the Secretary of Commerce, or by or against any individual in the official capacity of such individual as an officer or employee of an office transferred by this subtitle, shall abate by reason of the enactment of this subtitle.

(e) **CONTINUANCE OF SUITS.**—If any Government officer in the official capacity of such officer is party to a suit with respect to a function of the officer, and under this subtitle such function is transferred to any other officer or office, then such suit shall be continued with the other officer or the head of such other office, as applicable, substituted or added as a party.

(f) **ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.**—Except as otherwise provided by this subtitle, any statutory requirements relating to notice, hearings, action upon the record, or administrative or judicial review that apply to any function transferred by this subtitle shall apply to the exercise of such function by the head of the Federal agency, and other officers of the agency, to which such function is transferred by this subtitle.

**SEC. 4744. TRANSFER OF ASSETS.**

Except as otherwise provided in this subtitle, so much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to an official or agency by this subtitle shall be available to the official or the head of that agency, respectively, at such time or times as the Director of the Office of Management and Budget directs for use in connection with the functions transferred.

**SEC. 4745. DELEGATION AND ASSIGNMENT.**

Except as otherwise expressly prohibited by law or otherwise provided in this subtitle, an official to whom functions are transferred under this subtitle (including the head of any office to which functions are transferred under this subtitle) may delegate any of the functions so transferred to such officers and employees of the office of the official as the official may designate, and may authorize successive redelegations of such functions as may be necessary or appropriate. No delegation of functions under this section or under any other provision of this subtitle shall relieve the official to whom a function is transferred under this subtitle of responsibility for the administration of the function.

**SEC. 4746. AUTHORITY OF DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET WITH RESPECT TO FUNCTIONS TRANSFERRED.**

(a) **DETERMINATIONS.**—If necessary, the Director of the Office of Management and Budget shall make any determination of the functions that are transferred under this subtitle.

(b) **INCIDENTAL TRANSFERS.**—The Director of the Office of Management and Budget, at such time or times as the Director shall provide, may make such determinations as may be necessary with regard to the functions transferred by this subtitle, and to make such additional incidental dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds

held, used, arising from, available to, or to be made available in connection with such functions, as may be necessary to carry out the provisions of this subtitle. The Director shall provide for the termination of the affairs of all entities terminated by this subtitle and for such further measures and dispositions as may be necessary to effectuate the purposes of this subtitle.

**SEC. 4747. CERTAIN VESTING OF FUNCTIONS CONSIDERED TRANSFERS.**

For purposes of this subtitle, the vesting of a function in a department or office pursuant to reestablishment of an office shall be considered to be the transfer of the function.

**SEC. 4748. AVAILABILITY OF EXISTING FUNDS.**

Existing appropriations and funds available for the performance of functions, programs, and activities terminated pursuant to this subtitle shall remain available, for the duration of their period of availability, for necessary expenses in connection with the termination and resolution of such functions, programs, and activities, subject to the submission of a plan to the Committees on Appropriations of the House and Senate in accordance with the procedures set forth in section 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in Public Law 105–277.

**SEC. 4749. DEFINITIONS.**

For purposes of this subtitle—

(1) the term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program; and

(2) the term “office” includes any office, administration, agency, bureau, institute, council, unit, organizational entity, or component thereof.

## **Subtitle H—Miscellaneous Patent Provisions**

**SEC. 4801. PROVISIONAL APPLICATIONS.**

(a) **ABANDONMENT.**—Section 111(b)(5) of title 35, United States Code, is amended to read as follows:

“(5) **ABANDONMENT.**—Notwithstanding the absence of a claim, upon timely request and as prescribed by the Director, a provisional application may be treated as an application filed under subsection (a). Subject to section 119(e)(3) of this title, if no such request is made, the provisional application shall be regarded as abandoned 12 months after the filing date of such application and shall not be subject to revival after such 12-month period.”.

(b) **TECHNICAL AMENDMENT RELATING TO WEEKENDS AND HOLIDAYS.**—Section 119(e) of title 35, United States Code, is amended by adding at the end the following:

“(3) If the day that is 12 months after the filing date of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, the period of pendency of the provisional application shall be extended to the next succeeding secular or business day.”.

(c) **ELIMINATION OF COPENDENCY REQUIREMENT.**—Section 119(e)(2) of title 35, United States Code, is amended by striking “and the provisional application was pending on the filing date of the application for patent under section 111(a) or section 363 of this title”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any provisional application filed on or after June 8, 1995, except that the amendments made by subsections (b) and (c) shall have no effect with respect to any patent which is the subject of litigation in an action commenced before such date of enactment.

**SEC. 4802. INTERNATIONAL APPLICATIONS.**

Section 119 of title 35, United States Code, is amended as follows:

(1) In subsection (a), insert “or in a WTO member country,” after “or citizens of the United States,”.

(2) At the end of section 119 add the following new subsections:

“(f) Applications for plant breeder’s rights filed in a WTO member country (or in a foreign UPOV Contracting Party) shall have the same effect for the purpose of the right of priority under subsections (a) through (c) of this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents.

“(g) As used in this section—

“(1) the term ‘WTO member country’ has the same meaning as the term is defined in section 104(b)(2) of this title; and

“(2) the term ‘UPOV Contracting Party’ means a member of the International Convention for the Protection of New Varieties of Plants.”.

**SEC. 4803. CERTAIN LIMITATIONS ON DAMAGES FOR PATENT INFRINGEMENT NOT APPLICABLE.**

Section 287(c)(4) of title 35, United States Code, is amended by striking “before the date of enactment of this subsection” and inserting “based on an application the earliest effective filing date of which is prior to September 30, 1996”.

**SEC. 4804. ELECTRONIC FILING AND PUBLICATIONS.**

(a) **PRINTING OF PAPERS FILED.**—Section 22 of title 35, United States Code, is amended by striking “printed or typewritten” and inserting “printed, typewritten, or on an electronic medium”.

(b) **PUBLICATIONS.**—Section 11(a) of title 35, United States Code, is amended by amending the matter preceding paragraph 1 to read as follows:

“(a) The Director may publish in printed, typewritten, or electronic form, the following:”.

(c) **COPIES OF PATENTS FOR PUBLIC LIBRARIES.**—Section 13 of title 35, United States Code, is amended by striking “printed copies of specifications and drawings of patents” and inserting “copies of specifications and drawings of patents in printed or electronic form”.

(d) **MAINTENANCE OF COLLECTIONS.**—

(1) **ELECTRONIC COLLECTIONS.**—Section 41(i)(1) of title 35, United States Code, is amended by striking “paper or microform” and inserting “paper, microform, or electronic”.

(2) CONTINUATION OF MAINTENANCE.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office shall not, pursuant to the amendment made by paragraph (1), cease to maintain, for use by the public, paper or microform collections of United States patents, foreign patent documents, and United States trademark registrations, except pursuant to notice and opportunity for public comment and except that the Director shall first submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing such plan, including a description of the mechanisms in place to ensure the integrity of such collections and the data contained therein, as well as to ensure prompt public access to the most current available information, and certifying that the implementation of such plan will not negatively impact the public.

**SEC. 4805. STUDY AND REPORT ON BIOLOGICAL DEPOSITS IN SUPPORT OF BIOTECHNOLOGY PATENTS.**

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States, in consultation with the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, shall conduct a study and submit a report to Congress on the potential risks to the United States biotechnology industry relating to biological deposits in support of biotechnology patents.

(b) CONTENTS.—The study conducted under this section shall include—

(1) an examination of the risk of export and the risk of transfers to third parties of biological deposits, and the risks posed by the change to 18-month publication requirements made by this subtitle;

(2) an analysis of comparative legal and regulatory regimes; and

(3) any related recommendations.

(c) CONSIDERATION OF REPORT.—In drafting regulations affecting biological deposits (including any modification of title 37, Code of Federal Regulations, section 1.801 et seq.), the United States Patent and Trademark Office shall consider the recommendations of the study conducted under this section.

**SEC. 4806. PRIOR INVENTION.**

Section 102(g) of title 35, United States Code, is amended to read as follows:

“(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person’s invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person’s invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.”.

**SEC. 4807. PRIOR ART EXCLUSION FOR CERTAIN COMMONLY ASSIGNED PATENTS.**

(a) **PRIOR ART EXCLUSION.**—Section 103(c) of title 35, United States Code, is amended by striking “subsection (f) or (g)” and inserting “one or more of subsections (e), (f), and (g)”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to any application for patent filed on or after the date of the enactment of this Act.

**SEC. 4808. EXCHANGE OF COPIES OF PATENTS WITH FOREIGN COUNTRIES.**

Section 12 of title 35, United States Code, is amended by adding at the end the following: “The Director shall not enter into an agreement to provide such copies of specifications and drawings of United States patents and applications to a foreign country, other than a NAFTA country or a WTO member country, without the express authorization of the Secretary of Commerce. For purposes of this section, the terms ‘NAFTA country’ and ‘WTO member country’ have the meanings given those terms in section 104(b).”.

**TITLE V—MISCELLANEOUS PROVISIONS****SEC. 5001. COMMISSION ON ONLINE CHILD PROTECTION.**

(a) **REFERENCES.**—Wherever in this section an amendment is expressed in terms of an amendment to any provision, the reference shall be considered to be made to such provision of section 1405 of the Child Online Protection Act (47 U.S.C. 231 note).

(b) **MEMBERSHIP.**—Subsection (b) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

“(1) **INDUSTRY MEMBERS.**—The Commission shall include 16 members who shall consist of representatives of—

“(A) providers of Internet filtering or blocking services or software;

“(B) Internet access services;

“(C) labeling or ratings services;

“(D) Internet portal or search services;

“(E) domain name registration services;

“(F) academic experts; and

“(G) providers that make content available over the Internet.

Of the members of the Commission by reason of this paragraph, an equal number shall be appointed by the Speaker of the House of Representatives and by the Majority Leader of the Senate. Members of the Commission appointed on or before October 31, 1999, shall remain members.”; and

(2) by adding at the end the following new paragraph:

“(3) **PROHIBITION OF PAY.**—Members of the Commission shall not receive any pay by reason of their membership on the Commission.”.

(c) **EXTENSION OF REPORTING DEADLINE.**—The matter in subsection (d) that precedes paragraph (1) is amended by striking “1 year” and inserting “2 years”.

(d) **TERMINATION.**—Subsection (f) is amended by inserting before the period at the end the following: “or November 30, 2000, whichever occurs earlier”.

(e) **FIRST MEETING AND CHAIRPERSON.**—Section 1405 is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (f) (as amended by the preceding provisions of this section) and (g) as subsections (l) and (m), respectively;

(3) by redesignating subsections (c) and (d) (as amended by the preceding provisions of this section) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following new subsections:

“(c) **FIRST MEETING.**—The Commission shall hold its first meeting not later than March 31, 2000.

“(d) **CHAIRPERSON.**—The chairperson of the Commission shall be elected by a vote of a majority of the members, which shall take place not later than 30 days after the first meeting of the Commission.”.

(f) **RULES OF THE COMMISSION.**—Section 1405 is amended by inserting after subsection (f) (as so redesignated by subsection (e)(3) of this section) the following new subsection:

“(g) **RULES OF THE COMMISSION.**—

“(1) **QUORUM.**—Nine members of the Commission shall constitute a quorum for conducting the business of the Commission.

“(2) **MEETINGS.**—Any meetings held by the Commission shall be duly noticed at least 14 days in advance and shall be open to the public.

“(3) **OPPORTUNITIES TO TESTIFY.**—The Commission shall provide opportunities for representatives of the general public to testify.

“(4) **ADDITIONAL RULES.**—The Commission may adopt other rules as necessary to carry out this section.”.

**SEC. 5002. PRIVACY PROTECTION FOR DONORS TO PUBLIC BROADCASTING ENTITIES.**

(a) **AMENDMENT.**—Section 396(k) of the Communications Act of 1934 (47 U.S.C. 396(k)) is amended by adding at the end the following new paragraph:

“(12) Funds may not be distributed under this subsection to any public broadcasting entity that directly or indirectly—

“(A) rents contributor or donor names (or other personally identifiable information) to or from, or exchanges such names or information with, any Federal, State, or local candidate, political party, or political committee; or

“(B) discloses contributor or donor names, or other personally identifiable information, to any nonaffiliated third party unless—

“(i) such entity clearly and conspicuously discloses to the contributor or donor that such information may be disclosed to such third party;

“(ii) the contributor or donor is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such third party; and

“(iii) the contributor or donor is given an explanation of how the contributor or donor may exercise that nondisclosure option.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to funds distributed on or after 6 months after the date of the enactment of this Act.

**SEC. 5003. COMPLETION OF BIENNIAL REGULATORY REVIEW.**

Within 180 days after the date of the enactment of this Act, the Federal Communications Commission shall complete the first biennial review required by section 202(h) of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 111).

**SEC. 5004. PUBLIC BROADCASTING ENTITIES.**

(a) **CIVIL REMITTANCE OF DAMAGES.**—Section 1203(c)(5)(B) of title 17, United States Code, is amended to read as follows:

“(B) **NONPROFIT LIBRARY, ARCHIVES, EDUCATIONAL INSTITUTIONS, OR PUBLIC BROADCASTING ENTITIES.**—

“(i) **DEFINITION.**—In this subparagraph, the term ‘public broadcasting entity’ has the meaning given such term under section 118(g).

“(ii) **IN GENERAL.**—In the case of a nonprofit library, archives, educational institution, or public broadcasting entity, the court shall remit damages in any case in which the library, archives, educational institution, or public broadcasting entity sustains the burden of proving, and the court finds, that the library, archives, educational institution, or public broadcasting entity was not aware and had no reason to believe that its acts constituted a violation.”.

(b) **CRIMINAL OFFENSES AND PENALTIES.**—Section 1204(b) of title 17, United States Code, is amended to read as follows:

“(b) **LIMITATION FOR NONPROFIT LIBRARY, ARCHIVES, EDUCATIONAL INSTITUTION, OR PUBLIC BROADCASTING ENTITY.**—Subsection (a) shall not apply to a nonprofit library, archives, educational institution, or public broadcasting entity (as defined under section 118(g)).”.

**SEC. 5005. TECHNICAL AMENDMENTS RELATING TO VESSEL HULL DESIGN PROTECTION.**

(a) **IN GENERAL.**—

(1) Section 504(a) of the Digital Millennium Copyright Act (Public Law 105–304) is amended to read as follows:

“(a) **IN GENERAL.**—Not later than November 1, 2003, the Register of Copyrights and the Commissioner of Patents and Trademarks shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a joint report evaluating the effect of the amendments made by this title.”.

(2) Section 505 of the Digital Millennium Copyright Act is amended by striking “and shall remain in effect” and all that follows through the end of the section and inserting a period.

(3) Section 1301(b)(3) of title 17, United States Code, is amended to read as follows:

“(3) A ‘vessel’ is a craft—

“(A) that is designed and capable of independently steering a course on or through water through its own means of propulsion; and

“(B) that is designed and capable of carrying and transporting one or more passengers.”.

(4) Section 1313(c) of title 17, United States Code, is amended by adding at the end the following: “Costs of the cancellation procedure under this subsection shall be borne by the nonprevailing party or parties, and the Administrator shall have the authority to assess and collect such costs.”.

(b) TARIFF ACT OF 1930.—Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “and (D)” and inserting “(D), and (E)”; and

(ii) by adding at the end the following:

“(E) The importation into the United States, the sale for importation, or the sale within the United States after importation by the owner, importer, or consigner, of an article that constitutes infringement of the exclusive rights in a design protected under chapter 13 of title 17, United States Code.”; and

(B) in paragraphs (2) and (3), by striking “or mask work” and inserting “mask work, or design”; and

(2) in subsection (1), by striking “or mask work” each place it appears and inserting “mask work, or design”.

#### **SEC. 5006. INFORMAL RULEMAKING OF COPYRIGHT DETERMINATION.**

Section 1201(a)(1)(C) of title 17, United States Code, is amended in the first sentence by striking “on the record”.

#### **SEC. 5007. SERVICE OF PROCESS FOR SURETY CORPORATIONS.**

Section 9306 of title 31, United States Code, is amended—

(1) in subsection (a) by striking all beginning with “designates a person by written power of attorney” through the end of such subsection and inserting the following: “has a resident agent for service of process for that district. The resident agent—

“(1) may be an official of the State, the District of Columbia, the territory or possession in which the court sits who is authorized or appointed under the law of the State, District, territory or possession to receive service of process on the corporation; or

“(2) may be an individual who resides in the jurisdiction of the district court for the district in which a surety bond is to be provided and who is appointed by the corporation as provided in subsection (b)”;

(2) in subsection (b) by striking “The” and inserting “If the surety corporation meets the requirement of subsection (a) by appointing an individual under subsection (a)(2), the”.

#### **SEC. 5008. LOW-POWER TELEVISION.**

(a) SHORT TITLE.—This section may be cited as the “Community Broadcasters Protection Act of 1999”.

(b) FINDINGS.—Congress finds the following:

(1) Since the creation of low-power television licenses by the Federal Communications Commission, a small number of license holders have operated their stations in a manner beneficial to the public good providing broadcasting to their communities that would not otherwise be available.



(2) These low-power broadcasters have operated their stations in a manner consistent with the programming objectives and hours of operation of full-power broadcasters providing worthwhile services to their respective communities while under severe license limitations compared to their full-power counterparts.

(3) License limitations, particularly the temporary nature of the license, have blocked many low-power broadcasters from having access to capital, and have severely hampered their ability to continue to provide quality broadcasting, programming, or improvements.

(4) The passage of the Telecommunications Act of 1996 has added to the uncertainty of the future status of these stations by the lack of specific provisions regarding the permanency of their licenses, or their treatment during the transition to high definition, digital television.

(5) It is in the public interest to promote diversity in television programming such as that currently provided by low-power television stations to foreign-language communities.

(c) PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.—Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

“(f) PRESERVATION OF LOW-POWER COMMUNITY TELEVISION BROADCASTING.—

“(1) CREATION OF CLASS A LICENSES.—

“(A) RULEMAKING REQUIRED.—Within 120 days after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall prescribe regulations to establish a class A television license to be available to licensees of qualifying low-power television stations. Such regulations shall provide that—

“(i) the license shall be subject to the same license terms and renewal standards as the licenses for full-power television stations except as provided in this subsection; and

“(ii) each such class A licensee shall be accorded primary status as a television broadcaster as long as the station continues to meet the requirements for a qualifying low-power station in paragraph (2).

“(B) NOTICE TO AND CERTIFICATION BY LICENSEES.—Within 30 days after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall send a notice to the licensees of all low-power television licenses that describes the requirements for class A designation. Within 60 days after such date of enactment, licensees intending to seek class A designation shall submit to the Commission a certification of eligibility based on the qualification requirements of this subsection. Absent a material deficiency, the Commission shall grant certification of eligibility to apply for class A status.

“(C) APPLICATION FOR AND AWARD OF LICENSES.—Consistent with the requirements set forth in paragraph (2)(A)

of this subsection, a licensee may submit an application for class A designation under this paragraph within 30 days after final regulations are adopted under subparagraph (A) of this paragraph. Except as provided in paragraphs (6) and (7), the Commission shall, within 30 days after receipt of an application of a licensee of a qualifying low-power television station that is acceptable for filing, award such a class A television station license to such licensee.

“(D) RESOLUTION OF TECHNICAL PROBLEMS.—The Commission shall act to preserve the service areas of low-power television licensees pending the final resolution of a class A application. If, after granting certification of eligibility for a class A license, technical problems arise requiring an engineering solution to a full-power station’s allotted parameters or channel assignment in the digital television Table of Allotments, the Commission shall make such modifications as necessary—

“(i) to ensure replication of the full-power digital television applicant’s service area, as provided for in sections 73.622 and 73.623 of the Commission’s regulations (47 CFR 73.622, 73.623); and

“(ii) to permit maximization of a full-power digital television applicant’s service area consistent with such sections 73.622 and 73.623,

if such applicant has filed an application for maximization or a notice of its intent to seek such maximization by December 31, 1999, and filed a bona fide application for maximization by May 1, 2000. Any such applicant shall comply with all applicable Commission rules regarding the construction of digital television facilities.

“(E) CHANGE APPLICATIONS.—If a station that is awarded a construction permit to maximize or significantly enhance its digital television service area, later files a change application to reduce its digital television service area, the protected contour of that station shall be reduced in accordance with such change modification.

“(2) QUALIFYING LOW-POWER TELEVISION STATIONS.—For purposes of this subsection, a station is a qualifying low-power television station if—

“(A)(i) during the 90 days preceding the date of the enactment of the Community Broadcasters Protection Act of 1999—

“(I) such station broadcast a minimum of 18 hours per day;

“(II) such station broadcast an average of at least 3 hours per week of programming that was produced within the market area served by such station, or the market area served by a group of commonly controlled low-power stations that carry common local programming produced within the market area served by such group; and

“(III) such station was in compliance with the Commission’s requirements applicable to low-power television stations; and

“(ii) from and after the date of its application for a class A license, the station is in compliance with the

Commission's operating rules for full-power television stations; or

“(B) the Commission determines that the public interest, convenience, and necessity would be served by treating the station as a qualifying low-power television station for purposes of this section, or for other reasons determined by the Commission.

“(3) COMMON OWNERSHIP.—No low-power television station authorized as of the date of the enactment of the Community Broadcasters Protection Act of 1999 shall be disqualified for a class A license based on common ownership with any other medium of mass communication.

“(4) ISSUANCE OF LICENSES FOR ADVANCED TELEVISION SERVICES TO TELEVISION TRANSLATOR STATIONS AND QUALIFYING LOW-POWER TELEVISION STATIONS.—The Commission is not required to issue any additional license for advanced television services to the licensee of a class A television station under this subsection, or to any licensee of any television translator station, but shall accept a license application for such services proposing facilities that will not cause interference to the service area of any other broadcast facility applied for, protected, permitted, or authorized on the date of filing of the advanced television application. Such new license or the original license of the applicant shall be forfeited after the end of the digital television service transition period, as determined by the Commission. A licensee of a low-power television station or television translator station may, at the option of licensee, elect to convert to the provision of advanced television services on its analog channel, but shall not be required to convert to digital operation until the end of such transition period.

“(5) NO PREEMPTION OF SECTION 337.—Nothing in this subsection preempts or otherwise affects section 337 of this Act.

“(6) INTERIM QUALIFICATION.—

“(A) STATIONS OPERATING WITHIN CERTAIN BANDWIDTH.—The Commission may not grant a class A license to a low-power television station for operation between 698 and 806 megahertz, but the Commission shall provide to low-power television stations assigned to and temporarily operating in that bandwidth the opportunity to meet the qualification requirements for a class A license. If such a qualified applicant for a class A license is assigned a channel within the core spectrum (as such term is defined in MM Docket No. 87-286, February 17, 1998), the Commission shall issue a class A license simultaneously with the assignment of such channel.

“(B) CERTAIN CHANNELS OFF-LIMITS.—The Commission may not grant under this subsection a class A license to a low-power television station operating on a channel within the core spectrum that includes any of the 175 additional channels referenced in paragraph 45 of its February 23, 1998, Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order (MM Docket No. 87-268). Within 18 months after the date of the enactment of the Community Broadcasters Protection Act of 1999, the Commission shall identify by channel, location, and applicable technical parameters those 175 channels.

“(7) NO INTERFERENCE REQUIREMENT.—The Commission may not grant a class A license, nor approve a modification of a class A license, unless the applicant or licensee shows that the class A station for which the license or modification is sought will not cause—

“(A) interference within—

“(i) the predicted Grade B contour (as of the date of the enactment of the Community Broadcasters Protection Act of 1999, or November 1, 1999, whichever is later, or as proposed in a change application filed on or before such date) of any television station transmitting in analog format; or

“(ii)(I) the digital television service areas provided in the DTV Table of Allotments; (II) the areas protected in the Commission’s digital television regulations (47 CFR 73.622 (e) and (f)); (III) the digital television service areas of stations subsequently granted by the Commission prior to the filing of a class A application; and (IV) stations seeking to maximize power under the Commission’s rules, if such station has complied with the notification requirements in paragraph (1)(D);

“(B) interference within the protected contour of any low-power television station or low-power television translator station that—

“(i) was licensed prior to the date on which the application for a class A license, or for the modification of such a license, was filed;

“(ii) was authorized by construction permit prior to such date; or

“(iii) had a pending application that was submitted prior to such date; or

“(C) interference within the protected contour of 80 miles from the geographic center of the areas listed in section 22.625(b)(1) or 90.303 of the Commission’s regulations (47 CFR 22.625(b)(1) and 90.303) for frequencies in—

“(i) the 470–512 megahertz band identified in section 22.621 or 90.303 of such regulations; or

“(ii) the 482–488 megahertz band in New York.

“(8) PRIORITY FOR DISPLACED LOW-POWER STATIONS.—Low-power stations that are displaced by an application filed under this section shall have priority over other low-power stations in the assignment of available channels.”.

## **TITLE VI—SUPERFUND RECYCLING EQUITY**

### **SEC. 6001. SUPERFUND RECYCLING EQUITY.**

(a) PURPOSES.—The purposes of this section are—

(1) to promote the reuse and recycling of scrap material in furtherance of the goals of waste minimization and natural resource conservation while protecting human health and the environment;

(2) to create greater equity in the statutory treatment of recycled versus virgin materials; and

(3) to remove the disincentives and impediments to recycling created as an unintended consequence of the 1980 Superfund liability provisions.

(b) CLARIFICATION OF LIABILITY UNDER CERCLA FOR RECYCLING TRANSACTIONS.—

(1) CLARIFICATION.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following new section:

**“SEC. 127. RECYCLING TRANSACTIONS.**

**“(a) LIABILITY CLARIFICATION.—**

“(1) As provided in subsections (b), (c), (d), and (e), a person who arranged for recycling of recyclable material shall not be liable under sections 107(a)(3) and 107(a)(4) with respect to such material.

“(2) A determination whether or not any person shall be liable under section 107(a)(3) or section 107(a)(4) for any material that is not a recyclable material as that term is used in subsections (b) and (c), (d), or (e) of this section shall be made, without regard to subsections (b), (c), (d), or (e) of this section.

**“(b) RECYCLABLE MATERIAL DEFINED.—**For purposes of this section, the term ‘recyclable material’ means scrap paper, scrap plastic, scrap glass, scrap textiles, scrap rubber (other than whole tires), scrap metal, or spent lead-acid, spent nickel-cadmium, and other spent batteries, as well as minor amounts of material incident to or adhering to the scrap material as a result of its normal and customary use prior to becoming scrap; except that such term shall not include—

“(1) shipping containers of a capacity from 30 liters to 3,000 liters, whether intact or not, having any hazardous substance (but not metal bits and pieces or hazardous substance that form an integral part of the container) contained in or adhering thereto; or

“(2) any item of material that contained polychlorinated biphenyls at a concentration in excess of 50 parts per million or any new standard promulgated pursuant to applicable Federal laws.

**“(c) TRANSACTIONS INVOLVING SCRAP PAPER, PLASTIC, GLASS, TEXTILES, OR RUBBER.—**Transactions involving scrap paper, scrap plastic, scrap glass, scrap textiles, or scrap rubber (other than whole tires) shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that all of the following criteria were met at the time of the transaction:

“(1) The recyclable material met a commercial specification grade.

“(2) A market existed for the recyclable material.

“(3) A substantial portion of the recyclable material was made available for use as feedstock for the manufacture of a new saleable product.

“(4) The recyclable material could have been a replacement or substitute for a virgin raw material, or the product to be

made from the recyclable material could have been a replacement or substitute for a product made, in whole or in part, from a virgin raw material.

“(5) For transactions occurring 90 days or more after the date of enactment of this section, the person exercised reasonable care to determine that the facility where the recyclable material was handled, processed, reclaimed, or otherwise managed by another person (hereinafter in this section referred to as a ‘consuming facility’) was in compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with recyclable material.

“(6) For purposes of this subsection, ‘reasonable care’ shall be determined using criteria that include (but are not limited to)—

“(A) the price paid in the recycling transaction;

“(B) the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with recyclable material; and

“(C) the result of inquiries made to the appropriate Federal, State, or local environmental agency (or agencies) regarding the consuming facility’s past and current compliance with substantive (not procedural or administrative) provisions of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, storage, or other management activities associated with the recyclable material. For the purposes of this paragraph, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activity associated with the recyclable materials shall be deemed to be a substantive provision.

“(d) TRANSACTIONS INVOLVING SCRAP METAL.—

“(1) Transactions involving scrap metal shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(A) the person met the criteria set forth in subsection (c) with respect to the scrap metal;

“(B) the person was in compliance with any applicable regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap metal that the Administrator promulgates under the Solid Waste Disposal Act subsequent to the enactment of this section and with regard to transactions occurring after the effective date of such regulations or standards; and

“(C) the person did not melt the scrap metal prior to the transaction.

“(2) For purposes of paragraph (1)(C), melting of scrap metal does not include the thermal separation of 2 or more

materials due to differences in their melting points (referred to as ‘sweating’).

“(3) For purposes of this subsection, the term ‘scrap metal’ means bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled, except for scrap metals that the Administrator excludes from this definition by regulation.

“(e) TRANSACTIONS INVOLVING BATTERIES.—Transactions involving spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries shall be deemed to be arranging for recycling if the person who arranged for the transaction (by selling recyclable material or otherwise arranging for the recycling of recyclable material) can demonstrate by a preponderance of the evidence that at the time of the transaction—

“(1) the person met the criteria set forth in subsection (c) with respect to the spent lead-acid batteries, spent nickel-cadmium batteries, or other spent batteries, but the person did not recover the valuable components of such batteries; and

“(2)(A) with respect to transactions involving lead-acid batteries, the person was in compliance with applicable Federal environmental regulations or standards, and any amendments thereto, regarding the storage, transport, management, or other activities associated with the recycling of spent lead-acid batteries;

“(B) with respect to transactions involving nickel-cadmium batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of spent nickel-cadmium batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto; or

“(C) with respect to transactions involving other spent batteries, Federal environmental regulations or standards are in effect regarding the storage, transport, management, or other activities associated with the recycling of such batteries, and the person was in compliance with applicable regulations or standards or any amendments thereto.

“(f) EXCLUSIONS.—

“(1) The exemptions set forth in subsections (c), (d), and (e) shall not apply if—

“(A) the person had an objectively reasonable basis to believe at the time of the recycling transaction—

“(i) that the recyclable material would not be recycled;

“(ii) that the recyclable material would be burned as fuel, or for energy recovery or incineration; or

“(iii) for transactions occurring before 90 days after the date of the enactment of this section, that the consuming facility was not in compliance with a substantive (not procedural or administrative) provision of any Federal, State, or local environmental law or regulation, or compliance order or decree issued pursuant thereto, applicable to the handling, processing, reclamation, or other management activities associated with the recyclable material;

“(B) the person had reason to believe that hazardous substances had been added to the recyclable material for purposes other than processing for recycling; or

“(C) the person failed to exercise reasonable care with respect to the management and handling of the recyclable material (including adhering to customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances).

“(2) For purposes of this subsection, an objectively reasonable basis for belief shall be determined using criteria that include (but are not limited to) the size of the person’s business, customary industry practices (including customary industry practices current at the time of the recycling transaction designed to minimize, through source control, contamination of the recyclable material by hazardous substances), the price paid in the recycling transaction, and the ability of the person to detect the nature of the consuming facility’s operations concerning its handling, processing, reclamation, or other management activities associated with the recyclable material.

“(3) For purposes of this subsection, a requirement to obtain a permit applicable to the handling, processing, reclamation, or other management activities associated with recyclable material shall be deemed to be a substantive provision.

“(g) EFFECT ON OTHER LIABILITY.—Nothing in this section shall be deemed to affect the liability of a person under paragraph (1) or (2) of section 107(a).

“(h) REGULATIONS.—The Administrator has the authority, under section 115, to promulgate additional regulations concerning this section.

“(i) EFFECT ON PENDING OR CONCLUDED ACTIONS.—The exemptions provided in this section shall not affect any concluded judicial or administrative action or any pending judicial action initiated by the United States prior to enactment of this section.

“(j) LIABILITY FOR ATTORNEY’S FEES FOR CERTAIN ACTIONS.—Any person who commences an action in contribution against a person who is not liable by operation of this section shall be liable to that person for all reasonable costs of defending that action, including all reasonable attorney’s and expert witness fees.

“(k) RELATIONSHIP TO LIABILITY UNDER OTHER LAWS.—Nothing in this section shall affect—

“(1) liability under any other Federal, State, or local statute or regulation promulgated pursuant to any such statute, including any requirements promulgated by the Administrator under the Solid Waste Disposal Act; or

“(2) the ability of the Administrator to promulgate regulations under any other statute, including the Solid Waste Disposal Act.

“(l) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) affect any defenses or liabilities of any person to whom subsection (a)(1) does not apply; or

“(2) create any presumption of liability against any person to whom subsection (a)(1) does not apply.”.



PUBLIC LAW 106-113—APPENDIX I 113 STAT. 1501A-603

(2) TECHNICAL AMENDMENT.—The table of contents for title I of such Act is amended by adding at the end the following item:

“SEC. 127. Recycling transactions.”.

Public Law 106–114  
106th Congress

An Act

Nov. 29, 1999  
[S. 278]

To direct the Secretary of the Interior to convey certain lands to the county of Rio Arriba, New Mexico.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. OLD COYOTE ADMINISTRATIVE SITE.**

Deadline.

(a) CONVEYANCE OF PROPERTY.—Not later than one year after the date of enactment of this Act, the Secretary of the Interior (herein “the Secretary”) shall convey to the county of Rio Arriba, New Mexico (herein “the County”), subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land (including all improvements on the land) known as the “Old Coyote Administrative Site” located approximately  $\frac{1}{2}$  mile east of the Village of Coyote, New Mexico, on State Road 96, comprising one tract of 130.27 acres (as described in Public Land Order 3730), and one tract of 276.76 acres (as described in Executive Order 4599).

(b) TERMS AND CONDITIONS.—

(1) Consideration for the conveyance described in subsection (a) shall be—

(A) an amount that is consistent with the special pricing program for governmental entities under the Recreation and Public Purposes Act; and

(B) an agreement between the Secretary and the County indemnifying the Government of the United States from all liability of the Government that arises from the property.

(2) The lands conveyed by this Act shall be used for public purposes. If such lands cease to be used for public purposes, at the option of the United States, such lands will revert to the United States.

(c) LAND WITHDRAWALS.—Land withdrawals under Public Land Order 3730 and Executive Order 4599 as extended in the Federal Register on May 25, 1989 (54 F.R. 22629) shall be revoked simultaneous with the conveyance of the property under subsection (a).

Approved November 29, 1999.

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LEGISLATIVE HISTORY—S. 278:

HOUSE REPORTS: No. 106–418 (Comm. on Resources).

SENATE REPORTS: No. 106–16 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 25, considered and passed Senate.

Nov. 17, considered and passed House.



Public Law 106–115  
106th Congress

An Act

Nov. 29, 1999  
[S. 382]

To establish the Minuteman Missile National Historic Site in the State of South Dakota, and for other purposes.

Minuteman  
Missile National  
Historic Site  
Establishment  
Act of 1999.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Minuteman Missile National Historic Site Establishment Act of 1999”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Minuteman II intercontinental ballistic missile (referred to in this Act as “ICBM”) launch control facility and launch facility known as “Delta 1” and “Delta 9”, respectively, have national significance as the best preserved examples of the operational character of American history during the Cold War;

(2) the facilities are symbolic of the dedication and preparedness exhibited by the missileers of the Air Force stationed throughout the upper Great Plains in remote and forbidding locations during the Cold War;

(3) the facilities provide a unique opportunity to illustrate the history and significance of the Cold War, the arms race, and ICBM development; and

(4) the National Park System does not contain a unit that specifically commemorates or interprets the Cold War.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations the structures associated with the Minuteman II missile defense system;

(2) to interpret the historical role of the Minuteman II missile defense system—

(A) as a key component of America’s strategic commitment to preserve world peace; and

(B) in the broader context of the Cold War; and

(3) to complement the interpretive programs relating to the Minuteman II missile defense system offered by the South Dakota Air and Space Museum at Ellsworth Air Force Base.

**SEC. 3. MINUTEMAN MISSILE NATIONAL HISTORIC SITE.****(a) ESTABLISHMENT.—**

(1) **IN GENERAL.**—The Minuteman Missile National Historic Site in the State of South Dakota (referred to in this Act as the “historic site”) is established as a unit of the National Park System.

(2) **COMPONENTS OF SITE.**—The historic site shall consist of the land and interests in land comprising the Minuteman II ICBM launch control facilities, as generally depicted on the map referred to as “Minuteman Missile National Historic Site”, numbered 406/80,008 and dated September, 1998, including—

(A) the area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 1 Launch Control Facility”; and

(B) the area surrounding the Minuteman II ICBM launch control facility depicted as “Delta 9 Launch Facility”.

(3) **AVAILABILITY OF MAP.**—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) **ADJUSTMENTS TO BOUNDARY.**—The Secretary of the Interior (referred to in this Act as the “Secretary”) is authorized to make minor adjustments to the boundary of the historic site.

(b) **ADMINISTRATION OF HISTORIC SITE.**—The Secretary shall administer the historic site in accordance with this Act and laws generally applicable to units of the National Park System, including—

(1) the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes”, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) **COORDINATION WITH HEADS OF OTHER AGENCIES.**—The Secretary shall consult with the Secretary of Defense and the Secretary of State, as appropriate, to ensure that the administration of the historic site is in compliance with applicable treaties.

(d) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with appropriate public and private entities and individuals to carry out this Act.

**(e) LAND ACQUISITION.—**

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary may acquire land and interests in land within the boundaries of the historic site by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange or transfer from another Federal agency.

## (2) PROHIBITED ACQUISITIONS.—

(A) CONTAMINATED LAND.—The Secretary shall not acquire any land under this Act if the Secretary determines that the land to be acquired, or any portion of the land, is contaminated with hazardous substances (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), unless, with respect to the land, all remedial action necessary to protect human health and the environment has been taken under that Act.

(B) SOUTH DAKOTA LAND.—The Secretary may acquire land or an interest in land owned by the State of South Dakota only by donation or exchange.

## (f) GENERAL MANAGEMENT PLAN.—

Deadline.

(1) IN GENERAL.—Not later than 3 years after the date funds are made available to carry out this Act, the Secretary shall prepare a general management plan for the historic site.

## (2) CONTENTS OF PLAN.—

(A) NEW SITE LOCATION.—The plan shall include an evaluation of appropriate locations for a visitor facility and administrative site within the areas depicted on the map described in subsection (a)(2) as—

(i) “Support Facility Study Area—Alternative A”;

or

(ii) “Support Facility Study Area—Alternative B”.

(B) NEW SITE BOUNDARY MODIFICATION.—On a determination by the Secretary of the appropriate location for a visitor facility and administrative site, the boundary of the historic site shall be modified to include the selected site.

(3) COORDINATION WITH BADLANDS NATIONAL PARK.—In developing the plan, the Secretary shall consider coordinating or consolidating appropriate administrative, management, and personnel functions of the historic site and the Badlands National Park.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

## (b) AIR FORCE FUNDS.—

(1) TRANSFER.—The Secretary of the Air Force shall transfer to the Secretary any funds specifically appropriated to the Air Force in fiscal year 1999 for the maintenance, protection, or preservation of the land or interests in land described in section 3.

(2) USE OF AIR FORCE FUNDS.—Funds transferred under paragraph (1) shall be used by the Secretary for establishing, operating, and maintaining the historic site.

(c) LEGACY RESOURCE MANAGEMENT PROGRAM.—Nothing in this Act affects the use of any funds available for the Legacy Resource Management Program being carried out by the Air Force that, before the date of enactment of this Act, were directed to be used for resource preservation and treaty compliance.

Approved November 29, 1999.

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LEGISLATIVE HISTORY—S. 382:

HOUSE REPORTS: No. 106–391 (Comm. on Resources).

SENATE REPORTS: No. 106–23 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Mar. 25, considered and passed Senate.

Nov. 17, considered and passed House.



Public Law 106–116  
106th Congress

An Act

Nov. 29, 1999  
[S. 1398]

To clarify certain boundaries on maps relating to the Coastal Barrier Resources System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Conservation.  
North Carolina.  
16 USC 3503  
note.

**SECTION 1. REPLACEMENT OF COASTAL BARRIER RESOURCES SYSTEM MAPS.**

(a) IN GENERAL.—The 7 maps described in subsection (b) are replaced by 14 maps entitled “Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC–03P” or “Dare County, North Carolina, Coastal Barrier Resources System, Cape Hatteras Unit NC–03P, Hatteras Island Unit L03” and dated October 18, 1999.

(b) DESCRIPTION OF MAPS.—The maps described in this subsection are the 7 maps that—

(1) relate to the portions of Cape Hatteras Unit NC–03P and Hatteras Island Unit L03 that are located in Dare County, North Carolina; and

(2) are included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, and referred to in section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)).

(c) AVAILABILITY.—The Secretary of the Interior shall keep the maps referred to in subsection (a) on file and available for inspection in accordance with section 4(b) of the Coastal Barrier Resources Act (16 U.S.C. 3503(b)).

Approved November 29, 1999.

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**LEGISLATIVE HISTORY—S. 1398:**

SENATE REPORTS: No. 106–171 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 8, considered and passed Senate.

Nov. 17, considered and passed House.





Public Law 106–117  
106th Congress

An Act

To amend title 38, United States Code, to establish a program of extended care services for veterans, to make other improvements in health care programs of the Department of Veterans Affairs, to enhance compensation, memorial affairs, and housing programs of the Department of Veterans Affairs, to improve retirement authorities applicable to judges of the United States Court of Appeals for Veterans Claims, and for other purposes.

Nov. 30, 1999  
[H.R. 2116]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Millennium Health Care and Benefits Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Veterans  
Millennium  
Health Care and  
Benefits Act.  
38 USC 101 note.

Sec. 1. Short title; table of contents.  
Sec. 2. References to title 38, United States Code.  
Sec. 3. Secretary and Department defined.

**TITLE I—ACCESS TO CARE**

**Subtitle A—Long-Term Care**

Sec. 101. Requirement to provide extended care services.  
Sec. 102. Pilot programs relating to long-term care.  
Sec. 103. Pilot program relating to assisted living.

**Subtitle B—Other Access to Care Matters**

Sec. 111. Reimbursement for emergency treatment in non-Department of Veterans Affairs facilities.  
Sec. 112. Eligibility for care of combat-injured veterans.  
Sec. 113. Access to care for TRICARE-eligible military retirees.  
Sec. 114. Treatment and services for drug or alcohol dependency.  
Sec. 115. Counseling and treatment for veterans who have experienced sexual trauma.  
Sec. 116. Specialized mental health services.

**TITLE II—MEDICAL PROGRAM ADMINISTRATION**

Sec. 201. Medical care collections.  
Sec. 202. Health Services Improvement Fund.  
Sec. 203. Allocation to health care facilities of amounts made available from Medical Care Collections Fund.  
Sec. 204. Authority to accept funds for education and training.  
Sec. 205. Extension of certain authorities.  
Sec. 206. Reestablishment of Committee on Post-Traumatic Stress Disorder.  
Sec. 207. State home grant program.  
Sec. 208. Expansion of enhanced-use lease authority.  
Sec. 209. Ineligibility for employment by Veterans Health Administration of health care professionals who have lost license to practice in one jurisdiction while still licensed in another jurisdiction.  
Sec. 210. Report on coordination of procurement of pharmaceuticals and medical supplies by the Department of Veterans Affairs and the Department of Defense.

Sec. 211. Reimbursement of medical expenses of veterans located in Alaska.

#### TITLE III—MISCELLANEOUS MEDICAL PROVISIONS

Sec. 301. Review of proposed changes to operation of medical facilities.

Sec. 302. Patient services at Department facilities.

Sec. 303. Chiropractic treatment.

Sec. 304. Designation of hospital bed replacement building at Ioannis A. Lougaris Department of Veterans Affairs Medical Center, Reno, Nevada.

#### TITLE IV—CONSTRUCTION AND FACILITIES MATTERS

Sec. 401. Authorization of major medical facility projects.

Sec. 402. Authorization of major medical facility leases.

Sec. 403. Authorization of appropriations.

#### TITLE V—BENEFITS AND EMPLOYMENT MATTERS

##### Subtitle A—Compensation and DIC

Sec. 501. Dependency and indemnity compensation for surviving spouses of former prisoners of war.

Sec. 502. Reinstatement of certain benefits for remarried surviving spouses of veterans upon termination of their remarriage.

Sec. 503. Presumption that bronchiolo-alveolar carcinoma is service-connected.

##### Subtitle B—Employment

Sec. 511. Clarification of veterans' civil service employment opportunities.

#### TITLE VI—MEMORIAL AFFAIRS MATTERS

##### Subtitle A—American Battle Monuments Commission

Sec. 601. Codification and expansion of authority for World War II memorial.

Sec. 602. General authority to solicit and receive contributions.

Sec. 603. Intellectual property and related items.

Sec. 604. Technical amendments.

##### Subtitle B—National Cemeteries

Sec. 611. Establishment of additional national cemeteries.

Sec. 612. Use of flat grave markers at Santa Fe National Cemetery, New Mexico.

Sec. 613. Independent study on improvements to veterans' cemeteries.

##### Subtitle C—Burial Benefits

Sec. 621. Independent study on improvements to veterans' burial benefits.

#### TITLE VII—EDUCATION AND HOUSING MATTERS

##### Subtitle A—Education Matters

Sec. 701. Availability of Montgomery GI Bill benefits for preparatory courses for college and graduate school entrance exams.

Sec. 702. Determination of eligibility period for members of the Armed Forces commissioned following completion of officer training school.

Sec. 703. Report on veterans' education and vocational training benefits provided by the States.

Sec. 704. Technical amendments.

##### Subtitle B—Housing Matters

Sec. 711. Extension of authority for housing loans for members of the Selected Reserve.

Sec. 712. Technical amendment relating to transitional housing loan guarantee program.

#### TITLE VIII—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS

Sec. 801. Enhanced quality assurance program within the Veterans Benefits Administration.

Sec. 802. Extension of authority to maintain a regional office in the Republic of the Philippines.

Sec. 803. Extension of Advisory Committee on Minority Veterans.

Sec. 804. Technical amendment to automobile assistance program.

#### TITLE IX—HOMELESS VETERANS PROGRAMS

Sec. 901. Homeless veterans' reintegration programs.

Sec. 902. Extension of program of housing assistance for homeless veterans.  
Sec. 903. Homeless veterans programs.  
Sec. 904. Plan for evaluation of performance of programs to assist homeless veterans.

#### TITLE X—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 1001. Short title.  
Sec. 1002. Definition.

##### Subtitle A—Transitional Provisions To Stagger Terms of Judges

Sec. 1011. Early retirement authority for current judges.  
Sec. 1012. Modified terms for next two judges appointed to the Court.

##### Subtitle B—Other Matters Relating to Retired Judges

Sec. 1021. Recall of retired judges.  
Sec. 1022. Judges' retired pay.  
Sec. 1023. Survivor annuities.  
Sec. 1024. Limitation on activities of retired judges.

##### Subtitle C—Rotation of Service of Judges as Chief Judge of the Court

Sec. 1031. Repeal of separate appointment of chief judge.  
Sec. 1032. Designation and term of chief judge of Court.  
Sec. 1033. Salary.  
Sec. 1034. Precedence of judges.  
Sec. 1035. Conforming amendments.  
Sec. 1036. Applicability of amendments.

#### TITLE XI—VOLUNTARY SEPARATION INCENTIVE PROGRAM

Sec. 1101. Short title.  
Sec. 1102. Plan for payment of voluntary separation incentive payments.  
Sec. 1103. Voluntary separation incentive payments.  
Sec. 1104. Effect of subsequent employment with the Government.  
Sec. 1105. Additional agency contributions to Civil Service Retirement and Disability Fund.  
Sec. 1106. Continued health insurance coverage.  
Sec. 1107. Prohibition of reduction of full-time equivalent employment level.  
Sec. 1108. Regulations.  
Sec. 1109. Limitation; savings clause.  
Sec. 1110. Eligible employees.

#### SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### SEC. 3. SECRETARY AND DEPARTMENT DEFINED.

38 USC 101 note.

For purposes of this Act—

(1) the term “Secretary” means the Secretary of Veterans Affairs; and

(2) the term “Department” means the Department of Veterans Affairs.

## TITLE I—ACCESS TO CARE

### Subtitle A—Long-Term Care

#### SEC. 101. REQUIREMENT TO PROVIDE EXTENDED CARE SERVICES.

(a) REQUIRED NURSING HOME CARE.—(1) Chapter 17 is amended by inserting after section 1710 the following new section:

##### “§ 1710A. Required nursing home care

“(a) The Secretary shall provide nursing home care which the Secretary determines is needed (1) to any veteran in need of such

care for a service-connected disability, and (2) to any veteran who is in need of such care and who has a service-connected disability rated at 70 percent or more.

“(b)(1) The Secretary shall ensure that a veteran described in subsection (a) who continues to need nursing home care is not, after placement in a Department nursing home, transferred from the facility without the consent of the veteran, or, in the event the veteran cannot provide informed consent, the representative of the veteran.

“(2) Nothing in subsection (a) may be construed as authorizing or requiring that a veteran who is receiving nursing home care in a Department nursing home on the date of the enactment of this section be displaced, transferred, or discharged from the facility.

Termination  
date.

“(c) The provisions of subsection (a) shall terminate on December 31, 2003.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710 the following new item:

“1710A. Required nursing home care.”.

(b) REQUIRED NONINSTITUTIONAL EXTENDED CARE SERVICES.—Section 1701 is amended by adding at the end the following new paragraph:

“(10)(A) During the period beginning on the date of the enactment of the Veterans Millennium Health Care and Benefits Act and ending on December 31, 2003, the term ‘medical services’ includes noninstitutional extended care services.

“(B) For the purposes of subparagraph (A), the term ‘noninstitutional extended care services’ means such alternatives to institutional extended care which the Secretary may furnish (i) directly, (ii) by contract, or (iii) (through provision of case management) by another provider or payor.”.

(c) PROGRAM OF EXTENDED CARE SERVICES.—(1) Chapter 17 is amended by inserting after section 1710A, as added by subsection (a), the following new section:

**“§ 1710B. Extended care services**

“(a) The Secretary (subject to section 1710(a)(4) of this title and subsection (c) of this section) shall operate and maintain a program to provide extended care services to eligible veterans in accordance with this section. Such services shall include the following:

“(1) Geriatric evaluation.

“(2) Nursing home care (A) in facilities operated by the Secretary, and (B) in community-based facilities through contracts under section 1720 of this title.

“(3) Domiciliary services under section 1710(b) of this title.

“(4) Adult day health care under section 1720(f) of this title.

“(5) Such other noninstitutional alternatives to nursing home care as the Secretary may furnish as medical services under section 1701(10) of this title.

“(6) Respite care under section 1720B of this title.

“(b) The Secretary shall ensure that the staffing and level of extended care services provided by the Secretary nationally in facilities of the Department during any fiscal year is not less than

the staffing and level of such services provided nationally in facilities of the Department during fiscal year 1998.

“(c)(1) Except as provided in paragraph (2), the Secretary may not furnish extended care services for a non-service-connected disability other than in the case of a veteran who has a compensable service-connected disability unless the veteran agrees to pay to the United States a copayment (determined in accordance with subsection (d)) for any period of such services in a year after the first 21 days of such services provided that veteran in that year.

“(2) Paragraph (1) shall not apply—

“(A) to a veteran whose annual income (determined under section 1503 of this title) is less than the amount in effect under section 1521(b) of this title; or

“(B) with respect to an episode of extended care services that a veteran is being furnished by the Department on the date of the enactment of the Veterans Millennium Health Care and Benefits Act.

“(d)(1) A veteran who is furnished extended care services under this chapter and who is required under subsection (c) to pay an amount to the United States in order to be furnished such services shall be liable to the United States for that amount.

“(2) In implementing subsection (c), the Secretary shall develop a methodology for establishing the amount of the copayment for which a veteran described in subsection (c) is liable. That methodology shall provide for—

“(A) establishing a maximum monthly copayment (based on all income and assets of the veteran and the spouse of such veteran);

“(B) protecting the spouse of a veteran from financial hardship by not counting all of the income and assets of the veteran and spouse (in the case of a spouse who resides in the community) as available for determining the copayment obligation; and

“(C) allowing the veteran to retain a monthly personal allowance.

“(e)(1) There is established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Extended Care Fund (hereafter in this section referred to as the ‘fund’). Amounts in the fund shall be available, without fiscal year limitation and without further appropriation, exclusively for the purpose of providing extended care services under subsection (a).

“(2) All amounts received by the Department under this section shall be deposited in or credited to the fund.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1710A, as added by subsection (a)(2), the following new item:

“1710B. Extended care services.”.

(d) ADULT DAY HEALTH CARE.—Section 1720(f)(1)(A) is amended to read as follows:

“(f)(1)(A) The Secretary may furnish adult day health care services to a veteran enrolled under section 1705(a) of this title who would otherwise require nursing home care.”.

(e) RESPITE CARE PROGRAM.—Section 1720B is amended—

(1) in subsection (a), by striking “eligible” and inserting “enrolled”;

(2) in subsection (b)—

(A) by striking “the term ‘respite care’ means hospital or nursing home care” and inserting “the term ‘respite care services’ means care and services”;

(B) by striking “is” at the beginning of each of paragraphs (1), (2), and (3) and inserting “are”; and

(C) by striking “in a Department facility” in paragraph (2); and

(3) by adding at the end the following new subsection:  
“(c) In furnishing respite care services, the Secretary may enter into contract arrangements.”.

(f) CONFORMING AMENDMENTS.—Section 1710(a) is amended—

(1) in paragraph (1), by striking “, and may furnish nursing home care,”;

(2) in paragraph (2)(A), by inserting “or, with respect to nursing home care during any period during which the provisions of section 1710A(a) of this title are in effect, a compensable service-connected disability rated less than 70 percent” after “50 percent”;

(3) in paragraph (4), by inserting “, and the requirement in section 1710B of this title that the Secretary provide a program of extended care services,” after “medical services”; and

(4) by adding at the end the following new paragraph:

“(5) During any period during which the provisions of section 1710A(a) of this title are not in effect, the Secretary may furnish nursing home care which the Secretary determines is needed to any veteran described in paragraph (1), with the priority for such care on the same basis as if provided under that paragraph.”.

(g) STATE HOMES.—Section 1741(a)(2) is amended by striking “adult day health care in a State home” and inserting “extended care services described in any of paragraphs (4) through (6) of section 1710B(a) of this title under a program administered by a State home”.

38 USC 1710B  
note.

(h) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

Federal Register,  
publication.

(2) Subsection (c) of section 1710B of title 38, United States Code (as added by subsection (b)), shall take effect on the effective date of regulations prescribed by the Secretary of Veterans Affairs under subsections (c) and (d) of such section. The Secretary shall publish the effective date of such regulations in the Federal Register.

(3) The provisions of section 1710(f) of title 38, United States Code, shall not apply to any day of nursing home care on or after the effective date of regulations under paragraph (2).

Deadline.  
38 USC 1710A  
note.

(i) REPORT.—Not later than January 1, 2003, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the operation of this section (including the amendments made by this section). The Secretary shall include in the report—

(1) the Secretary’s assessment of the experience of the Department under the provisions of this section;

(2) the costs incurred by the Department under the provisions of this section and a comparison of those costs with the Secretary’s estimate of the costs that would have been

incurred by the Secretary for extended care services if this section had not been enacted; and

(3) the Secretary's recommendations, with respect to the provisions of section 1710A(a) of title 38, United States Code, as added by subsection (a), and with respect to the provisions of section 1701(10) of such title, as added by subsection (b), as to—

(A) whether those provisions should be extended or made permanent; and

(B) what modifications, if any, should be made to those provisions.

**SEC. 102. PILOT PROGRAMS RELATING TO LONG-TERM CARE.**

38 USC 1710B  
note.

(a) **PILOT PROGRAMS.**—The Secretary shall carry out three pilot programs for the purpose of determining the effectiveness of different models of all-inclusive care-delivery in reducing the use of hospital and nursing home care by frail, elderly veterans.

(b) **LOCATIONS OF PILOT PROGRAMS.**—In selecting locations in which the pilot programs will be carried out, the Secretary may not select more than one location in any given health care region of the Veterans Health Administration.

(c) **SCOPE OF SERVICES UNDER PILOT PROGRAMS.**—Each of the pilot programs under this section shall be designed to provide participating veterans with integrated, comprehensive services which include the following:

(1) Adult-day health care services on an eight-hour per day, five-day per week basis.

(2) Medical services (including primary care, preventive services, and nursing home care, as needed).

(3) Coordination of needed services.

(4) Transportation services.

(5) Home care services.

(6) Respite care.

(d) **PROGRAM REQUIREMENTS.**—In carrying out the pilot programs under this section, the Secretary shall—

(1) employ the use of interdisciplinary care-management teams to provide the required array of services;

(2) determine the appropriate number of patients to be enrolled in each program and the criteria for enrollment; and

(3) ensure that funding for each program is based on the complex care category under the resource allocation system (known as the Veterans Equitable Resource Allocation system) established pursuant to section 429 of Public Law 104–204 (110 Stat. 2929).

(e) **DESIGN OF PILOT PROGRAMS.**—To the maximum extent feasible, the Secretary shall use the following three models in designing the three pilot programs under this section:

(1) Under one of the pilot programs, the Secretary shall provide services directly through facilities and personnel of the Department.

(2) Under one of the pilot programs, the Secretary shall provide services through a combination of—

(A) services provided under contract with appropriate public and private entities; and

(B) services provided through facilities and personnel of the Department.

(3) Under one of the pilot programs, the Secretary shall arrange for the provision of services through a combination of—

(A) services provided through cooperative arrangements with appropriate public and private entities; and

(B) services provided through facilities and personnel of the Department.

(f) IN-KIND ASSISTANCE.—In providing for the furnishing of services under a contract in carrying out the pilot program described in subsection (e)(2), the Secretary may, subject to reimbursement, provide in-kind assistance (through the services of Department employees and the sharing of other Department resources) to a facility furnishing care to veterans. Such reimbursement may be made by reduction in the charges to the Secretary under such contract.

(g) LIMITATION.—In providing for the furnishing of services in carrying out a pilot program described in subsection (e)(2) or (e)(3), the Secretary shall make payment for services only to the extent that payment for such services is not otherwise covered (notwithstanding any provision of title XVIII or XIX of the Social Security Act) by another government or nongovernment entity or program.

(h) DURATION OF PROGRAMS.—The authority of the Secretary to provide services under a pilot program under this section shall cease on the date that is three years after the date of the commencement of that pilot program.

Deadline.

(i) REPORT.—(1) Not later than nine months after the completion of all of the pilot programs under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on those programs.

(2) The report shall include the following:

(A) A description of the implementation and operation of each such program.

(B) An analysis comparing use of institutional care and use of other services among enrollees in each of the pilot programs with the experience of comparable patients who are not enrolled in one of the pilot programs.

(C) An assessment of the satisfaction of participating veterans with each of those programs.

(D) An assessment of the health status of participating veterans in each of those programs and of the ability of those veterans to function independently.

(E) An analysis of the costs and benefits under each of those programs.

38 USC 1710B  
note.

#### **SEC. 103. PILOT PROGRAM RELATING TO ASSISTED LIVING.**

(a) PROGRAM AUTHORITY.—The Secretary may carry out a pilot program for the purpose of determining the feasibility and practicality of enabling eligible veterans to secure needed assisted living services as an alternative to nursing home care.

(b) LOCATION OF PILOT PROGRAM.—The pilot program shall be carried out in a designated health care region of the Department selected by the Secretary for purposes of this section.

(c) SCOPE OF PROGRAM.—In carrying out the pilot program, the Secretary may enter into contracts with appropriate facilities for the provision for a period of up to six months of assisted



living services on behalf of eligible veterans in the region where the program is carried out.

(d) **ELIGIBLE VETERANS.**—A veteran is an eligible veteran for purposes of this section if the veteran—

(1) is eligible for placement assistance by the Secretary under section 1730(a) of title 38, United States Code;

(2) is unable to manage routine activities of daily living without supervision and assistance; and

(3) could reasonably be expected to receive ongoing services after the end of the contract period under another government program or through other means.

(e) **REPORT.**—(1) Not later than 90 days before the end of the pilot program under this section, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the program. Deadline.

(2) The report under paragraph (1) shall include the following:

(A) A description of the implementation and operation of the program.

(B) An analysis comparing use of institutional care among participants in the program with the experience of comparable patients who are not enrolled in the program.

(C) A comparison of assisted living services provided by the Department through the pilot program with domiciliary care provided by the Department.

(D) The Secretary's recommendations, if any, regarding an extension of the program.

(f) **DURATION.**—The authority of the Secretary to provide services under the pilot program shall cease on the date that is three years after the date of the commencement of the pilot program.

(g) **DEFINITION.**—For purposes of this section, the term “assisted living services” means services in a facility that provides room and board and personal care for and supervision of residents as necessary for the health, safety, and welfare of residents.

(h) **STANDARDS.**—The Secretary may not enter into a contract with a facility under this section unless the facility meets the standards established in regulations prescribed under section 1730 of title 38, United States Code.

## Subtitle B—Other Access to Care Matters

### SEC. 111. REIMBURSEMENT FOR EMERGENCY TREATMENT IN NON-DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) **AUTHORITY TO PROVIDE REIMBURSEMENT.**—Chapter 17 is amended by inserting after section 1724 the following new section:

#### “§ 1725. Reimbursement for emergency treatment

“(a) **GENERAL AUTHORITY.**—(1) Subject to subsections (c) and (d), the Secretary may reimburse a veteran described in subsection (b) for the reasonable value of emergency treatment furnished the veteran in a non-Department facility.

“(2) In any case in which reimbursement is authorized under subsection (a)(1), the Secretary, in the Secretary's discretion, may, in lieu of reimbursing the veteran, make payment of the reasonable value of the furnished emergency treatment directly—

“(A) to a hospital or other health care provider that furnished the treatment; or

“(B) to the person or organization that paid for such treatment on behalf of the veteran.

“(b) ELIGIBILITY.—(1) A veteran referred to in subsection (a)(1) is an individual who is an active Department health-care participant who is personally liable for emergency treatment furnished the veteran in a non-Department facility.

“(2) A veteran is an active Department health-care participant if—

“(A) the veteran is enrolled in the health care system established under section 1705(a) of this title; and

“(B) the veteran received care under this chapter within the 24-month period preceding the furnishing of such emergency treatment.

“(3) A veteran is personally liable for emergency treatment furnished the veteran in a non-Department facility if the veteran—

“(A) is financially liable to the provider of emergency treatment for that treatment;

“(B) has no entitlement to care or services under a health-plan contract (determined, in the case of a health-plan contract as defined in subsection (f)(2)(B) or (f)(2)(C), without regard to any requirement or limitation relating to eligibility for care or services from any department or agency of the United States);

“(C) has no other contractual or legal recourse against a third party that would, in whole or in part, extinguish such liability to the provider; and

“(D) is not eligible for reimbursement for medical care or services under section 1728 of this title.

Regulations.

“(c) LIMITATIONS ON REIMBURSEMENT.—(1) The Secretary, in accordance with regulations prescribed by the Secretary, shall—

“(A) establish the maximum amount payable under subsection (a);

“(B) delineate the circumstances under which such payments may be made, to include such requirements on requesting reimbursement as the Secretary shall establish; and

“(C) provide that in no event may a payment under that subsection include any amount for which the veteran is not personally liable.

“(2) Subject to paragraph (1), the Secretary may provide reimbursement under this section only after the veteran or the provider of emergency treatment has exhausted without success all claims and remedies reasonably available to the veteran or provider against a third party for payment of such treatment.

“(3) Payment by the Secretary under this section on behalf of a veteran to a provider of emergency treatment shall, unless rejected and refunded by the provider within 30 days of receipt, extinguish any liability on the part of the veteran for that treatment. Neither the absence of a contract or agreement between the Secretary and the provider nor any provision of a contract, agreement, or assignment to the contrary shall operate to modify, limit, or negate the requirement in the preceding sentence.

Regulations.

“(d) INDEPENDENT RIGHT OF RECOVERY.—(1) In accordance with regulations prescribed by the Secretary, the United States shall have the independent right to recover any amount paid under this section when, and to the extent that, a third party subsequently makes a payment for the same emergency treatment.

“(2) Any amount paid by the United States to the veteran (or the veteran’s personal representative, successor, dependents, or survivors) or to any other person or organization paying for such treatment shall constitute a lien in favor of the United States against any recovery the payee subsequently receives from a third party for the same treatment.

“(3) Any amount paid by the United States to the provider that furnished the veteran’s emergency treatment shall constitute a lien against any subsequent amount the provider receives from a third party for the same emergency treatment for which the United States made payment.

“(4) The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall ensure that the Secretary is promptly notified of any payment received from any third party for emergency treatment furnished to the veteran. The veteran (or the veteran’s personal representative, successor, dependents, or survivors) shall immediately forward all documents relating to such payment, cooperate with the Secretary in the investigation of such payment, and assist the Secretary in enforcing the United States right to recover any payment made under subsection (c)(3).

“(e) WAIVER.—The Secretary, in the Secretary’s discretion, may waive recovery of a payment made to a veteran under this section that is otherwise required by subsection (d)(1) when the Secretary determines that such waiver would be in the best interest of the United States, as defined by regulations prescribed by the Secretary.

Regulations.

“(f) DEFINITIONS.—For purposes of this section:

“(1) The term ‘emergency treatment’ means medical care or services furnished, in the judgment of the Secretary—

“(A) when Department or other Federal facilities are not feasibly available and an attempt to use them beforehand would not be reasonable;

“(B) when such care or services are rendered in a medical emergency of such nature that a prudent layperson reasonably expects that delay in seeking immediate medical attention would be hazardous to life or health; and

“(C) until such time as the veteran can be transferred safely to a Department facility or other Federal facility.

“(2) The term ‘health-plan contract’ includes any of the following:

“(A) An insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement under which health services for individuals are provided or the expenses of such services are paid.

“(B) An insurance program described in section 1811 of the Social Security Act (42 U.S.C. 1395c) or established by section 1831 of that Act (42 U.S.C. 1395j).

“(C) A State plan for medical assistance approved under title XIX of such Act (42 U.S.C. 1396 et seq.).

“(D) A workers’ compensation law or plan described in section 1729(a)(2)(A) of this title.

“(E) A law of a State or political subdivision described in section 1729(a)(2)(B) of this title.

“(3) The term ‘third party’ means any of the following:

“(A) A Federal entity.

“(B) A State or political subdivision of a State.

“(C) An employer or an employer’s insurance carrier.

“(D) An automobile accident reparations insurance carrier.

“(E) A person or entity obligated to provide, or to pay the expenses of, health services under a health-plan contract.”.

(b) CONFORMING AMENDMENTS.—(1) Section 1729A(b) is amended—

(A) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(B) by inserting after paragraph (4) the following new paragraph:

“(5) Section 1725 of this title.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1724 the following new item:

“1725. Reimbursement for emergency treatment.”.

38 USC 1725  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

38 USC 1725  
note.

(d) IMPLEMENTATION REPORTS.—The Secretary shall include with the budget justification materials submitted to Congress in support of the Department of Veterans Affairs budget for fiscal year 2002 and for fiscal year 2003 a report on the implementation of section 1725 of title 38, United States Code, as added by subsection (a). Each such report shall include information on the experience of the Department under that section and the costs incurred, and expected to be incurred, under that section.

#### **SEC. 112. ELIGIBILITY FOR CARE OF COMBAT-INJURED VETERANS.**

Chapter 17 is amended—

(1) in section 1710(a)(2)(D), by inserting “or who was awarded the Purple Heart” after “former prisoner of war”; and

(2) in section 1705(a)(3), by inserting “or who were awarded the Purple Heart” after “former prisoners of war”.

38 USC 8111  
note.

#### **SEC. 113. ACCESS TO CARE FOR TRICARE-ELIGIBLE MILITARY RETIREES.**

(a) INTERAGENCY AGREEMENT.—(1) The Secretary of Defense shall enter into an agreement (characterized as a memorandum of understanding or otherwise) with the Secretary of Veterans Affairs with respect to the provision of medical care by the Secretary of Veterans Affairs to eligible military retirees in accordance with the provisions of subsection (c). That agreement shall include provisions for reimbursement of the Secretary of Veterans Affairs by the Secretary of Defense for medical care provided by the Secretary of Veterans Affairs to an eligible military retiree and may include such other provisions with respect to the terms and conditions of such care as may be agreed upon by the two Secretaries.

(2) Reimbursement under the agreement under paragraph (1) shall be in accordance with rates agreed upon by the Secretary of Defense and the Secretary of Veterans Affairs. Such reimbursement may be made by the Secretary of Defense or by the appropriate TRICARE Managed Care Support contractor, as determined in accordance with that agreement.

(3) In entering into the agreement under paragraph (1), particularly with respect to determination of the rates of reimbursement

under paragraph (2), the Secretary of Defense shall consult with TRICARE Managed Care Support contractors.

(4) The Secretary of Veterans Affairs may not enter into an agreement under paragraph (1) for the provision of care in accordance with the provisions of subsection (c) with respect to any geographic service area, or a part of any such area, of the Veterans Health Administration unless—

(A) in the judgment of that Secretary, the Department of Veterans Affairs will recover the costs of providing such care to eligible military retirees; and

(B) that Secretary has certified and documented, with respect to any geographic service area in which the Secretary proposes to provide care in accordance with the provisions of subsection (c), that such geographic service area, or designated part of any such area, has adequate capacity (consistent with the requirements in section 1705(b)(1) of title 38, United States Code, that care to enrollees shall be timely and acceptable in quality) to provide such care.

Certification.

(5) The agreement under paragraph (1) shall be entered into by the Secretaries not later than nine months after the date of the enactment of this Act. If the Secretaries are unable to reach agreement, they shall jointly report, by that date or within 30 days thereafter, to the Committees on Armed Services and the Committees on Veterans' Affairs of the Senate and House of Representatives on the reasons for their inability to reach an agreement and their mutually agreed plan for removing any impediments to final agreement.

Deadlines.

Reports.

(b) DEPOSITING OF REIMBURSEMENTS.—Amounts received by the Secretary of Veterans Affairs under the agreement under subsection (a) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of title 38, United States Code, as added by section 202.

(c) COPAYMENT REQUIREMENT.—The provisions of subsections (f)(1) and (g)(1) of section 1710 of title 38, United States Code, shall not apply in the case of an eligible military retiree who is covered by the agreement under subsection (a).

(d) PHASED IMPLEMENTATION.—(1) The Secretary of Defense shall include in each TRICARE contract entered into after the date of the enactment of this Act provisions to implement the agreement under subsection (a).

Contracts.

(2) The provisions of the agreement under subsection (a)(2) and the provisions of subsection (c) shall apply to the furnishing of medical care by the Secretary of Veterans Affairs in any area of the United States only if that area is covered by a TRICARE contract that was entered into after the date of the enactment of this Act.

Applicability.

(e) ELIGIBLE MILITARY RETIREES.—For purposes of this section, an eligible military retiree is a member of the Army, Navy, Air Force, or Marine Corps who—

(1) has retired from active military, naval, or air service;

(2) is eligible for care under the TRICARE program established by the Secretary of Defense;

(3) has enrolled for care under section 1705 of title 38, United States Code; and

(4) is not described in paragraph (1) or (2) of section 1710(a) of such title.

**SEC. 114. TREATMENT AND SERVICES FOR DRUG OR ALCOHOL DEPENDENCY.**

(a) **AUTHORITY TO PROVIDE TREATMENT AND SERVICES FOR MEMBERS ON ACTIVE DUTY.**—Section 1720A(c) is amended in the first sentence of paragraph (1)—

(1) by striking “may not be transferred” and inserting “may be transferred”; and

(2) by striking “unless such transfer is during the last thirty days of such member’s enlistment or tour of duty”.

(b) **CONFORMING AMENDMENT.**—The first sentence of paragraph (2) of that section is amended by striking “during the last thirty days of such person’s enlistment period or tour of duty”.

**SEC. 115. COUNSELING AND TREATMENT FOR VETERANS WHO HAVE EXPERIENCED SEXUAL TRAUMA.**

(a) **EXTENSION OF PERIOD OF PROGRAM.**—Subsection (a) of section 1720D is amended—

(1) in paragraph (1), by striking “December 31, 2001” and inserting “December 31, 2004”; and

(2) in paragraph (3), by striking “December 31, 2001” and inserting “December 31, 2004”.

(b) **MANDATORY NATURE OF PROGRAM.**—(1) Subsection (a)(1) of such section is further amended by striking “may provide counseling to a veteran who the Secretary determines requires such counseling” and inserting “shall operate a program under which the Secretary provides counseling and appropriate care and services to veterans who the Secretary determines require such counseling and care and services”.

(2) Subsection (a) of such section is further amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) (as amended by subsection (a)(2)) as paragraph (2).

(c) **OUTREACH EFFORTS.**—Subsection (c) of such section is amended—

(1) by inserting “and treatment” in the first sentence and in paragraph (2) after “counseling”;

(2) by striking “and” at the end of paragraph (1);

(3) by redesignating paragraph (2) as paragraph (3); and

(4) by inserting after paragraph (1) the following new paragraph (2):

“(2) shall ensure that information about the counseling and treatment available to veterans under this section—

“(A) is revised and updated as appropriate;

“(B) is made available and visibly posted at appropriate facilities of the Department; and

“(C) is made available through appropriate public information services; and”.

(d) **REPORT ON IMPLEMENTATION OF OUTREACH ACTIVITIES.**—Not later than six months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the Secretary’s implementation of paragraph (2) of section 1720D(c) of title 38, United States Code, as added by subsection (c). Such report shall include examples of the documents and other means of communication developed for compliance with that paragraph.

Deadline.

(e) **STUDY OF EXPANDING ELIGIBILITY FOR COUNSELING AND TREATMENT.**—(1) The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall conduct a study to determine—

38 USC 1720D  
note.

(A) the extent to which former members of the reserve components of the Armed Forces experienced physical assault of a sexual nature or battery of a sexual nature while serving on active duty for training;

(B) the extent to which such former members have sought counseling from the Department of Veterans Affairs relating to those incidents; and

(C) the additional resources that, in the judgment of the Secretary, would be required to meet the projected need of those former members for such counseling.

(2) Not later than 16 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the results of the study conducted under paragraph (1).

Deadline.  
Reports.

(f) **OVERSIGHT OF OUTREACH ACTIVITIES.**—Not later than 14 months after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Defense shall submit to the appropriate congressional committees a joint report describing in detail the collaborative efforts of the Department of Veterans Affairs and the Department of Defense to ensure that members of the Armed Forces, upon separation from active military, naval, or air service, are provided appropriate and current information about programs of the Department of Veterans Affairs to provide counseling and treatment for sexual trauma that may have been experienced by those members while in the active military, naval, or air service, including information about eligibility requirements for, and procedures for applying for, such counseling and treatment. The report shall include proposed recommendations from both the Secretary of Veterans Affairs and the Secretary of Defense for the improvement of their collaborative efforts to provide such information.

Deadlines.  
Reports.  
38 USC 1720D  
note.

(g) **REPORT ON IMPLEMENTATION OF SEXUAL TRAUMA TREATMENT PROGRAM.**—Not later than 14 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use made of the authority provided under section 1720D of title 38, United States Code, as amended by this section. The report shall include the following with respect to activities under that section since the enactment of this Act:

Deadline.

(1) The number of veterans who have received counseling under that section.

(2) The number of veterans who have been referred to non-Department mental health facilities and providers in connection with sexual trauma counseling and treatment.

**SEC. 116. SPECIALIZED MENTAL HEALTH SERVICES.**

38 USC 1712A  
note.

(a) **IMPROVEMENT TO SPECIALIZED MENTAL HEALTH SERVICES.**—The Secretary, in furtherance of the responsibilities of the Secretary under section 1706(b) of title 38, United States Code, shall carry out a program to expand and improve the provision of specialized mental health services to veterans. The Secretary shall establish the program in consultation with the Committee on Care of Severely

Chronically Mentally Ill Veterans established pursuant to section 7321 of title 38, United States Code.

(b) COVERED PROGRAMS.—For purposes of this section, the term “specialized mental health services” includes programs relating to—

- (1) the treatment of post-traumatic stress disorder; and
- (2) substance use disorders.

(c) FUNDING.—(1) In carrying out the program described in subsection (a), the Secretary shall identify, from funds available to the Department for medical care, an amount of not less than \$15,000,000 to be available to carry out the program and to be allocated to facilities of the Department pursuant to subsection (d).

(2) In identifying available amounts pursuant to paragraph (1), the Secretary shall ensure that, after the allocation of those funds under subsection (d), the total expenditure for programs relating to (A) the treatment of post-traumatic stress disorder, and (B) substance use disorders is not less than \$15,000,000 in excess of the baseline amount.

(3) For purposes of paragraph (2), the baseline amount is the amount of the total expenditures on such programs for the most recent fiscal year for which final expenditure amounts are known, adjusted to reflect any subsequent increase in applicable costs to deliver such services in the Veterans Health Administration, as determined by the Committee on Care of Severely Chronically Mentally Ill Veterans.

(d) ALLOCATION OF FUNDS TO DEPARTMENT FACILITIES.—The Secretary shall allocate funds identified pursuant to subsection (c)(1) to individual medical facilities of the Department as the Secretary determines appropriate based upon proposals submitted by those facilities for the use of those funds for improvements to specialized mental health services.

Deadline.

(e) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report describing the implementation of this section. The Secretary shall include in the report information on the allocation of funds to facilities of the Department under the program and a description of the improvements made with those funds to specialized mental health services for veterans.

## TITLE II—MEDICAL PROGRAM ADMINISTRATION

### SEC. 201. MEDICAL CARE COLLECTIONS.

(a) LIMITED AUTHORITY TO SET COPAYMENTS.—Section 1722A is amended—

- (1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

- (2) by inserting after subsection (a) the following new subsection (b):

Regulations.

“(b) The Secretary, pursuant to regulations which the Secretary shall prescribe, may—

- “(1) increase the copayment amount in effect under subsection (a); and



“(2) establish a maximum monthly and a maximum annual pharmaceutical copayment amount under subsection (a) for veterans who have multiple outpatient prescriptions.”; and

(3) in subsection (c), as redesignated by paragraph (1)—  
(A) by striking “this section” and inserting “subsection (a)”; and

(B) by adding at the end the following new sentence:  
“Amounts collected through use of the authority under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund.”.

(b) OUTPATIENT TREATMENT.—Section 1710(g) is amended—

(1) in paragraph (1), by striking “the amount determined under paragraph (2) of this subsection” and inserting “in the case of each outpatient visit the applicable amount or amounts established by the Secretary by regulation”; and

(2) in paragraph (2), by striking all after “for an amount” and inserting “which the Secretary shall establish by regulation.”.

#### **SEC. 202. HEALTH SERVICES IMPROVEMENT FUND.**

(a) ESTABLISHMENT OF FUND.—Chapter 17 is amended by inserting after section 1729A the following new section:

##### **“§ 1729B. Health Services Improvement Fund**

“(a) There is established in the Treasury of the United States a fund to be known as the Department of Veterans Affairs Health Services Improvement Fund.

“(b) Amounts received or collected after the date of the enactment of this section under any of the following provisions of law shall be deposited in the fund:

“(1) Section 1713A of this title.

“(2) Section 1722A(b) of this title.

“(3) Section 8165(a) of this title.

“(4) Section 113 of the Veterans Millennium Health Care and Benefits Act.

“(c) Amounts in the fund are hereby available, without fiscal year limitation, to the Secretary for the purposes stated in subparagraphs (A) and (B) of section 1729A(c)(1) of this title.

“(d) The Secretary shall allocate amounts in the fund in the same manner as applies under subsection (d) of section 1729A of this title with respect to amounts made available from the fund under that section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1729A the following new item:

“1729B. Health Services Improvement Fund.”.

#### **SEC. 203. ALLOCATION TO HEALTH CARE FACILITIES OF AMOUNTS MADE AVAILABLE FROM MEDICAL CARE COLLECTIONS FUND.**

Section 1729A(d) is amended—

(1) by striking “(1)”;

(2) by striking “each designated health care region” and inserting “each Department health care facility”;

(3) by striking “each region” and inserting “each facility”;

(4) by striking “such region” both places it appears and inserting “such facility”; and

(5) by striking paragraph (2).

**SEC. 204. AUTHORITY TO ACCEPT FUNDS FOR EDUCATION AND TRAINING.**

(a) **ESTABLISHMENT OF NONPROFIT CORPORATIONS AT MEDICAL CENTERS.**—Section 7361(a) is amended—

(1) by inserting “and education” after “research”; and

(2) by adding at the end the following: “Such a corporation may be established to facilitate either research or education or both research and education.”.

(b) **PURPOSE OF CORPORATIONS.**—Section 7362 is amended—

(1) in the first sentence—

(A) by inserting “(a)” before “Any corporation”; and

(B) by inserting “and education and training as described in sections 7302, 7471, 8154, and 1701(6)(B) of this title” after “of this title”;

(2) in the second sentence—

(A) by inserting “or education” after “research”; and

(B) by striking “that purpose” and inserting “these purposes”; and

(3) by adding at the end the following new subsection:

“(b) For purposes of this section, the term ‘education and training’ means the following:

“(1) In the case of employees of the Veterans Health Administration, such term means work-related instruction or other learning experiences to—

“(A) improve performance of current duties;

“(B) assist employees in maintaining or gaining specialized proficiencies; and

“(C) expand understanding of advances and changes in patient care, technology, and health care administration. Such term includes (in the case of such employees) education and training conducted as part of a residency or other program designed to prepare an individual for an occupation or profession.

“(2) In the case of veterans under the care of the Veterans Health Administration, such term means instruction or other learning experiences related to improving and maintaining the health of veterans to patients and to the families and guardians of patients.”.

(c) **BOARD OF DIRECTORS.**—Section 7363(a) is amended—

(1) in subsection (a)(1), by striking all after “medical center, and” and inserting “as appropriate, the assistant chief of staff for research for the medical center and the assistant chief of staff for education for the medical center, or, in the case of a facility at which such positions do not exist, those officials who are responsible for carrying out the responsibilities of the medical center director, chief of staff, and, as appropriate, the assistant chief of staff for research and the assistant chief of staff for education; and”;

(2) in subsection (a)(2), by inserting “or education, as appropriate” after “research”; and

(3) in subsection (c), by inserting “or education” after “research”.

(d) **APPROVAL OF EXPENDITURES.**—Section 7364 is amended by adding at the end the following new subsection:

“(c)(1) A corporation established under this subchapter may not spend funds for an education activity unless the activity is approved in accordance with procedures prescribed by the Under Secretary for Health.

“(2) The Under Secretary for Health shall prescribe policies and procedures to guide the expenditure of funds by corporations under paragraph (1) consistent with the purpose of such corporations as flexible funding mechanisms.”. Regulations.

(e) ACCOUNTABILITY AND OVERSIGHT.—Section 7366(d) is amended—

(1) in paragraph (2)(B), by inserting “for research and the amount received from governmental entities for education” after “entities”;

(2) in paragraph (2)(C), by inserting “for research and the amount received from all other sources for education” after “sources”;

(3) in paragraph (2)(D), by striking “the” and inserting “a”;

(4) in paragraph (3)(A), by striking “and” and inserting “, the amount expended for salary for education staff, and the amount expended”;

(5) in paragraph (3)(B), by inserting “and the amount expended for direct support of education” after “research”; and

(6) by adding at the end the following new paragraph:  
 “(4) The amount expended by each corporation during the year for travel conducted in conjunction with research and the amount expended for travel in conjunction with education.”.

#### SEC. 205. EXTENSION OF CERTAIN AUTHORITIES.

(a) READJUSTMENT COUNSELING.—Section 1712A(a)(1)(B)(ii) is amended by striking “January 1, 2000” and inserting “January 1, 2004”.

(b) NEWSLETTER ON MEDICAL CARE FOR PERSIAN GULF VETERANS.—Section 105(b)(2) of the Persian Gulf War Veterans’ Benefits Act (title I of Public Law 103–446; 108 Stat. 4659; 38 U.S.C. 1117 note) is amended by striking “December 31, 1999” and inserting “December 31, 2003”.

(c) EVALUATION OF HEALTH OF SPOUSES AND CHILDREN OF PERSIAN GULF VETERANS.—Section 107(b) of that Act is amended by striking “December 31, 1999” and inserting “December 31, 2003”. 38 USC 1117 note.

#### SEC. 206. REESTABLISHMENT OF COMMITTEE ON POST-TRAUMATIC STRESS DISORDER.

Section 110 of the Veterans’ Health Care Act of 1984 (38 U.S.C. 1712A note) is amended—

(1) by striking “Chief Medical Director” each place it appears and inserting “Under Secretary for Health”;

(2) by striking “Veterans’ Administration” each place it appears (other than in subsection (a)(1)) and inserting “Department”;

(3) by striking “Veterans’ Administration” in subsection (a)(1) and inserting “Department of Veterans Affairs”;

(4) by striking “Department of Medicine and Surgery” each place it appears and inserting “Veterans Health Administration”;

(5) by striking “section 612A” in subsection (a)(2) and inserting “section 1712A”;

(6) by striking “Department” in the second sentence of subsection (b)(1) and inserting “Veterans Health Administration”;

(7) by striking “Department of Veterans’ Benefits” in subsection (b)(4)(E) and inserting “Veterans Benefits Administration”;

(8) in subsection (e)(1), by striking “Not later than March 1, 1985, the Administrator” and inserting “Not later than March 1, 2000, the Secretary”; and

(9) in subsection (e)(2)—

(A) by striking “Not later than February 1, 1986” and inserting “Not later than February 1, 2001”;

(B) by striking “Administrator” and inserting “Secretary”; and

(C) by striking “before the submission of such report” and inserting “since the enactment of the Veterans Millennium Health Care and Benefits Act”.

#### **SEC. 207. STATE HOME GRANT PROGRAM.**

(a) GENERAL REGULATIONS.—Section 8134 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by striking the matter in subsection (a) preceding paragraph (2) and inserting the following:

“(a)(1) The Secretary shall prescribe regulations for the purposes of this subchapter.

“(2) In those regulations, the Secretary shall prescribe for each State the number of nursing home and domiciliary beds for which assistance under this subchapter may be furnished. Such regulations shall be based on projected demand for such care 10 years after the date of the enactment of the Veterans Millennium Health Care and Benefits Act by veterans who at such time are 65 years of age or older and who reside in that State. In determining such projected demand, the Secretary shall take into account travel distances for veterans and their families.

“(3)(A) In those regulations, the Secretary shall establish criteria under which the Secretary shall determine, with respect to an application for assistance under this subchapter for a project described in subparagraph (B) which is from a State that has a need for additional beds as determined under subsections (a)(2) and (d)(1), whether the need for such beds is most aptly characterized as great, significant, or limited. Such criteria shall take into account the availability of beds already operated by the Secretary and other providers which appropriately serve the needs which the State proposes to meet with its application.

“(B) This paragraph applies to a project for the construction or acquisition of a new State home facility, a project to increase the number of beds available at a State home facility, and a project to replace beds at a State home facility.

“(4) The Secretary shall review and, as necessary, revise regulations prescribed under paragraphs (2) and (3) not less often than every four years.

“(b) The Secretary shall prescribe the following by regulation:”;

(3) by redesignating paragraphs (2) and (3) of subsection (b), as designated by paragraph (2), as paragraphs (1) and (2);

Applicability.

(4) in subsection (c), as redesignated by paragraph (1), by striking “subsection (a)(3)” and inserting “subsection (b)(2)”; and

(5) by adding at the end the following new subsection:

“(d)(1) In prescribing regulations to carry out this subchapter, the Secretary shall provide that in the case of a State that seeks assistance under this subchapter for a project described in subsection (a)(3)(B), the determination of the unmet need for beds for State homes in that State shall be reduced by the number of beds in all previous applications submitted by that State under this subchapter, including beds which have not been recognized by the Secretary under section 1741 of this title.

“(2)(A) Financial assistance under this subchapter for a renovation project may only be provided for a project for which the total cost of construction is in excess of \$400,000 (as adjusted from time-to-time in such regulations to reflect changes in costs of construction).

“(B) For purposes of this paragraph, a renovation project is a project to remodel or alter existing buildings for which financial assistance under this subchapter may be provided and does not include maintenance and repair work which is the responsibility of the State.”.

(b) APPLICATIONS WITH RESPECT TO PROJECTS.—Section 8135 is amended—

(1) in subsection (a)—

(A) by striking “set forth—” in the matter preceding paragraph (1) and inserting “set forth the following.”;

(B) by capitalizing the first letter of the first word in each of paragraphs (1) through (9);

(C) by striking the comma at the end of each of paragraphs (1) through (7) and inserting a period; and

(D) by striking “, and” at the end of paragraph (8) and inserting a period;

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Any State seeking to receive assistance under this subchapter for a project that would involve construction or acquisition of either nursing home or domiciliary facilities shall include with its application under subsection (a) the following:

“(A) Documentation (i) that the site for the project is in reasonable proximity to a sufficient concentration and population of veterans who are 65 years of age and older, and (ii) that there is a reasonable basis to conclude that the facilities when complete will be fully occupied.

“(B) A financial plan for the first three years of operation of such facilities.

“(C) A five-year capital plan for the State home program for that State.

“(2) Failure to provide adequate documentation under paragraph (1)(A) or to provide an adequate financial plan under paragraph (1)(B) shall be a basis for disapproving the application.”; and

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “for a grant under subsection (a) of this section” in the matter preceding

subparagraph (A) and inserting “under subsection (a) for financial assistance under this subchapter”;

(B) in paragraph (2)—

(i) by striking “the construction or acquisition of” in subparagraph (A); and

(ii) by striking subparagraphs (B), (C), and (D) and inserting the following:

“(B) An application from a State for a project at an existing facility to remedy a condition or conditions that have been cited by an accrediting institution, by the Secretary, or by a local licensing or approving body of the State as being threatening to the lives or safety of the patients in the facility.

“(C) An application from a State that has not previously applied for award of a grant under this subchapter for construction or acquisition of a State nursing home.

“(D) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a great need for the beds to be established at such home or facility.

“(E) An application from a State for renovations to a State home facility other than renovations described in subparagraph (B).

“(F) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a significant need for the beds to be established at such home or facility.

“(G) An application that meets other criteria as the Secretary determines appropriate and has established in regulations.

“(H) An application for construction or acquisition of a nursing home or domiciliary from a State that the Secretary determines, in accordance with regulations under this subchapter, has a limited need for the beds to be established at such home or facility.”; and

(C) in paragraph (3), by striking subparagraph (A) and inserting the following:

“(A) may not accord any priority to a project for the construction or acquisition of a hospital; and”.

38 USC 8135  
note.

(c) TRANSITION.—(1) The provisions of sections 8134 and 8135 of title 38, United States Code, as in effect on November 10, 1999, shall continue in effect after that date with respect to applications described in section 8135(b)(2)(A) of such title, as in effect on that date, that are identified in paragraph (2) (and to projects and grants pursuant to those applications). The Secretary shall accord priority among those applications in the order listed in paragraph (2).

(2) Applications covered by paragraph (1) are the following:

(A) Any application for a fiscal year 1999 priority one project.

(B) Any application for a fiscal year 2000 priority one project that was submitted by a State that (i) did not receive grant funds from amounts appropriated for fiscal year 1999 under the State home grant program, and (ii) does not have any fiscal year 1999 priority one projects.

(3) For purposes of this subsection—

(A) the term “fiscal year 1999 priority one project” means a project on the list of approved projects established by the Secretary on October 29, 1998, under section 8135(b)(4) of title 38, United States Code, as in effect on that date that (pursuant to section 8135(b)(2)(A) of that title) is in the grouping of projects on that list designated as Priority Group 1;

(B) the term “fiscal year 2000 priority one project” means a project on the list of approved projects established by the Secretary on November 3, 1999, under section 8135(b)(4) of title 38, United States Code, as in effect on that date that (pursuant to section 8135(b)(2)(A) of that title) is in the grouping of projects on that list designated as Priority Group 1; and

(C) the term “State home grant program” means the grant program under subchapter III of chapter 81 of title 38, United States Code.

(d) EFFECTIVE DATE FOR INITIAL REGULATIONS.—The Secretary shall prescribe the initial regulations under subsection (a) of section 8134 of title 38, United States Code, as added by subsection (a), not later than April 30, 2000.

38 USC 8134  
note.

**SEC. 208. EXPANSION OF ENHANCED-USE LEASE AUTHORITY.**

(a) AUTHORITY.—Section 8162(a)(2) is amended—

(1) by striking “only if the Secretary” and inserting “only if—

“(A) the Secretary”;

(2) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and realigning those clauses so as to be four ems from the left margin;

(3) by striking the period at the end of clause (iii), as so redesignated, and inserting “; or”; and

(4) by adding at the end the following:

“(B) the Secretary determines that the implementation of a business plan proposed by the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(b) TERM OF ENHANCED-USE LEASE.—Section 8162(b) is amended—

(1) in paragraph (2), by striking “may not exceed—” and all that follows and inserting “may not exceed 75 years.”; and

(2) by striking paragraph (4) and inserting the following:

“(4) The terms of an enhanced-use lease may provide for the Secretary to—

“(A) obtain facilities, space, or services on the leased property; and

“(B) use minor construction funds for capital contribution payments.”.

(c) DESIGNATION OF PROPERTY PROPOSED TO BE LEASED.—

(1) Subsection (b) of section 8163 is amended—

(A) by striking “include—” and inserting “include the following.”;

(B) by capitalizing the first letter of the first word of each of paragraphs (1), (2), (3), (4), and (5);

(C) by striking the semicolon at the end of paragraphs (1), (2), and (3) and inserting a period; and

(D) by striking subparagraphs (A), (B), and (C) of paragraph (4) and inserting the following:

“(A) would—

“(i) contribute in a cost-effective manner to the mission of the Department;

“(ii) not be inconsistent with the mission of the Department;

“(iii) not adversely affect the mission of the Department; and

“(iv) affect services to veterans; or

“(B) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(2) Subparagraph (E) of subsection (c)(1) of that section is amended by striking clauses (i), (ii), and (iii) and inserting the following:

“(i) would—

“(I) contribute in a cost-effective manner to the mission of the Department;

“(II) not be inconsistent with the mission of the Department;

“(III) not adversely affect the mission of the Department; and

“(IV) affect services to veterans; or

“(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.”.

(d) USE OF PROCEEDS.—Section 8165(a) is amended by striking paragraph (1) and inserting the following:

“(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall be deposited in the Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title.”.

(e) EXTENSION OF AUTHORITY.—Section 8169 is amended by striking “December 31, 2001” and inserting “December 31, 2011”.

(f) TRAINING AND OUTREACH REGARDING AUTHORITY.—The Secretary shall take appropriate actions to provide training and outreach to personnel at Department medical centers regarding the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code. The training and outreach shall address methods of approaching potential lessees in the medical or commercial sectors regarding the possibility of entering into leases under that authority and other appropriate matters.

(g) INDEPENDENT ANALYSIS OF OPPORTUNITIES FOR USE OF AUTHORITY.—(1) The Secretary shall take appropriate actions to secure from an appropriate entity (or entities) independent of the Department an analysis (or analyses) of opportunities for the use of the enhanced-use lease authority under subchapter V of chapter 81 of title 38, United States Code.

(2) An analysis under paragraph (1) shall include—

(A) a survey of facilities of the Department for purposes of identifying Department property that presents an opportunity for lease under the enhanced-use lease authority;

(B) an assessment of the feasibility of entering into enhanced-use leases under that authority in the case of any

38 USC 8161  
note.

38 USC 8161  
note.



property identified under subparagraph (A) as presenting an opportunity for such lease; and

(C) an assessment of the resources required at the Department facilities concerned, and at the Department Central Office, in order to facilitate the entering into of enhanced-used leases in the case of property so identified.

(3) If as a result of a survey under paragraph (2)(A) an entity carrying out an analysis under this subsection determines that a particular Department property presents no opportunities for lease under the enhanced-use lease authority, the analysis shall include the entity's explanation of that determination.

(4) If as a result of such a survey an entity carrying out an analysis under this subsection determines that certain Department property presents an opportunity for lease under the enhanced-use lease authority, the analysis shall include a single integrated business plan, developed by the entity, that addresses the strategy and resources necessary to implement the plan for all property determined to present an opportunity for such lease.

**SEC. 209. INELIGIBILITY FOR EMPLOYMENT BY VETERANS HEALTH ADMINISTRATION OF HEALTH CARE PROFESSIONALS WHO HAVE LOST LICENSE TO PRACTICE IN ONE JURISDICTION WHILE STILL LICENSED IN ANOTHER JURISDICTION.**

Section 7402 is amended by adding at the end the following new subsection:

“(f) A person may not be employed in a position under subsection (b) (other than under paragraph (4) of that subsection) if—

“(1) the person is or has been licensed, registered, or certified (as applicable to such position) in more than one State; and

“(2) either—

“(A) any of those States has terminated such license, registration, or certification for cause; or

“(B) the person has voluntarily relinquished such license, registration, or certification in any of those States after being notified in writing by that State of potential termination for cause.”.

**SEC. 210. REPORT ON COORDINATION OF PROCUREMENT OF PHARMACEUTICALS AND MEDICAL SUPPLIES BY THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.**

(a) **REQUIREMENT.**—Not later than July 31, 2000, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and Armed Services of the House of Representatives a report on the cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

Deadline.

(b) **REPORT ELEMENTS.**—The report under subsection (a) shall include the following:

(1) A description of the current cooperation between the Department of Veterans Affairs and the Department of Defense in the procurement of pharmaceuticals and medical supplies.

(2) An assessment of the means by which cooperation between the departments in such procurement could be enhanced or improved.

(3) A description of any existing memoranda of agreement between the Department of Veterans Affairs and the Department of Defense that provide for the cooperation referred to in subsection (a).

(4) A description of the effects, if any, such agreements will have on current staffing levels at the Defense Supply Center in Philadelphia, Pennsylvania, and the Department of Veterans Affairs National Acquisition Center in Hines, Illinois.

(5) A description of the effects, if any, of such cooperation on military readiness.

(6) A comprehensive assessment of cost savings realized and projected over the five fiscal year period beginning in fiscal year 1999 for the Department of Veterans Affairs and the Department of Defense as a result of such cooperation, and the overall savings to the Treasury of the United States as a result of such cooperation.

(7) A list of the types of medical supplies and pharmaceuticals for which cooperative agreements would not be appropriate and the reason or reasons therefor.

(8) An assessment of the extent to which cooperative agreements could be expanded to include medical equipment, major systems, and durable goods used in the delivery of health care by the Department of Veterans Affairs and the Department of Defense.

(9) A description of the effects such agreements might have on distribution of items purchased cooperatively by the Department of Veterans Affairs and the Department of Defense, particularly outside the continental United States.

(10) An assessment of the potential to establish common pharmaceutical formularies between the Department of Veterans Affairs and the Department of Defense.

(11) An explanation of the current Uniform Product Number (UPN) requirements of each Department and of any planned standardization of such requirements between the Departments for medical equipment and durable goods manufacturers.

**SEC. 211. REIMBURSEMENT OF MEDICAL EXPENSES OF VETERANS LOCATED IN ALASKA.**

(a) **PRESERVATION OF CURRENT REIMBURSEMENT RATES.**—Notwithstanding any other provision of law, the Secretary shall, for purposes of reimbursing veterans in Alaska for medical expenses under section 1728 of title 38, United States Code, during the one-year period beginning on the date of the enactment of this Act, use the fee-for-service payment schedule in effect for such purposes on July 31, 1999, rather than the Participating Physician Fee Schedule under the Medicare program.

Deadline.

(b) **REPORT.**—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Secretary of Health and Human Services shall jointly submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report and recommendation on the use of the Participating Physician Fee Schedule under the Medicare program as a means of calculating reimbursement rates for medical

expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

(2) The report shall—

(A) assess the differences between health care costs in Alaska and health care costs in the continental United States;

(B) describe any differences between the costs of providing health care in Alaska and the reimbursement rates for the provision of health care under the Participating Physician Fee Schedule; and

(C) assess the effects on health care for veterans in Alaska of implementing the Participating Physician Fee Schedule as a means of calculating reimbursement rates for medical expenses of veterans located in Alaska under section 1728 of title 38, United States Code.

### **TITLE III—MISCELLANEOUS MEDICAL PROVISIONS**

#### **SEC. 301. REVIEW OF PROPOSED CHANGES TO OPERATION OF MEDICAL FACILITIES.**

Section 8110 is amended by adding at the end the following new subsections:

“(d) The Secretary may not in any fiscal year close more than 50 percent of the beds within a bed section (of 20 or more beds) of a Department medical center unless the Secretary first submits to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report providing a justification for the closure. No action to carry out such closure may be taken after the submission of such report until the end of the 21-day period beginning on the date of the submission of the report.

Reports.

“(e) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives, not later than January 20 of each year, a report documenting by network for the preceding fiscal year the following:

Deadline.  
Reports.

“(1) The number of medical service and surgical service beds, respectively, that were closed during that fiscal year and, for each such closure, a description of the changes in delivery of services that allowed such closure to occur.

“(2) The number of nursing home beds that were the subject of a mission change during that fiscal year and the nature of each such mission change.

“(f) For purposes of this section:

“(1) The term ‘closure’, with respect to beds in a medical center, means ceasing to provide staffing for, and to operate, those beds. Such term includes converting the provision of such bed care from care in a Department facility to care under contract arrangements.

“(2) The term ‘bed section’, with respect to a medical center, means psychiatric beds (including beds for treatment of substance abuse and post-traumatic stress disorder), intermediate, neurology, and rehabilitation medicine beds, extended care (other than nursing home) beds, and domiciliary beds.

“(3) The term ‘justification’, with respect to closure of beds, means a written report that includes the following:

“(A) An explanation of the reasons for the determination that the closure is appropriate and advisable.

“(B) A description of the changes in the functions to be carried out and the means by which such care and services would continue to be provided to eligible veterans.

“(C) A description of the anticipated effects of the closure on veterans and on their access to care.”.

#### **SEC. 302. PATIENT SERVICES AT DEPARTMENT FACILITIES.**

Section 7803 is amended—

(1) in subsection (a)—

(A) by striking “(a)” before “The canteens”; and

(B) by striking “in this subsection;” and all that follows through “the premises” and inserting “in this section”; and

(2) by striking subsection (b).

38 USC 1710  
note.  
Deadline.

#### **SEC. 303. CHIROPRACTIC TREATMENT.**

(a) **ESTABLISHMENT OF PROGRAM.**—Not later than 120 days after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs, after consultation with chiropractors, shall establish a policy for the Veterans Health Administration regarding the role of chiropractic treatment in the care of veterans under chapter 17 of title 38, United States Code.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term “chiropractic treatment” means the manual manipulation of the spine performed by a chiropractor for the treatment of such musculo-skeletal conditions as the Secretary considers appropriate.

(2) The term “chiropractor” means an individual who—

(A) is licensed to practice chiropractic in the State in which the individual performs chiropractic services; and

(B) holds the degree of doctor of chiropractic from a chiropractic college accredited by the Council on Chiropractic Education.

#### **SEC. 304. DESIGNATION OF HOSPITAL BED REPLACEMENT BUILDING AT IOANNIS A. LOUGARIS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, RENO, NEVADA.**

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the “Jack Streeter Building”. Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Jack Streeter Building.

## **TITLE IV—CONSTRUCTION AND FACILITIES MATTERS**

#### **SEC. 401. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.**

The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount specified for that project:

(1) Construction of a long-term care facility at the Department of Veterans Affairs Medical Center, Lebanon, Pennsylvania, in an amount not to exceed \$14,500,000.

(2) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Fargo, North Dakota, in an amount not to exceed \$12,000,000.

(3) Construction of a surgical suite and post-anesthesia care unit at the Department of Veterans Affairs Medical Center, Kansas City, Missouri, in an amount not to exceed \$13,000,000.

(4) Renovations and environmental improvements at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed \$12,400,000.

(5) Demolition of buildings at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center, Leavenworth, Kansas, in an amount not to exceed \$5,600,000.

(6) Renovation to provide a domiciliary at Orlando, Florida, in a total amount not to exceed \$2,400,000, to be derived only from funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation.

**SEC. 402. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.**

The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of an outpatient clinic, Lubbock, Texas, in an amount not to exceed \$1,112,000.

(2) Lease of a research building, San Diego, California, in an amount not to exceed \$1,066,500.

**SEC. 403. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2000 and for fiscal year 2001—

(1) for the Construction, Major Projects, account \$57,500,000 for the projects authorized in paragraphs (1) through (5) of section 401; and

(2) for the Medical Care account, \$2,178,500 for the leases authorized in section 402.

(b) **LIMITATION.**—The projects authorized in paragraphs (1) through (5) of section 401 may only be carried out using—

(1) funds appropriated for fiscal year 2000 or fiscal year 2001 pursuant to the authorization of appropriations in subsection (a);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2000 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2000 for a category of activity not specific to a project.

## **TITLE V—BENEFITS AND EMPLOYMENT MATTERS**

### **Subtitle A—Compensation and DIC**

**SEC. 501. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF FORMER PRISONERS OF WAR.**

John William  
Rolen Act.

(a) **SHORT TITLE.**—This section may be cited as the “John William Rolen Act”.

38 USC 101 note.

(b) **ELIGIBILITY.**—Section 1318(b) is amended—

(1) by striking “that either—” in the matter preceding paragraph (1) and inserting “rated totally disabling if—”;

- (2) in paragraph (1)—
  - (A) by inserting “the disability” after “(1)”; and
  - (B) by striking “or” after “death;”;
- (3) in paragraph (2)—
  - (A) by striking “if so rated for a lesser period, was so rated continuously” and inserting “the disability was continuously rated totally disabling”; and
  - (B) by striking the period at the end and inserting “; or”; and
- (4) by adding at the end the following new paragraph:
 

“(3) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally disabling for a period of not later than one year immediately preceding death.”.

**SEC. 502. REINSTATEMENT OF CERTAIN BENEFITS FOR REMARRIED SURVIVING SPOUSES OF VETERANS UPON TERMINATION OF THEIR REMARRIAGE.**

(a) **RESTORATION OF PRIOR ELIGIBILITY.**—Section 103(d) is amended—

- (1) by inserting “(1)” after “(d)”; and
- (2) by adding at the end the following:
 

“(2) The remarriage of the surviving spouse of a veteran shall not bar the furnishing of benefits specified in paragraph (5) to such person as the surviving spouse of the veteran if the remarriage has been terminated by death or divorce unless the Secretary determines that the divorce was secured through fraud or collusion.

“(3) If the surviving spouse of a veteran ceases living with another person and holding himself or herself out openly to the public as that person’s spouse, the bar to granting that person benefits as the surviving spouse of the veteran shall not apply in the case of the benefits specified in paragraph (5).

“(4) The first month of eligibility for benefits for a surviving spouse by reason of this subsection shall be the month after—

“(A) the month of the termination of such remarriage, in the case of a surviving spouse described in paragraph (2); or

“(B) the month of the cessation described in paragraph (3), in the case of a surviving spouse described in that paragraph.

“(5) Paragraphs (2) and (3) apply with respect to benefits under the following provisions of this title:

“(A) Section 1311, relating to dependency and indemnity compensation.

“(B) Section 1713, relating to medical care for survivors and dependents of certain veterans.

“(C) Chapter 35, relating to educational assistance.

“(D) Chapter 37, relating to housing loans.”.

(b) **CONFORMING AMENDMENT.**—Section 1311 is amended by striking subsection (e).

38 USC 103 note. (c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on the first day of the first month beginning after the month in which this Act is enacted.

38 USC 103 note. (d) **LIMITATION.**—No payment may be made to a person by reason of paragraphs (2) and (3) of section 103(d) of title 38, United States Code, as added by subsection (a), for any period before the effective date specified in subsection (c).

**SEC. 503. PRESUMPTION THAT BRONCHIOLO-ALVEOLAR CARCINOMA IS SERVICE-CONNECTED.**

Section 1112(c)(2) is amended by adding at the end the following new subparagraph:

“(P) Bronchiolo-alveolar carcinoma.”.

## **Subtitle B—Employment**

**SEC. 511. CLARIFICATION OF VETERANS’ CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.**

(a) COORDINATION OF AMENDMENTS.—If the Federal Reserve Board Retirement Portability Act is enacted before this Act, the amendments made by subsection (b) shall be made and the amendments made by subsection (c) shall not be made. Otherwise, the amendments made by subsection (c) shall be made and the amendments made by subsection (b) and the amendments made by section 204 of the Federal Reserve Board Retirement Portability Act shall not be made.

(b) CLARIFICATION OF CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.—Subject to subsection (a), section 3304(f) of title 5, United States Code, as amended by section 204 of the Federal Reserve Board Retirement Portability Act, is amended—

(1) in paragraph (2), as added by such section, by striking “shall acquire competitive status and”; and

(2) by adding at the end the following new paragraph:

“(5) The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection. The regulations shall ensure that an individual who has completed an initial tour of active duty is not excluded from the application of this subsection because of having been released from such tour of duty shortly before completing 3 years of active service, having been honorably released from such duty.”.

Regulations.

(c) CLARIFICATION OF CIVIL SERVICE EMPLOYMENT OPPORTUNITIES.—Subject to subsection (a), section 3304(f) of title 5, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) If selected, a preference eligible or veteran described in paragraph (1) shall receive a career or career-conditional appointment, as appropriate.”; and

(4) by adding at the end the following new paragraph:

“(5) The Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection. The regulations shall ensure that an individual who has completed an initial tour of active duty is not excluded from the application of this subsection because of having been released from such tour of duty shortly before completing 3 years of active service, having been honorably released from such duty.”.

Regulations.

(d) EFFECTIVE DATE.—(1) If pursuant to subsection (a) the amendments specified in subsection (b) are made, those amendments shall apply as if included in section 204 of the Federal Reserve Board Retirement Portability Act.

Applicability.

5 USC 3304 note.

(2) If pursuant to subsection (a) the amendments specified in subsection (c) are made, those amendments shall take effect as of October 31, 1998, as if included in subsection (f) of section 3304 of title 5, United States Code, as enacted by section 2 of the Veterans Employment Opportunities Act of 1998 (Public Law 105–339; 112 Stat. 3182).

## **TITLE VI—MEMORIAL AFFAIRS MATTERS**

### **Subtitle A—American Battle Monuments Commission**

#### **SEC. 601. CODIFICATION AND EXPANSION OF AUTHORITY FOR WORLD WAR II MEMORIAL.**

(a) CODIFICATION OF EXISTING AUTHORITY; EXPANSION OF AUTHORITY.—(1) Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

##### **“§ 2113. World War II memorial in the District of Columbia**

“(a) SOLICITATION AND ACCEPTANCE OF CONTRIBUTIONS.—(1) Consistent with its authority under section 2103(e) of this title, the American Battle Monuments Commission shall solicit and accept contributions for the World War II memorial.

“(2) In this section, the term ‘World War II memorial’ means the memorial authorized by Public Law 103–32 (40 U.S.C. 1003 note) to be established by the Commission on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in World War II and to commemorate the participation of the United States in that war.

“(b) CREATION OF MEMORIAL FUND.—(1) There is hereby created in the Treasury a fund for the World War II memorial, which shall consist of the following:

“(A) Amounts deposited, and interest and proceeds credited, under paragraph (2).

“(B) Obligations obtained under paragraph (3).

“(C) The amount of surcharges paid to the Commission for the World War II memorial under the World War II 50th Anniversary Commemorative Coins Act (31 U.S.C. 5112 note).

“(D) Amounts borrowed using the authority provided under subsection (d).

“(E) Any funds received by the Commission under section 2114 of this title in exchange for use of, or the right to use, any mark, copyright or patent.

“(2) The Chairman of the Commission shall deposit in the fund the amounts accepted as contributions under subsection (a). The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund.

“(3) The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Chairman, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that,



as determined by the Chairman, has a maturity suitable for the fund.

“(c) USE OF FUND.—The fund shall be available to the Commission—

“(1) for the expenses of establishing the World War II memorial, including the maintenance and preservation amount provided for in section 8(b) of the Commemorative Works Act (40 U.S.C. 1008(b));

“(2) for such other expenses, other than routine maintenance, with respect to the World War II memorial as the Commission considers warranted; and

“(3) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, or licensed to the Commission under section 2114 of this title to aid or facilitate the construction of the World War II memorial.

“(d) SPECIAL BORROWING AUTHORITY.—(1) To assure that groundbreaking, construction, and dedication of the World War II memorial are carried out on a timely basis, the Commission may borrow money from the Treasury of the United States in such amounts as the Commission considers necessary, but not to exceed a total of \$65,000,000. Borrowed amounts shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the month in which the obligations of the Commission are issued. The interest payments on such obligations may be deferred with the approval of the Secretary, but any interest payment so deferred shall also bear interest.

“(2) The borrowing of money by the Commission under paragraph (1) shall be subject to such maturities, terms, and conditions as may be agreed upon by the Commission and the Secretary, except that the maturities may not exceed 20 years and such borrowings may be redeemable at the option of the Commission before maturity.

“(3) The obligations of the Commission shall be issued in amounts and at prices approved by the Secretary. The authority of the Commission to issue obligations under this subsection shall remain available without fiscal year limitation. The Secretary of the Treasury shall purchase any obligations of the Commission to be issued under this subsection, and for such purpose the Secretary of the Treasury may use as a public debt transaction of the United States the proceeds from the sale of any securities issued under chapter 31 of title 31. The purposes for which securities may be issued under such chapter are extended to include any purchase of the Commission's obligations under this subsection.

“(4) Repayment of the interest and principal on any funds borrowed by the Commission under paragraph (1) shall be made from amounts in the fund. The Commission may not use for such purpose any funds appropriated for any other activities of the Commission.

“(e) TREATMENT OF BORROWING AUTHORITY.—In determining whether the Commission has sufficient funds to complete construction of the World War II memorial, as required by section 8 of the Commemorative Works Act (40 U.S.C. 1008), the Secretary of the Interior shall consider the funds that the Commission may borrow from the Treasury under subsection (d) as funds available

to complete construction of the memorial, whether or not the Commission has actually exercised the authority to borrow such funds.

“(f) VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, the Commission may accept from any person voluntary services to be provided in furtherance of the fund-raising activities of the Commission relating to the World War II memorial.

“(2) A person providing voluntary services under this subsection shall be considered to be a Federal employee for purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and chapter 171 of title 28, relating to tort claims. A volunteer who is not otherwise employed by the United States shall not be considered to be a Federal employee for any other purpose by reason of the provision of such voluntary service, except that any volunteer given responsibility for the handling of funds or the carrying out of a Federal function is subject to the conflict of interest laws contained in chapter 11 of title 18 and the administrative standards of conduct contained in part 2635 of title 5 of the Code of Federal Regulations.

“(3) The Commission may provide for reimbursement of incidental expenses that are incurred by a person providing voluntary services under this subsection. The Commission shall determine those expenses that are eligible for reimbursement under this paragraph.

“(4) Nothing in this subsection shall be construed to require any Federal employee to work without compensation or to allow the use of volunteer services to displace or replace any Federal employee.

“(g) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the World War II memorial is not a funding agreement as that term is defined in section 201 of title 35.

Expiration date.

“(h) EXTENSION OF AUTHORITY TO ESTABLISH MEMORIAL.—Notwithstanding section 10 of the Commemorative Works Act (40 U.S.C. 1010), the authority for the construction of the World War II memorial provided by Public Law 103-32 (40 U.S.C. 1003 note) expires on December 31, 2005.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2113. World War II memorial in the District of Columbia.”.

36 USC 2113  
note.

(b) CONFORMING AMENDMENTS.—Public Law 103-32 (40 U.S.C. 1003 note) is amended by striking sections 3, 4, and 5.

(c) EFFECT OF REPEAL OF CURRENT MEMORIAL FUND.—Upon the enactment of this Act, the Secretary of the Treasury shall transfer amounts in the fund created by section 4(a) of Public Law 103-32 (40 U.S.C. 1003 note) to the fund created by section 2113(b) of title 36, United States Code, as added by subsection (a).

#### **SEC. 602. GENERAL AUTHORITY TO SOLICIT AND RECEIVE CONTRIBUTIONS.**

Subsection (e) of section 2103 of title 36, United States Code, is amended to read as follows:

“(e) SOLICITATION AND RECEIPT OF CONTRIBUTIONS.—(1) The Commission may solicit and receive funds and in-kind donations and gifts from any State, municipal, or private source to carry

out the purposes of this chapter. The Commission shall deposit such funds in a separate account in the Treasury. Funds from that account shall be disbursed upon vouchers approved by the Chairman of the Commission.

“(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds and in-kind donations and gifts under paragraph (1) would—

Guidelines.

“(A) reflect unfavorably on the ability of the Commission, or any member or employee of the Commission, to carry out the responsibilities or official duties of the Commission in a fair and objective manner; or

“(B) compromise the integrity or the appearance of the integrity of the programs of the Commission or any official involved in those programs.”.

#### SEC. 603. INTELLECTUAL PROPERTY AND RELATED ITEMS.

(a) IN GENERAL.—Chapter 21 of title 36, United States Code, as amended by section 601(a)(1), is further amended by adding at the end the following new section:

##### “§ 2114. Intellectual property and related items

“(a) AUTHORITY TO USE AND REGISTER INTELLECTUAL PROPERTY.—The American Battle Monuments Commission may—

“(1) adopt, use, register, and license trademarks, service marks, and other marks;

“(2) obtain, use, register, and license the use of copyrights consistent with section 105 of title 17;

“(3) obtain, use, and license patents; and

“(4) accept gifts of marks, copyrights, patents, and licenses for use by the Commission.

“(b) AUTHORITY TO GRANT LICENSES.—The Commission may grant exclusive and nonexclusive licenses in connection with any mark, copyright, patent, or license for the use of such mark, copyright or patent, except to the extent the grant of such license by the Commission would be contrary to any contract or license by which the use of the mark, copyright, or patent was obtained.

“(c) ENFORCEMENT AUTHORITY.—The Commission may enforce any mark, copyright, or patent by an action in the district courts under any law providing for the protection of such marks, copyrights, or patents.

“(d) LEGAL REPRESENTATION.—The Attorney General shall furnish the Commission with such legal representation as the Commission may require under subsection (c). The Secretary of Defense shall provide representation for the Commission in administrative proceedings before the Patent and Trademark Office and Copyright Office.

“(e) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17 shall not apply to any copyright transferred in any manner to the Commission.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 601(a)(2), is further amended by adding at the end the following new item:

“2114. Intellectual property and related items.”.

**SEC. 604. TECHNICAL AMENDMENTS.**

Chapter 21 of title 36, United States Code, is amended as follows:

- (1) Section 2101(b) is amended—
  - (A) by striking “title 37, United States Code,” in paragraph (2) and inserting “title 37”; and
  - (B) by striking “title 5, United States Code,” in paragraph (3) and inserting “title 5”.
- (2) Section 2102(a)(1) is amended, by striking “title 5, United States Code” and inserting “title 5”.
- (3) Section 2103 is amended—
  - (A) by striking “title 31, United States Code” in subsection (h)(2)(A)(i) and inserting “title 31”; and
  - (B) by striking “title 44, United States Code” in subsection (i) and inserting “title 44”; and
  - (C) by striking “chairman” each place it appears and inserting “Chairman”.

## Subtitle B—National Cemeteries

38 USC 2400  
note.

**SEC. 611. ESTABLISHMENT OF ADDITIONAL NATIONAL CEMETERIES.**

(a) **ESTABLISHMENT.**—The Secretary shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in each of the six areas in the United States that the Secretary determines to be most in need of such a cemetery to serve the needs of veterans and their families.

(b) **OBLIGATION OF FUNDS IN FISCAL YEAR 2000.**—The Secretary shall obligate, from the advance planning fund in the Construction, Major Projects account appropriated to the Department for fiscal year 2000, such amounts for costs that the Secretary estimates are required for the planning and commencement of the establishment of national cemeteries under this section.

Deadlines.

(c) **REPORTS.**—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemeteries under subsection (a). The report shall set forth the following:

(A) The six areas of the United States determined by the Secretary to be most in need of the establishment of a new national cemetery.

(B) A schedule for such establishment.

(C) An estimate of the costs associated with such establishment.

(D) The amount obligated from the advance planning fund under subsection (b).

(2) Not later than one year after the date on which the report described in paragraph (1) is submitted, and annually thereafter until the establishment of the national cemeteries under subsection (a) is complete, the Secretary shall submit to Congress a report that updates the information included in the report described in paragraph (1).

38 USC 2404  
note.

**SEC. 612. USE OF FLAT GRAVE MARKERS AT SANTA FE NATIONAL CEMETERY, NEW MEXICO.**

Notwithstanding section 2404(c)(2) of title 38, United States Code, the Secretary may provide for flat grave markers at the Santa Fe National Cemetery, New Mexico.

**SEC. 613. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' CEMETERIES.**38 USC 2404  
note.

(a) **STUDY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into a contract with one or more qualified organizations to conduct a study of national cemeteries described in subsection (b). For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

Deadline.  
Contracts.

(b) **MATTERS STUDIED.**—(1) The study conducted pursuant to the contract entered into under subsection (a) shall include an assessment of each of the following:

(A) The one-time repairs required at each national cemetery under the jurisdiction of the National Cemetery Administration of the Department of Veterans Affairs to ensure a dignified and respectful setting appropriate to such cemetery, taking into account the variety of age, climate, and burial options at individual national cemeteries.

(B) The feasibility of making standards of appearance of active national cemeteries, and the feasibility of making standards of appearance of closed national cemeteries, commensurate with standards of appearance of the finest cemeteries in the world.

(C) The number of additional national cemeteries that will be required for the interment and memorialization in such cemeteries of individuals qualified under chapter 24 of title 38, United States Code, who die after 2005.

(D) The advantages and disadvantages of the use by the National Cemetery Administration of flat grave markers and upright grave markers.

(E) The current condition of flat grave marker sections at each of the national cemeteries.

(2) In presenting the assessment of additional national cemeteries required under paragraph (1)(C), the report shall identify by five-year period, beginning with 2005 and ending with 2020, the following:

(A) The number of additional national cemeteries required during each such five-year period.

(B) With respect to each such five-year period, the areas in the United States with the greatest concentration of veterans whose needs are not served by national cemeteries or State veterans' cemeteries.

(c) **REPORT.**—(1) Not later than one year after the date on which a qualified organization enters into a contract under subsection (a), the organization shall submit to the Secretary a report setting forth the results of the study conducted and conclusions of the organization with respect to such results.

Deadlines.

(2) Not later than 120 days after the date on which a report is submitted under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a copy of the report, together with any comments on the report that the Secretary considers appropriate.

## Subtitle C—Burial Benefits

### SEC. 621. INDEPENDENT STUDY ON IMPROVEMENTS TO VETERANS' BURIAL BENEFITS.

Deadline.  
Contracts.

(a) **STUDY.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall enter into a contract with one or more qualified organizations to conduct a study of burial benefits under chapter 23 of title 38, United States Code. For purposes of this section, an entity of Federal, State, or local government is not a qualified organization.

(b) **MATTERS STUDIED.**—The study conducted pursuant to the contract entered into under subsection (a) shall include consideration of the following:

(1) An assessment of the adequacy and effectiveness of the burial benefits administered by the Secretary under chapter 23 of title 38, United States Code, in meeting the burial needs of veterans and their families.

(2) Options to better serve the burial needs of veterans and their families, including modifications to burial benefit amounts and eligibility, together with the estimated cost for each such modification.

(3) Expansion of the authority of the Secretary to provide burial benefits for burials in private-sector cemeteries and to make grants to private-sector cemeteries.

Deadlines.

(c) **REPORT.**—(1) Not later than 120 days after the date on which a qualified organization enters into a contract under subsection (a), the organization shall submit to the Secretary a report setting forth the results of the study conducted and conclusions of the organization with respect to those results.

(2) Not later than 60 days after the date on which a report is submitted under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments on the report that the Secretary considers appropriate.

## TITLE VII—EDUCATION AND HOUSING MATTERS

### Subtitle A—Education Matters

#### SEC. 701. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS FOR PREPARATORY COURSES FOR COLLEGE AND GRADUATE SCHOOL ENTRANCE EXAMS.

Section 3002(3) is amended—

(1) by striking “, and” at the end of subparagraph (A) and inserting a semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) includes—

“(i) a preparatory course for a test that is required or used for admission to an institution of higher education; and

“(ii) a preparatory course for a test that is required or used for admission to a graduate school; and”.

**SEC. 702. DETERMINATION OF ELIGIBILITY PERIOD FOR MEMBERS OF THE ARMED FORCES COMMISSIONED FOLLOWING COMPLETION OF OFFICER TRAINING SCHOOL.**

(a) MEASUREMENT OF PERIOD COUNTED FOR GI BILL ELIGIBILITY.—Section 3011(f) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraph (2) or (3)”; and

(2) by adding at the end the following new paragraph:

“(3) This subsection applies to a member who after a period of continuous active duty as an enlisted member or warrant officer, and following successful completion of officer training school, is discharged in order to accept, without a break in service, a commission as an officer in the Armed Forces for a period of active duty.”.

Applicability.

(b) CONFORMING AMENDMENTS FOR TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT.—Section 3031 is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) in subsection (a)—

(A) by striking “through (e)” and inserting “through (g)”; and

(B) by striking “subsection (g)” and inserting “subsection (h)”; and

(3) by inserting after subsection (f) the following new subsection:

“(g) In the case of an individual described in section 3011(f)(3) of this title, the period during which that individual may use the individual’s entitlement to educational assistance allowance expires on the last day of the 10-year period beginning on the date of the enactment of the Veterans Millennium Health Care and Benefits Act if that date is later than the date that would otherwise be applicable to that individual under this section.”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to an individual first appointed as a commissioned officer on or after July 1, 1985.

Applicability.  
38 USC 3011  
note.

**SEC. 703. REPORT ON VETERANS’ EDUCATION AND VOCATIONAL TRAINING BENEFITS PROVIDED BY THE STATES.**

(a) REPORT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on veterans education and vocational training benefits provided by the States.

Deadlines.

(2) Benefits to be considered to be veterans education and vocational training benefits for the purpose of this section include any education or vocational training benefit provided by a State (including any political subdivision of a State) for which persons are eligible by reason of service in the Armed Forces, including, in the case of persons who died in the Armed Forces or as a result of a disease or disability incurred in the Armed Forces, benefits provided by reason of the service of those persons to their survivors or dependents.

(3) For purposes of this section, the term “veteran” includes a person serving on active duty or in one of the reserve components and a person who died while in the active military, naval, or air service.

(b) **MATTERS TO BE INCLUDED.**—The report under this section shall include the following:

(1) A description, by State, of the veterans education and vocational training benefits provided, including—

(A) identification of benefits that are provided specifically for disabled veterans or for which disabled veterans receive benefits in a different amount; and

(B) identification of benefits for which survivors of persons who died in the Armed Forces (or as a result of a disease or disability incurred in the Armed Forces) or who were disabled in the Armed Forces are eligible.

(2) For each State that provides a veterans education benefit consisting of full or partial tuition assistance for post-secondary education, a description of that benefit, including whether the benefit is limited to tuition for attendance at an institution of higher education in that State or to tuition for attendance at a public institution of higher education in that State.

(3) A description of actions and programs of the Department of Veterans Affairs, the Department of Defense, the Department of Education, and the Department of Labor to encourage the States to provide benefits designed to assist veterans in securing post-secondary education and vocational training.

(c) **CONSULTATION.**—The report under this section shall be prepared in consultation with the Secretary of Education, the Secretary of Defense, and the Secretary of Labor.

(d) **STATE DEFINED.**—For purposes of this section, the term “State” has the meaning given that term in section 101(20) of title 38, United States Code.

**SEC. 704. TECHNICAL AMENDMENTS.**

Sections 3011(i) and 3012(g)(1) are amended by striking “Federal”.

## **Subtitle B—Housing Matters**

**SEC. 711. EXTENSION OF AUTHORITY FOR HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.**

Section 3702(a)(2)(E) is amended by striking “September 30, 2003,” and inserting “September 30, 2007,”.

**SEC. 712. TECHNICAL AMENDMENT RELATING TO TRANSITIONAL HOUSING LOAN GUARANTEE PROGRAM.**

Section 3775 is amended—

(1) by inserting “(a)” before “During each”; and

(2) by adding at the end the following new subsection:

“(b) After the first three years of operation of such a multifamily transitional housing project, the Secretary may provide for periodic audits of the project.”.



## **TITLE VIII—DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATIVE MATTERS**

### **SEC. 801. ENHANCED QUALITY ASSURANCE PROGRAM WITHIN THE VETERANS BENEFITS ADMINISTRATION.**

(a) IN GENERAL.—(1) Chapter 77 is amended by adding at the end the following new subchapter:

#### **“SUBCHAPTER III—QUALITY ASSURANCE**

##### **“§ 7731. Establishment**

“(a) The Secretary shall carry out a quality assurance program in the Veterans Benefits Administration. The program may be carried out through a single quality assurance division in the Administration or through separate quality assurance entities for each of the principal organizational elements (known as ‘services’) of the Administration.

“(b) The Secretary shall ensure that any quality assurance entity established and operated under subsection (a) is established and operated so as to meet generally applicable governmental standards for independence and internal controls for the performance of quality reviews of Government performance and results.

##### **“§ 7732. Functions**

“The Under Secretary for Benefits, acting through the quality assurance entities established under section 7731(a), shall on an ongoing basis perform and oversee quality reviews of the functions of each of the principal organizational elements of the Veterans Benefits Administration.

##### **“§ 7733. Personnel**

“The Secretary shall ensure that the number of full-time employees of the Veterans Benefits Administration assigned to quality assurance functions under this subchapter is adequate to perform the quality assurance functions for which they have responsibility.

##### **“§ 7734. Annual report to Congress**

“The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the quality assurance activities carried out under this subchapter. Each such report shall include—

“(1) an appraisal of the quality of services provided by the Veterans Benefits Administration, including—

“(A) the number of decisions reviewed;

“(B) a summary of the findings on the decisions reviewed;

“(C) the number of full-time equivalent employees assigned to quality assurance in each division or entity;

“(D) specific documentation of compliance with the standards for independence and internal control required by section 7731(b) of this title; and

“(E) actions taken to improve the quality of services provided and the results obtained;

“(2) information with respect to the accuracy of decisions, including trends in that information; and

“(3) such other information as the Secretary considers appropriate.”.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“SUBCHAPTER III—QUALITY ASSURANCE

“7731. Establishment.

“7732. Functions.

“7733. Personnel.

“7734. Annual report to Congress.”.

38 USC 7731  
note.

(b) **EFFECTIVE DATE.**—Subchapter III of chapter 77 of title 38, United States Code, as added by subsection (a), shall take effect at the end of the 60-day period beginning on the date of the enactment of this Act.

**SEC. 802. EXTENSION OF AUTHORITY TO MAINTAIN A REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.**

Section 315(b) is amended by striking “December 31, 1999” and inserting “December 31, 2003”.

**SEC. 803. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.**

Section 544(e) is amended by striking “December 31, 1999” and inserting “December 31, 2003”.

**SEC. 804. TECHNICAL AMENDMENT TO AUTOMOBILE ASSISTANCE PROGRAM.**

Section 3903(e)(2) is amended by striking “(not owned by the Government)”.

## **TITLE IX—HOMELESS VETERANS PROGRAMS**

**SEC. 901. HOMELESS VETERANS’ REINTEGRATION PROGRAMS.**

(a) **IN GENERAL.**—Chapter 41 is amended by adding at the end the following new section:

**“§ 4111. Homeless veterans’ reintegration programs**

“(a) **IN GENERAL.**—The Secretary, acting through the Assistant Secretary of Labor for Veterans’ Employment and Training, shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to expedite the reintegration of homeless veterans into the labor force.

“(b) **AUTHORITY TO MONITOR EXPENDITURE OF FUNDS.**—The Secretary may collect such information as the Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section, and such information shall be furnished to the Secretary in such form as the Secretary determines appropriate.

“(c) **DEFINITION.**—For purposes of this section, the term ‘homeless veteran’ has the meaning given that term by section 3771(2) of this title.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated to carry out this section amounts as follows:

“(A) \$10,000,000 for fiscal year 2000.

“(B) \$15,000,000 for fiscal year 2001.

“(C) \$20,000,000 for fiscal year 2002.

“(D) \$20,000,000 for fiscal year 2003.

“(2) Funds obligated for any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4111. Homeless veterans’ reintegration programs.”.

**SEC. 902. EXTENSION OF PROGRAM OF HOUSING ASSISTANCE FOR HOMELESS VETERANS.**

Section 3735(c) is amended by striking “December 31, 1999” and inserting “December 31, 2003”.

**SEC. 903. HOMELESS VETERANS PROGRAMS.**

The Homeless Veterans Comprehensive Service Programs Act of 1992 (38 U.S.C. 7721 note) is amended as follows:

(1) Section 3(a)(1) is amended by inserting “, and expanding existing programs for furnishing,” after “new programs to furnish”.

(2) Section 3(a)(2) is amended by striking “September 30, 1999” and inserting “September 30, 2003”.

(3) Section 3(b)(2) is amended by striking “and no more than 20 programs which incorporate the procurement of vans as described in paragraph (1)”.

(4) Section 12 is amended in the first sentence by inserting “and \$50,000,000 for each of fiscal years 2000 and 2001” after “for fiscal years 1993 through 1997”.

**SEC. 904. PLAN FOR EVALUATION OF PERFORMANCE OF PROGRAMS TO ASSIST HOMELESS VETERANS.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report containing a detailed plan for the evaluation by the Department of Veterans Affairs of the effectiveness of programs to assist homeless veterans. The plan shall be prepared in consultation with the Secretary of Housing and Urban Development and the Secretary of Labor.

Deadline.

(b) INCLUSION OF OUTCOME MEASURES.—The plan shall include outcome measures to show whether veterans for whom housing or employment is secured through one or more of those programs continue to be housed or employed, as the case may be, after six months.

**TITLE X—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Court of Appeals for Veterans Claims Amendments of 1999”.

Court of Appeals  
for Veterans  
Claims  
Amendments of  
1999.  
38 USC 101 note.

38 USC 7296  
note.

**SEC. 1002. DEFINITION.**

In this title, the term “Court” means the United States Court of Appeals for Veterans Claims.

## **Subtitle A—Transitional Provisions To Stagger Terms of Judges**

38 USC 7296  
note.

**SEC. 1011. EARLY RETIREMENT AUTHORITY FOR CURRENT JUDGES.**

(a) **RETIREMENT AUTHORIZED.**—One eligible judge may retire in accordance with this section in 2000 or 2001, and one additional eligible judge may retire in accordance with this section in 2001.

(b) **ELIGIBLE JUDGES.**—For purposes of this section, an eligible judge is a judge of the Court (other than the chief judge) who—

(1) has at least 10 years of service creditable under section 7296 of title 38, United States Code;

(2) has made an election to receive retired pay under section 7296 of such title;

(3) has at least 20 years of service described in section 7297(l) of such title; and

(4) is at least 55 years of age.

(c) **MULTIPLE ELIGIBLE JUDGES.**—If for any year specified in subsection (a) more than one eligible judge provides notice in accordance with subsection (d), the judge who has the greatest seniority as a judge of the Court shall be the judge who is eligible to retire in accordance with this section in that year.

President.

(d) **NOTICE.**—An eligible judge who desires to retire in accordance with this section with respect to any year covered by subsection (a) shall provide to the President and the chief judge of the Court written notice to that effect and stating that the judge agrees to the temporary service requirements of subsection (j). Such notice shall be provided not later than April 1 of that year and shall specify the retirement date in accordance with subsection (e). Notice provided under this subsection shall be irrevocable.

Deadline.

(e) **DATE OF RETIREMENT.**—A judge who is eligible to retire in accordance with this section shall be retired during the calendar year as to which notice is provided pursuant to subsection (d), but not earlier than 30 days after the date on which that notice is provided pursuant to subsection (d).

(f) **APPLICABLE PROVISIONS.**—Except as provided in subsections (g) and (j), a judge retired in accordance with this section shall be considered for all purposes to be retired under section 7296(b)(1) of title 38, United States Code.

(g) **APPLICABILITY OF RECALL STATUS AUTHORITY.**—The provisions of section 7257 of this title shall apply to a judge retired in accordance with this section as if the judge is a judge specified in subsection (a)(2)(A) of that section.

(h) **RATE OF RETIRED PAY.**—The rate of retired pay for a judge retiring in accordance with this section is—

(1) the rate applicable to that judge under section 7296(c)(1) of title 38, United States Code, multiplied by

(2) the fraction (not in excess of 1) in which—

(A) the numerator is the number of years of service of the judge as a judge of the Court creditable under section 7296 of such title; and

(B) the denominator is 15.

(i) **ADJUSTMENTS IN RETIRED PAY FOR JUDGES AVAILABLE FOR RECALL.**—Subject to section 7296(f)(3)(B) of title 38, United States Code, an adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section in the case of a judge who is a recall-eligible retired judge under section 7257 of such title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability.

Applicability.

(j) **DUTY OF ACTUARY.**—Section 7298(e)(2) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) For purposes of subparagraph (B), the term ‘present value’ includes a value determined by an actuary with respect to a payment that may be made under subsection (b) from the retirement fund within the contemplation of law.”.

(k) **TRANSITIONAL SERVICE OF JUDGE RETIRED UNDER THIS SECTION.**—(1) A judge who retires under this section shall continue to serve on the Court during the period beginning on the effective date of the judge’s retirement under subsection (e) and ending on the earlier of—

(A) the date on which a person is appointed to the position on the Court vacated by the judge’s retirement; and

(B) the date on which the judge’s original appointment to the court would have expired.

(2) Subsections (f) and (g) of section 7253 of title 38, United States Code, shall apply with respect to the service of a judge on the Court under this section.

Applicability.

(3) Notwithstanding any other provision of law, a person whose service as a judge of the Court continues under this section shall be paid for the period of service under this subsection at the rate that is the difference between the current rate of pay for a judge of the Court and the rate of the judge’s retired pay under subsection (g).

(4) Amounts paid under paragraph (3)—

(A) shall not be treated as—

(i) compensation for employment with the United States for purposes of section 7296(e) of title 38, United States Code, or any provision of title 5, United States Code, relating to the receipt or forfeiture of retired pay or retirement annuities by a person accepting compensation for employment with the United States; or

(ii) pay for purposes of deductions or contributions for or on behalf of the person to retired pay under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable; but

(B) may, at the election of the person, be treated as pay for purposes of deductions or contributions for or on behalf of the person to a retirement or other annuity, or both, under subchapter V of chapter 72 of title 38, United States Code, or under chapter 83 or 84 of title 5, United States Code, as applicable.

(5) Amounts paid under paragraph (3) shall be derived from amounts available for payment of salaries and benefits of judges of the Court.

(6) The service as a judge of the Court under this subsection of a person who makes an election provided for under paragraph (4)(B) shall constitute creditable service toward the judge's years of judicial service for purposes of section 7297 of title 38, United States Code, with such service creditable at a rate equal to the rate at which such service would be creditable for such purposes if served by a judge of the Court under chapter 72 of that title. For purposes of subsection (k)(3) of that section, the average annual pay for such service shall be the sum of the judge's retired pay and the amount paid under paragraph (3) of this subsection.

(7) In the case of such a person who makes an election provided for under paragraph (4)(B), upon the termination of the service of that person as a judge of the Court under this subsection, the retired pay of that person under subsection (g) shall be recomputed to reflect the additional period of service served under this subsection.

(1) TREATMENT OF POLITICAL PARTY MEMBERSHIP.—For purposes of determining compliance with the last sentence of section 7253(b) of title 38, United States Code, the political party membership of a judge serving on the Court under subsection (j) shall not be taken into account.

38 USC 7296  
note.

**SEC. 1012. MODIFIED TERMS FOR NEXT TWO JUDGES APPOINTED TO THE COURT.**

(a) MODIFIED TERMS.—The term of office of the first two judges appointed to the Court after the date of the enactment of this Act shall be 13 years (rather than the period specified in section 7253(c) of title 38, United States Code).

(b) ELIGIBILITY FOR RETIREMENT.—(1) For purposes of determining the eligibility to retire under section 7296 of title 38, United States Code, of the two judges of the Court whose term of office is determined under subsection (a)—

Applicability.

(A) the age and service requirements in the table in paragraph (2) shall apply to those judges rather than the otherwise applicable age and service requirements specified in the table in subsection (b)(1) of that section; and

(B) the minimum years of service applicable to those judges for eligibility to retire under the first sentence of subsection (b)(2) of that section shall be 13 years instead of 15 years.

(2) The age and service requirements in this paragraph are as follows:

The judge has attained age:	And the years of service as a judge are at least
65 .....	13
66 .....	13
67 .....	13
68 .....	12
69 .....	11
70 .....	10.

## Subtitle B—Other Matters Relating to Retired Judges

**SEC. 1021. RECALL OF RETIRED JUDGES.**

(a) AUTHORITY TO RECALL RETIRED JUDGES.—Chapter 72 is amended by inserting after section 7256 the following new section:

**“§ 7257. Recall of retired judges**

“(a)(1) A retired judge of the Court may be recalled for further service on the Court in accordance with this section. To be eligible to be recalled for such service, a retired judge must at the time of the judge’s retirement provide to the chief judge of the Court (or, in the case of the chief judge, to the clerk of the Court) notice in writing that the retired judge is available for further service on the Court in accordance with this section and is willing to be recalled under this section. Such a notice provided by a retired judge is irrevocable.

“(2) For the purposes of this section—

“(A) a retired judge is a judge of the Court of Appeals for Veterans Claims who retires from the Court under section 7296 of this title or under chapter 83 or 84 of title 5; and

“(B) a recall-eligible retired judge is a retired judge who has provided a notice under paragraph (1).

“(b)(1) The chief judge may recall for further service on the Court a recall-eligible retired judge in accordance with this section. Such a recall shall be made upon written certification by the chief judge that substantial service is expected to be performed by the retired judge for such period, not to exceed 90 days (or the equivalent), as determined by the chief judge to be necessary to meet the needs of the Court.

Certification.

“(2) A recall-eligible retired judge may not be recalled for more than 90 days (or the equivalent) during any calendar year without the judge’s consent or for more than a total of 180 days (or the equivalent) during any calendar year.

“(3) If a recall-eligible retired judge is recalled by the chief judge in accordance with this section and (other than in the case of a judge who has previously during that calendar year served at least 90 days (or the equivalent) of recalled service on the court) declines (other than by reason of disability) to perform the service to which recalled, the chief judge shall remove that retired judge from the status of a recall-eligible judge.

“(4) A recall-eligible retired judge who becomes permanently disabled and as a result of that disability is unable to perform further service on the Court shall be removed from the status of a recall-eligible judge. Determination of such a disability shall be made pursuant to section 7253(g) or 7296(g) of this title.

“(c) A retired judge who is recalled under this section may exercise all of the judicial powers and duties of the office of a judge in active service.

“(d)(1) The pay of a recall-eligible retired judge who retired under section 7296 of this title is specified in subsection (c) of that section.

“(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge’s annuity under the applicable provisions of chapter 83 or 84 of title 5.

“(e)(1) Except as provided in subsection (d), a judge who is recalled under this section who retired under chapter 83 or 84 of title 5 shall be considered to be a reemployed annuitant under that chapter.

“(2) Nothing in this section affects the right of a judge who retired under chapter 83 or 84 of title 5 to serve as a reemployed annuitant in accordance with the provisions of title 5.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7256 the following new item:

“7257. Recall of retired judges.”.

#### **SEC. 1022. JUDGES’ RETIRED PAY.**

(a) IN GENERAL.—Subsection (c)(1) of section 7296 is amended by striking “at the rate of pay in effect at the time of retirement.” and inserting the following: “as follows:

“(A) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

“(B) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

“(C) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.”.

(b) COST-OF-LIVING ADJUSTMENTS.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(3)(A) A cost-of-living adjustment provided by law in annuities payable under civil service retirement laws shall apply to retired pay under this section only in the case of retired pay computed under paragraph (2) of subsection (c).

“(B) If such a cost-of-living adjustment would (but for this subparagraph) result in the retired pay of a retired judge being in excess of the annual rate of pay in effect for judges of the Court as provided in section 7253(e) of this title, such adjustment may be made only in such amount as results in the retired pay of the retired judge being equal to that annual rate of pay (as in effect on the effective date of such adjustment).”.

#### **SEC. 1023. SURVIVOR ANNUITIES.**

(a) SURVIVING SPOUSE.—Subsection (a)(5) of section 7297 is amended by striking “two years” and inserting “one year”.

(b) ELECTION TO PARTICIPATE.—Subsection (b) of such section is amended in the first sentence by inserting before the period “or within six months after the date on which the judge marries if the judge has retired under section 7296 of this title”.

(c) REDUCTION IN CONTRIBUTIONS.—Subsection (c) of such section is amended by striking “3.5 percent of the judge’s pay” and inserting “that percentage of the judge’s pay that is the same as provided for the deduction from the salary or retirement salary of a judge of the United States Court of Federal Claims for the purpose of a survivor annuity under section 376(b)(1)(B) of title 28”.



(d) INTEREST PAYMENTS.—Subsection (d) of such section is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following new paragraph:

“(2) The interest required under the first sentence of paragraph (1) shall not be required for any period—

“(A) during which a judge was separated from any service described in section 376(d)(2) of title 28; and

“(B) during which the judge was not receiving retired pay based on service as a judge or receiving any retirement salary as described in section 376(d)(1) of title 28.”.

(e) SERVICE ELIGIBILITY.—(1) Subsection (f) of such section is amended—

(A) in paragraph (1), in the matter preceding subparagraph

(A)—

(i) by striking “at least 5 years” and inserting “at least 18 months”; and

(ii) by striking “last 5 years” and inserting “last 18 months”; and

(B) by adding at the end the following new paragraph:

“(5) If a judge dies as a result of an assassination and leaves a survivor or survivors who are otherwise entitled to receive annuity payments under this section, the 18-month requirement in the matter in paragraph (1) preceding subparagraph (A) shall not apply.”.

(2) Subsection (a) of such section is further amended—

(A) in paragraph (2), by inserting “who is in active service or who has retired under section 7296 of this title” after “Court”;

(B) in paragraph (3), by striking “7296(c)” and inserting “7296”; and

(C) by adding at the end the following new paragraph:

“(8) The term ‘assassination’ as applied to a judge shall have the meaning provided that term in section 376(a)(7) of title 28 as applied to a judicial official.”.

(f) AGE REQUIREMENT OF SURVIVING SPOUSE.—Subsection (f) of such section is further amended by striking “or following the surviving spouse’s attainment of the age of 50 years, whichever is the later” in paragraph (1)(A).

#### SEC. 1024. LIMITATION ON ACTIVITIES OF RETIRED JUDGES.

(a) IN GENERAL.—Chapter 72 is amended by adding at the end the following new section:

##### “§ 7299. Limitation on activities of retired judges

“(a) A retired judge of the Court who is recall-eligible under section 7257 of this title and who in the practice of law represents (or supervises or directs the representation of) a client in making any claim relating to veterans’ benefits against the United States or any agency thereof shall, pursuant to such section, be considered to have declined recall service and be removed from the status of a recall-eligible judge. The pay of such a judge, pursuant to section 7296 of this title, shall be the pay of the judge at the time of the removal from recall status.

“(b) A recall-eligible judge shall be considered to be an officer or employee of the United States, but only during periods when the judge is serving in recall status. Any prohibition, limitation, or restriction that would otherwise apply to the activities of a

Applicability.

recall-eligible judge shall apply only during periods when the judge is serving in recall status.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“7299. Limitation on activities of retired judges.”.

## **Subtitle C—Rotation of Service of Judges as Chief Judge of the Court**

### **SEC. 1031. REPEAL OF SEPARATE APPOINTMENT OF CHIEF JUDGE.**

Subsection (a) of section 7253 is amended to read as follows:

“(a) COMPOSITION.—The Court of Appeals for Veterans Claims is composed of at least three and not more than seven judges, one of whom shall serve as chief judge in accordance with subsection (d).”.

### **SEC. 1032. DESIGNATION AND TERM OF CHIEF JUDGE OF COURT.**

(a) ROTATION.—Subsection (d) of section 7253 is amended to read as follows:

“(d) CHIEF JUDGE.—(1) The chief judge of the Court shall be the judge of the Court in regular active service who is senior in commission among the judges of the Court who—

“(A) have served for one or more years as judges of the Court; and

“(B) have not previously served as chief judge.

“(2) In any case in which there is no judge of the Court in regular active service who has served as a judge of the Court for at least one year, the judge of the court in regular active service who is senior in commission and has not served previously as chief judge shall act as the chief judge.

“(3) Except as provided in paragraph (4), a judge of the Court shall serve as the chief judge under paragraph (1) for a term of five years or until the judge becomes age 70, whichever occurs first. If no other judge is eligible under paragraph (1) to serve as chief judge upon the expiration of that term, that judge shall continue to serve as chief judge until another judge becomes eligible under that paragraph to serve as chief judge.

“(4)(A) The term of a chief judge shall be terminated before the end of the term prescribed by paragraph (3) if—

“(i) the chief judge leaves regular active service as a judge of the court; or

“(ii) the chief judge notifies the other judges of the court in writing that such judge desires to be relieved of the duties of chief judge.

Effective date.

“(B) The effective date of a termination of the term under subparagraph (A) shall be the date on which the chief judge leaves regular active service or the date of the notification under subparagraph (A)(ii), as the case may be.

“(5) If a chief judge is temporarily unable to perform the duties of chief judge, those duties shall be performed by the judge of the court in active service who is present, able and qualified to act, and is next in precedence.

“(6) Judges who have the same seniority in commission shall be eligible for service as chief judge in accordance with their relative precedence.”.

(b) **INELIGIBILITY OF JUDGES ON TEMPORARY SERVICE.**—A person serving as a judge of the Court under section 1011 may not serve as chief judge of the Court. 38 USC 7296 note.

**SEC. 1033. SALARY.**

Subsection (e) of section 7253 is amended to read as follows:

“(e) **SALARY.**—Each judge of the Court shall receive a salary at the same rate as is received by judges of the United States district courts.”.

**SEC. 1034. PRECEDENCE OF JUDGES.**

Subsection (d) of section 7254 is amended to read as follows:

“(d) **PRECEDENCE OF JUDGES.**—The chief judge of the Court shall have precedence and preside at any session that the chief judge attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.”.

**SEC. 1035. CONFORMING AMENDMENTS.**

Chapter 72 is amended as follows:

(1) Section 7281(g) is amended to read as follows:

“(g) The chief judge of the Court may exercise the authority of the Court under this section whenever there are not at least two other judges of the Court.”.

(2) Sections 7296(a)(2) and 7297(a)(2) are amended by striking “the chief judge or an associate judge” and inserting “a judge”.

**SEC. 1036. APPLICABILITY OF AMENDMENTS.**

38 USC 7253 note.

(a) **EFFECTIVE DATE.**—The amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) **SAVINGS PROVISION FOR INCUMBENT CHIEF JUDGE.**—The amendments made by this subtitle shall not apply while the individual who is chief judge of the Court on the date of the enactment of this Act continues to serve as chief judge. If that individual, upon termination of service as chief judge, provides notice under section 7257 of title 38, United States Code, of availability for service in a recalled status, the rate of pay applicable to that individual under section 7296(c)(1)(A) of such title while serving in a recalled status shall be at the rate of pay applicable to that individual at the time of retirement, if greater than the rate otherwise applicable under that section.

## **TITLE XI—VOLUNTARY SEPARATION INCENTIVE PROGRAM**

**SEC. 1101. SHORT TITLE.**

This title may be cited as the “Department of Veterans Affairs Employment Reduction Assistance Act of 1999”.

Department of  
Veterans Affairs  
Employment  
Reduction  
Assistance Act of  
1999.  
5 USC 5597 note.

5 USC 5597 note. **SEC. 1102. PLAN FOR PAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall, before obligating any funds for the payment of voluntary separation incentive payments under this title, submit to the Director of the Office of Management and Budget an operational plan outlining the proposed use of such incentive payments and a proposed organizational chart for the elements of the Department of Veterans Affairs covered by the plan once the payment of such incentive payments has been completed.

(b) **CONTENTS.**—The plan under subsection (a) shall—

(1) take into account the limitations on elements, and personnel within elements, of the Department specified in subsection (c);

(2) specify the positions to be reduced or eliminated and functions to be restructured or reorganized, identified by element of the Department, geographic location, occupational category, and grade level;

(3) specify the manner in which the plan will improve operating efficiency, or meet actual or anticipated levels of budget or staffing resources, of each element covered by the plan and of the Department generally; and

(4) include a description of how each element of the Department covered by the plan will operate without the functions or positions affected by the implementation of the plan.

(c) **LIMITATION ON ELEMENTS AND PERSONNEL.**—The plan under subsection (a) shall be limited to the elements of the Department, and the number of positions within such elements, as follows:

(1) The Veterans Health Administration, 4,400 positions.

(2) The Veterans Benefits Administration, 240 positions.

(3) Department of Veterans Affairs Staff Offices, 45 positions.

(4) The National Cemetery Administration, 15 positions.

(d) **APPROVAL.**—(1) The Director of the Office of Management and Budget shall approve or disapprove the plan submitted under subsection (a).

(2) In approving the plan, the Director may make such modifications to the plan as the Director considers appropriate with respect to the following:

(A) The number and amounts of voluntary incentive payments that may be paid under the plan.

(B) Any other matter that the Director considers appropriate.

(3) In the event of the disapproval of a plan by the Director under paragraph (1), the Secretary may modify and resubmit the plan to the Director. The provisions of this section shall apply to any plan submitted to the Director under this paragraph as if such plan were the initial plan submitted to the Director under subsection (a).

Applicability.

5 USC 5597 note. **SEC. 1103. VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**

(a) **AUTHORITY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.**—(1) The Secretary may pay a voluntary separation incentive payment to an eligible employee only—

(A) to the extent necessary to reduce or restructure the positions and functions identified by the plan approved under section 1102; and

(B) if the Under Secretary concerned, or the head of the staff office concerned, approves the payment of the voluntary separation incentive payment to that employee.

(2) In order to receive a voluntary separation incentive payment under this title, an employee must separate from service with the Department voluntarily (whether by retirement or resignation) under the provisions of this title.

(b) AMOUNT AND TREATMENT OF PAYMENTS.—A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation under this title;

(2) shall be in an amount equal to the lesser of—

(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under that section (without adjustment for any previous payment made under that section); or

(B) an amount determined by the Secretary, not to exceed \$25,000;

(3) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

(4) shall not be taken into account in determining the amount of severance pay to which an employee may be entitled under section 5595 of title 5, United States Code, based on any other separation.

(c) SOURCE OF FUNDS.—Voluntary separation incentive payments under this title shall be paid from the appropriations or funds available for payment of the basic pay of the employees of the Department.

**SEC. 1104. EFFECT OF SUBSEQUENT EMPLOYMENT WITH THE GOVERNMENT.**

5 USC 5597 note.

(a) REPAYMENT UPON REEMPLOYMENT.—Except as provided in subsection (b), an individual who is paid a voluntary separation incentive payment under this title and who subsequently accepts employment with the Government within five years after the date of the separation on which the payment is based shall be required to repay to the Secretary, before the individual's first day of such employment, the entire amount of the voluntary separation incentive payment paid to the individual under this title.

(b) WAIVER AUTHORITY FOR CERTAIN INDIVIDUALS.—(1) If the employment of an individual under subsection (a) is with an Executive agency (as defined by section 105 of title 5, United States Code), the United States Postal Service, or the Postal Rate Commission, the Director of the Office of Personnel Management may, at the request of the head of such agency, waive repayment by the individual under that subsection if the individual possesses unique abilities and is the only qualified applicant available for the position.

(2) If the employment of an individual under subsection (a) is with an entity in the legislative branch, the head of the entity or the appointing official may waive repayment by the individual under that subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(3) If the employment of an individual under subsection (a) is with the judicial branch, the Director of the Administrative

Office of the United States Courts may waive repayment by the individual under that subsection if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(c) **EMPLOYMENT DEFINED.**—for purposes of this section, the term “employment” includes—

(1) for purposes of subsections (a) and (b), employment of any length or under any type of appointment, but does not include employment that is without compensation; and

(2) for purposes of subsection (a), employment with any agency of the Government through a personal services contract.

5 USC 5597 note. **SEC. 1105. ADDITIONAL AGENCY CONTRIBUTIONS TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND.**

(a) **REQUIREMENT.**—In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the Secretary shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive is paid under this title.

(b) **FINAL BASIC PAY DEFINED.**—For purposes of this section, the term “final basic pay”, with respect to an employee, means the total amount of basic pay that would be payable for a year of service by the employee, computed using the employee’s final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor.

**SEC. 1106. CONTINUED HEALTH INSURANCE COVERAGE.**

Section 8905a(d) of title 5, United States Code, is amended—

(1) in paragraph (1)(A), by striking “paragraph (4)” and inserting “paragraphs (4) and (5)”; and

(2) in paragraph (2), by striking “(1) or (4)” and inserting “(1), (4), or (5)”; and

(3) by adding at the end the following new paragraph:

“(5)(A) If the basis for continued coverage under this section is an involuntary separation from a position in or under the Department of Veterans Affairs due to a reduction in force or a title 38 staffing readjustment—

“(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and

“(ii) the agency which last employed the individual shall pay the remaining portion of the amount required under paragraph (1)(A).”

Applicability.

“(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of the enactment of this paragraph.”.

5 USC 5597 note. **SEC. 1107. PROHIBITION OF REDUCTION OF FULL-TIME EQUIVALENT EMPLOYMENT LEVEL.**

(a) **PROHIBITION.**—The total full-time equivalent employment in the Department may not be reduced by reason of the separation of an employee (or any combination of employees) receiving a voluntary separation incentive payment under this title.

(b) **ENFORCEMENT.**—The President, through the Office of Management and Budget, shall monitor the Department and take any action necessary to ensure that the requirements of this section are met. President.

**SEC. 1108. REGULATIONS.**

5 USC 5597 note.

The Director of the Office of Personnel Management may prescribe any regulations necessary to administer this title.

**SEC. 1109. LIMITATION; SAVINGS CLAUSE.**

5 USC 5597 note.

(a) **LIMITATION.**—No voluntary separation incentive payment may be paid under this title based on the separation of an employee after December 31, 2000.

(b) **RELATIONSHIP TO OTHER AUTHORITY.**—This title supplements and does not supersede any other authority of the Secretary to pay voluntary separation incentive payments to employees of the Department.

**SEC. 1110. ELIGIBLE EMPLOYEES.**

5 USC 5597 note.

For purposes of this title:

(1) **IN GENERAL.**—Except as provided in paragraph (2), the term “eligible employee” means an employee (as defined by section 2105 of title 5, United States Code) of the Department of Veterans Affairs, who is serving under an appointment without time limitation and has been employed by the Department as of the date of separation under this title for a continuous period of at least three years.

(2) **EXCEPTIONS.**—Such term does not include the following:

(A) A reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(B) An employee having a disability on the basis of which such employee is eligible for disability retirement under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government.

(C) An employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance.

(D) An employee who previously has received any voluntary separation incentive payment by the Government under this title or any other authority.

(E) An employee covered by statutory reemployment rights who is on transfer to another organization.

(F) An employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 of title 5, United States Code, or a recruitment bonus under section 7458 of title 38, United States Code.

(G) An employee who, during the 12-month period preceding the date of separation, received a retention allowance under section 5754 of title 5, United States Code, or a retention bonus under section 458 of title 38, United States Code.

(H) An employee who, during the 24-month period preceding the date of separation, was relocated at the expense of the Federal Government.

Approved November 30, 1999.

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LEGISLATIVE HISTORY—H.R. 2116:

HOUSE REPORTS: Nos. 106–237 (Comm. on Veterans’ Affairs) and 106–470 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Nov. 5, considered and passed Senate, amended.

Nov. 16, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 30, Presidential statement.





Public Law 106–118  
106th Congress

An Act

To amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.

Nov. 30, 1999  
[H.R. 2280]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.**

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 1999”.

(b) **REFERENCES TO TITLE 38, UNITED STATES CODE.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

Veterans’  
Compensation  
Cost-of-Living  
Adjustment Act  
of 1999.  
38 USC 101 note.

**SEC. 2. DISABILITY COMPENSATION.**

(a) **INCREASE IN RATES.**—Section 1114 is amended—

- (1) by striking “\$95” in subsection (a) and inserting “\$98”;
- (2) by striking “\$182” in subsection (b) and inserting “\$188”;
- (3) by striking “\$279” in subsection (c) and inserting “\$288”;
- (4) by striking “\$399” in subsection (d) and inserting “\$413”;
- (5) by striking “\$569” in subsection (e) and inserting “\$589”;
- (6) by striking “\$717” in subsection (f) and inserting “\$743”;
- (7) by striking “\$905” in subsection (g) and inserting “\$937”;
- (8) by striking “\$1,049” in subsection (h) and inserting “\$1,087”;
- (9) by striking “\$1,181” in subsection (i) and inserting “\$1,224”;
- (10) by striking “\$1,964” in subsection (j) and inserting “\$2,036”;
- (11) in subsection (k)—
  - (A) by striking “\$75” both places it appears and inserting “\$76”; and
  - (B) by striking “\$2,443” and “\$3,426” and inserting “\$2,533” and “\$3,553”, respectively;
- (12) by striking “\$2,443” in subsection (l) and inserting “\$2,533”;
- (13) by striking “\$2,694” in subsection (m) and inserting “\$2,794”;
- (14) by striking “\$3,066” in subsection (n) and inserting “\$3,179”;

(15) by striking “\$3,426” each place it appears in subsections (o) and (p) and inserting “\$3,553”;

(16) by striking “\$1,471” and “\$2,190” in subsection (r) and inserting “\$1,525” and “\$2,271”, respectively; and

(17) by striking “\$2,199” in subsection (s) and inserting “\$2,280”.

38 USC 1114  
note.

(b) **SPECIAL RULE.**—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

### SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking “\$114” in clause (A) and inserting “\$117”;

(2) by striking “\$195” and “\$60” in clause (B) and inserting “\$201” and “\$61”, respectively;

(3) by striking “\$78” and “\$60” in clause (C) and inserting “\$80” and “\$61”, respectively;

(4) by striking “\$92” in clause (D) and inserting “\$95”;

(5) by striking “\$215” in clause (E) and inserting “\$222”;

and

(6) by striking “\$180” in clause (F) and inserting “\$186”.

### SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking “\$528” and inserting “\$546”.

### SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) **NEW LAW RATES.**—Section 1311(a) is amended—

(1) by striking “\$850” in paragraph (1) and inserting “\$881”;

and

(2) by striking “\$185” in paragraph (2) and inserting “\$191”.

(b) **OLD LAW RATES.**—The table in section 1311(a)(3) is amended to read as follows:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E-1 .....	\$881	W-4 .....	\$1,054
E-2 .....	881	O-1 .....	930
E-3 .....	881	O-2 .....	962
E-4 .....	881	O-3 .....	1,028
E-5 .....	881	O-4 .....	1,087
E-6 .....	881	O-5 .....	1,198
E-7 .....	911	O-6 .....	1,349
E-8 .....	962	O-7 .....	1,458
E-9 .....	1,003 <sup>1</sup>	O-8 .....	1,598
W-1 .....	930	O-9 .....	1,712
W-2 .....	968	O-10 .....	1,878 <sup>2</sup>
W-3 .....	997		

<sup>1</sup>If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,082.

<sup>2</sup>If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,013.”.

(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking “\$215” and inserting “\$222”.

(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking “\$215” and inserting “\$222”.

(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking “\$104” and inserting “\$107”.

**SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.**

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking “\$361” in paragraph (1) and inserting “\$373”;

(2) by striking “\$520” in paragraph (2) and inserting “\$538”;

(3) by striking “\$675” in paragraph (3) and inserting “\$699”;

and

(4) by striking “\$675” and “\$132” in paragraph (4) and inserting “\$699” and “\$136”, respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—

(1) by striking “\$215” in subsection (a) and inserting “\$222”;

(2) by striking “\$361” in subsection (b) and inserting “\$373”;

and

(3) by striking “\$182” in subsection (c) and inserting “\$188”.

**SEC. 7. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on December 1, 1999.

38 USC 1114  
note.

Approved November 30, 1999.

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**LEGISLATIVE HISTORY—H.R. 2280 (S. 1393):**

HOUSE REPORTS: No. 106–202 (Comm. on Veterans’ Affairs).

SENATE REPORTS: No. 106–108 accompanying S. 1393 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 29, considered and passed House.

July 26, considered and passed Senate, amended, in lieu of S. 1393.

Nov. 9, House concurred in Senate amendment with amendments pursuant to H. Res. 368.

Nov. 19, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 30, Presidential statement.



Public Law 106–119  
106th Congress

An Act

Dec. 3, 1999  
[H.R. 20]

Upper Delaware  
Scenic and  
Recreational  
River Mongaup  
Visitor Center  
Act of 1999.  
16 USC 1274  
note.

To authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Upper Delaware Scenic and Recreational River Mongaup Visitor Center Act of 1999”.

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The Secretary of the Interior approved a management plan for the Upper Delaware Scenic and Recreational River, as required by section 704 of Public Law 95–625 (16 U.S.C. 1274 note), on September 29, 1987.

(2) The river management plan called for the development of a primary visitor contact facility located at the southern end of the river corridor.

(3) The river management plan determined that the visitor center would be built and operated by the National Park Service.

(4) The Act that designated the Upper Delaware Scenic and Recreational River and the approved river management plan limits the Secretary of the Interior’s authority to acquire land within the boundary of the river corridor.

(5) The State of New York authorized on June 21, 1993, a 99-year lease between the New York State Department of Environmental Conservation and the National Park Service for the construction and operation of a visitor center by the Federal Government on State-owned land in the Town of Deerpark, Orange County, New York, in the vicinity of Mongaup, which is the preferred site for the visitor center.

**SEC. 3. AUTHORIZATION OF VISITOR CENTER FOR UPPER DELAWARE SCENIC AND RECREATIONAL RIVER.**

For the purpose of constructing and operating a visitor center for the Upper Delaware Scenic and Recreational River and subject to the availability of appropriations, the Secretary of the Interior may—

(1) enter into a lease with the State of New York, for a term of 99 years, for State-owned land within the boundaries of the Upper Delaware Scenic and Recreational River located at an area known as Mongaup near the confluence of the

Mongaup and Upper Delaware Rivers in the State of New York; and

(2) construct and operate such a visitor center on land leased under paragraph (2).

Approved December 3, 1999.

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LEGISLATIVE HISTORY—H.R. 20:

HOUSE REPORTS: No. 106–361 (Comm. on Resources).

SENATE REPORTS: No. 106–211 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 12, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–120  
106th Congress

An Act

Dec. 3, 1999  
[H.R. 1555]

Intelligence  
Authorization  
Act for Fiscal  
Year 2000.

To authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—INTELLIGENCE ACTIVITIES**

Sec. 101. Authorization of appropriations.

Sec. 102. Classified schedule of authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Authorization of emergency supplemental appropriations for fiscal year 1999.

**TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
DISABILITY SYSTEM**

Sec. 201. Authorization of appropriations.

**TITLE III—GENERAL PROVISIONS**

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Restriction on conduct of intelligence activities.

Sec. 303. Diplomatic intelligence support centers.

Sec. 304. Protection of identity of retired covert agents.

Sec. 305. Access to computers and computer data of executive branch employees with access to classified information.

Sec. 306. Naturalization of certain persons affiliated with a Communist or similar party.

Sec. 307. Technical amendment.

Sec. 308. Declassification review of intelligence estimate on Vietnam-era prisoners of war and missing in action personnel and critical assessment of estimate.

Sec. 309. Report on legal standards applied for electronic surveillance.

Sec. 310. Report on effects of foreign espionage on the United States.

Sec. 311. Report on activities of the Central Intelligence Agency in Chile.

Sec. 312. Report on Kosova Liberation Army.

Sec. 313. Reaffirmation of longstanding prohibition against drug trafficking by employees of the intelligence community.

Sec. 314. Sense of the Congress on classification and declassification.

Sec. 315. Sense of the Congress on intelligence community contracting.

**TITLE IV—CENTRAL INTELLIGENCE AGENCY**

Sec. 401. Improvement and extension of central services program.

Sec. 402. Extension of CIA Voluntary Separation Pay Act.

## TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

- Sec. 501. Protection of operational files of the National Imagery and Mapping Agency.
- Sec. 502. Funding for infrastructure and quality of life improvements at Menwith Hill and Bad Aibling stations.

## TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS

- Sec. 601. Expansion of definition of “agent of a foreign power” for purposes of the Foreign Intelligence Surveillance Act of 1978.
- Sec. 602. Federal Bureau of Investigation reports to other executive agencies on results of counterintelligence activities.

## TITLE VII—NATIONAL COMMISSION FOR THE REVIEW OF THE NATIONAL RECONNAISSANCE OFFICE

- Sec. 701. Findings.
- Sec. 702. National Commission for the Review of the National Reconnaissance Office.
- Sec. 703. Duties of commission.
- Sec. 704. Powers of commission.
- Sec. 705. Staff of commission.
- Sec. 706. Compensation and travel expenses.
- Sec. 707. Treatment of information relating to national security.
- Sec. 708. Final report; termination.
- Sec. 709. Assessments of final report.
- Sec. 710. Inapplicability of certain administrative provisions.
- Sec. 711. Funding.
- Sec. 712. Congressional intelligence committees defined.

## TITLE VIII—INTERNATIONAL NARCOTICS TRAFFICKING

- Sec. 801. Short title.
- Sec. 802. Findings and policy.
- Sec. 803. Purpose.
- Sec. 804. Public identification of significant foreign narcotics traffickers and required reports.
- Sec. 805. Blocking assets and prohibiting transactions.
- Sec. 806. Authorities.
- Sec. 807. Enforcement.
- Sec. 808. Definitions.
- Sec. 809. Exclusion of persons who have benefited from illicit activities of drug traffickers.
- Sec. 810. Judicial Review Commission on Foreign Asset Control.
- Sec. 811. Effective date.

**TITLE I—INTELLIGENCE ACTIVITIES****SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The National Reconnaissance Office.
- (11) The National Imagery and Mapping Agency.

**SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2000, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 1555 of the One Hundred Sixth Congress.

President.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The classified Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

**SEC. 103. PERSONNEL CEILING ADJUSTMENTS.**

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2000 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

**SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 2000 the sum of \$170,672,000.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 348 full-time personnel as of September 30, 2000. Personnel serving in such elements may be permanent employees of the Community Management Account element or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there is also authorized to be appropriated for the Community Management Account for fiscal year 2000 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2001.



(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2000, there is hereby authorized such additional personnel for such elements as of that date as is specified in the classified Schedule of Authorizations.

(d) **REIMBURSEMENT.**—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2000, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of an element within the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) **NATIONAL DRUG INTELLIGENCE CENTER.**—

(1) **IN GENERAL.**—Of the amount authorized to be appropriated in subsection (a), \$27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2001, and funds provided for procurement purposes shall remain available until September 30, 2002.

21 USC 873 note.

(2) **TRANSFER OF FUNDS.**—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for activities of the Center.

(3) **LIMITATION.**—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) **AUTHORITY.**—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

#### **SEC. 105. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.**

(a) **AUTHORIZATION.**—Amounts authorized to be appropriated for fiscal year 1999 under section 101 of the Intelligence Authorization Act for Fiscal Year 1999 (Public Law 105–272) for the conduct of the intelligence activities of elements of the United States Government listed in such section are hereby increased, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased by the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31), for such amounts as are designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

(b) **RATIFICATION.**—For purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414), any obligation or expenditure of amounts appropriated in the 1999 Emergency Supplemental Appropriations Act for intelligence activities is hereby ratified and confirmed, to the extent such amounts are designated by Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985.

## **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABIL- ITY SYSTEM**

### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2000 the sum of \$209,100,000.

## **TITLE III—GENERAL PROVISIONS**

### **SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

### **SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### **SEC. 303. DIPLOMATIC INTELLIGENCE SUPPORT CENTERS.**

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

50 USC 404j.

#### **“LIMITATION ON ESTABLISHMENT OR OPERATION OF DIPLOMATIC INTELLIGENCE SUPPORT CENTERS**

“SEC. 115. (a) IN GENERAL.—(1) A diplomatic intelligence support center may not be established, operated, or maintained without the prior approval of the Director of Central Intelligence.

“(2) The Director may only approve the establishment, operation, or maintenance of a diplomatic intelligence support center if the Director determines that the establishment, operation, or maintenance of such center is required to provide necessary intelligence support in furtherance of the national security interests of the United States.

“(b) PROHIBITION OF USE OF APPROPRIATIONS.—Amounts appropriated pursuant to authorizations by law for intelligence and intelligence-related activities may not be obligated or expended for the establishment, operation, or maintenance of a diplomatic intelligence support center that is not approved by the Director of Central Intelligence.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘diplomatic intelligence support center’ means an entity to which employees of the various elements of the intelligence community (as defined in section 3(4)) are detailed for the purpose of providing analytical intelligence support that—

“(A) consists of intelligence analyses on military or political matters and expertise to conduct limited assessments and dynamic taskings for a chief of mission; and

“(B) is not intelligence support traditionally provided to a chief of mission by the Director of Central Intelligence.

“(2) The term ‘chief of mission’ has the meaning given that term by section 102(3) of the Foreign Service Act of 1980 (22 U.S.C. 3902(3)), and includes ambassadors at large and ministers of diplomatic missions of the United States, or persons appointed to lead United States offices abroad designated by the Secretary of State as diplomatic in nature.

“(d) TERMINATION.—This section shall cease to be effective on October 1, 2000.”.

(b) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 114 the following new item:

“Sec. 115. Limitation on establishment or operation of diplomatic intelligence support centers.”.

#### **SEC. 304. PROTECTION OF IDENTITY OF RETIRED COVERT AGENTS.**

(a) IN GENERAL.—Section 606(4)(A) of the National Security Act of 1947 (50 U.S.C. 426(4)(A)) is amended—

(1) by striking “an officer or employee” and inserting “a present or retired officer or employee”; and

(2) by striking “a member” and inserting “a present or retired member”.

(b) PRISON SENTENCES FOR VIOLATIONS.—

(1) IMPOSITION OF CONSECUTIVE SENTENCES.—Section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by adding at the end the following new subsection:

“(d) A term of imprisonment imposed under this section shall be consecutive to any other sentence of imprisonment.”.

(2) TECHNICAL AMENDMENTS.—Such section 601 is further amended—

(A) in subsection (a), by striking “shall be fined not more than \$50,000” and inserting “shall be fined under title 18, United States Code,”;

(B) in subsection (b), by striking “shall be fined not more than \$25,000” and inserting “shall be fined under title 18, United States Code,”; and

(C) in subsection (c), by striking “shall be fined not more than \$15,000” and inserting “shall be fined under title 18, United States Code,”.

#### **SEC. 305. ACCESS TO COMPUTERS AND COMPUTER DATA OF EXECUTIVE BRANCH EMPLOYEES WITH ACCESS TO CLASSIFIED INFORMATION.**

(a) ACCESS.—Section 801(a)(3) of the National Security Act of 1947 (50 U.S.C. 435(a)(3)) is amended by striking “and travel records” and inserting “travel records, and computers used in the performance of Government duties”.

(b) COMPUTER DEFINED.—Section 804 of that Act (50 U.S.C. 438) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following:

“(8) the term ‘computer’ means any electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device and any data or other information stored or contained in such device.”.

President.  
Deadline.  
50 USC 435 note.

(c) **APPLICABILITY.**—The President shall modify the procedures required by section 801(a)(3) of the National Security Act of 1947 to take into account the amendment to that section made by subsection (a) of this section not later than 90 days after the date of the enactment of this Act.

**SEC. 306. NATURALIZATION OF CERTAIN PERSONS AFFILIATED WITH A COMMUNIST OR SIMILAR PARTY.**

Section 313 of the Immigration and Nationality Act (8 U.S.C. 1424) is amended by adding at the end the following new subsection:

“(e) A person may be naturalized under this title without regard to the prohibitions in subsections (a)(2) and (c) of this section if the person—

“(1) is otherwise eligible for naturalization;

“(2) is within the class described in subsection (a)(2) solely because of past membership in, or past affiliation with, a party or organization described in that subsection;

“(3) does not fall within any other of the classes described in that subsection; and

“(4) is determined by the Director of Central Intelligence, in consultation with the Secretary of Defense, and with the concurrence of the Attorney General, to have made a contribution to the national security or to the national intelligence mission of the United States.”.

**SEC. 307. TECHNICAL AMENDMENT.**

Section 305(b)(2) of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104-293; 110 Stat. 3465; 8 U.S.C. 1427 note) is amended by striking “subparagraph (A), (B), (C), or (D) of section 243(h)(2) of such Act” and inserting “clauses (i) through (iv) of section 241(b)(3)(B) of such Act”.

**SEC. 308. DECLASSIFICATION REVIEW OF INTELLIGENCE ESTIMATE ON VIETNAM-ERA PRISONERS OF WAR AND MISSING IN ACTION PERSONNEL AND CRITICAL ASSESSMENT OF ESTIMATE.**

(a) **DECLASSIFICATION REVIEW.**—Subject to subsection (b), the Director of Central Intelligence shall review for declassification the following:

(1) National Intelligence Estimate 98-03 dated April 1998 and entitled “Vietnamese Intentions, Capabilities, and Performance Concerning the POW/MIA Issue”.

(2) The assessment dated November 1998 and entitled “A Critical Assessment of National Intelligence Estimate 98-03 prepared by the United States Chairman of the Vietnam War Working Group of the United States-Russia Joint Commission on POWs and MIAs”.

(b) **LIMITATIONS.**—The Director shall not declassify any text contained in the estimate or assessment referred to in subsection (a) which would—

(1) reveal intelligence sources and methods; or

(2) disclose by name the identity of a living foreign individual who has cooperated with United States efforts to account for missing personnel from the Vietnam era.

(c) DEADLINE.—The Director shall complete the declassification review of the estimate and assessment under subsection (a) not later than 30 days after the date of the enactment of this Act.

**SEC. 309. REPORT ON LEGAL STANDARDS APPLIED FOR ELECTRONIC SURVEILLANCE.**

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of Central Intelligence, the Director of the National Security Agency, and the Attorney General shall jointly prepare, and the Director of the National Security Agency shall submit to the appropriate congressional committees, a report in classified and unclassified form providing a detailed analysis of the legal standards employed by elements of the intelligence community in conducting signals intelligence activities, including electronic surveillance. Deadline.

(b) MATTERS SPECIFICALLY ADDRESSED.—The report shall specifically include a statement of each of the following legal standards:

(1) The legal standards for interception of communications when such interception may result in the acquisition of information from a communication to or from United States persons.

(2) The legal standards for intentional targeting of the communications to or from United States persons.

(3) The legal standards for receipt from non-United States sources of information pertaining to communications to or from United States persons.

(4) The legal standards for dissemination of information acquired through the interception of the communications to or from United States persons.

(c) DEFINITIONS.—As used in this section:

(1) The term “intelligence community” has the meaning given that term under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) The term “United States persons” has the meaning given that term under section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

(3) The term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

**SEC. 310. REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON THE UNITED STATES.**

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report describing the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development. The report shall also include an analysis of other effects of such espionage on the United States. Deadline.

**SEC. 311. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN CHILE.**

Deadline.

(a) **IN GENERAL.**—By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report describing all activities of officers, covert agents, and employees of all elements in the intelligence community with respect to the following events in the Republic of Chile:

Augusto Pinochet.

(1) The assassination of President Salvador Allende in September 1973.

(2) The accession of General Augusto Pinochet to the Presidency of the Republic of Chile.

(3) Violations of human rights committed by officers or agents of former President Pinochet.

(b) **DEFINITION.**—In this section, the term “appropriate congressional committees” means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

**SEC. 312. REPORT ON KOSOVA LIBERATION ARMY.**

Deadline.

(a) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to the appropriate congressional committees a report (in both classified and unclassified form) on the organized resistance in Kosovo known as the Kosova Liberation Army. The report shall include the following:

(1) A summary of the history of the Kosova Liberation Army.

(2) As of the date of the enactment of this Act—

(A) the number of individuals currently participating in or supporting combat operations of the Kosova Liberation Army (fielded forces), and the number of individuals in training for such service (recruits);

(B) the types, and quantity of each type, of weapon employed by the Kosova Liberation Army, the training afforded to such fielded forces in the use of such weapons, and the sufficiency of such training to conduct effective military operations; and

(C) minimum additional weaponry and training required to improve substantially the efficacy of such military operations.

(3) An estimate of the percentage of funding (if any) of the Kosova Liberation Army that is attributable to profits from the sale of illicit narcotics.

(4) A description of the involvement (if any) of the Kosova Liberation Army in terrorist activities.

(5) A description of the number of killings of noncombatant civilians (if any) carried out by the Kosova Liberation Army since its formation.

(6) A description of the leadership of the Kosova Liberation Army, including an analysis of—

(A) the political philosophy and program of the leadership; and

(B) the sentiment of the leadership toward the United States.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—As used in this section, the term “appropriate congressional committees” means the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

**SEC. 313. REAFFIRMATION OF LONGSTANDING PROHIBITION AGAINST DRUG TRAFFICKING BY EMPLOYEES OF THE INTELLIGENCE COMMUNITY.**

50 USC 403–8.

(a) **FINDING.**—Congress finds that longstanding statutes, regulations, and policies of the United States prohibit employees, agents, and assets of the elements of the intelligence community, and of every other Federal department and agency, from engaging in the illegal manufacture, purchase, sale, transport, and distribution of drugs.

(b) **OBLIGATION OF EMPLOYEES OF INTELLIGENCE COMMUNITY.**—Any employee of the intelligence community having knowledge of a fact or circumstance that reasonably indicates that an employee, agent, or asset of an element of the intelligence community is involved in any activity that violates a statute, regulation, or policy described in subsection (a) shall report such knowledge to an appropriate official.

(c) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

**SEC. 314. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION.**

It is the sense of the Congress that the systematic declassification of records of permanent historical value is in the public interest and that the management of classification and declassification by executive branch agencies requires comprehensive reform and the dedication by the executive branch of additional resources.

**SEC. 315. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.**

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

## **TITLE IV—CENTRAL INTELLIGENCE AGENCY**

**SEC. 401. IMPROVEMENT AND EXTENSION OF CENTRAL SERVICES PROGRAM.**

(a) **SCOPE OF PROVISION OF ITEMS AND SERVICES.**—Subsection (a) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u) is amended by striking “and to other” and inserting

“, nonappropriated fund entities or instrumentalities associated or affiliated with the Agency, and other”.

(b) DEPOSITS IN CENTRAL SERVICES WORKING CAPITAL FUND.—Subsection (c)(2) of that section is amended—

(1) by amending subparagraph (D) to read as follows:

“(D) Amounts received in payment for loss or damage to equipment or property of a central service provider as a result of activities under the program.”;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D), as so amended, the following new subparagraph (E):

“(E) Other receipts from the sale or exchange of equipment or property of a central service provider as a result of activities under the program.”.

(c) AVAILABILITY OF FEES.—Subsection (f)(2)(A) of that section is amended by inserting “central service providers and any” before “elements of the Agency”.

(d) EXTENSION OF PROGRAM.—Subsection (h)(1) of that section is amended by striking “March 31, 2000” and inserting “March 31, 2002”.

#### **SEC. 402. EXTENSION OF CIA VOLUNTARY SEPARATION PAY ACT.**

(a) EXTENSION OF AUTHORITY.—Section 2(f) of the Central Intelligence Agency Voluntary Separation Pay Act (50 U.S.C. 403–4 note) is amended by striking “September 30, 1999” and inserting “September 30, 2002”.

(b) REMITTANCE OF FUNDS.—Section 2(i) of that Act is amended by striking “or fiscal year 1999” and inserting “, 1999, 2000, 2001, or 2002”.

## **TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES**

#### **SEC. 501. PROTECTION OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY.**

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after section 105A (50 U.S.C. 403–5a) the following new section:

50 USC 403–5b.

“PROTECTION OF OPERATIONAL FILES OF THE NATIONAL IMAGERY AND MAPPING AGENCY

“SEC. 105B. (a) EXEMPTION OF CERTAIN OPERATIONAL FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) The Director of the National Imagery and Mapping Agency, with the coordination of the Director of Central Intelligence, may exempt operational files of the National Imagery and Mapping Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

“(2)(A) Subject to subparagraph (B), for the purposes of this section, the term ‘operational files’ means files of the National Imagery and Mapping Agency (hereafter in this section referred to as ‘NIMA’) concerning the activities of NIMA that before the



establishment of NIMA were performed by the National Photographic Interpretation Center of the Central Intelligence Agency (NPIC), that document the means by which foreign intelligence or counterintelligence is collected through scientific and technical systems.

“(B) Files which are the sole repository of disseminated intelligence are not operational files.

“(3) Notwithstanding paragraph (1), exempted operational files shall continue to be subject to search and review for information concerning—

“(A) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code;

“(B) any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code; or

“(C) the specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

“(i) The Permanent Select Committee on Intelligence of the House of Representatives.

“(ii) The Select Committee on Intelligence of the Senate.

“(iii) The Intelligence Oversight Board.

“(iv) The Department of Justice.

“(v) The Office of General Counsel of NIMA.

“(vi) The Office of the Director of NIMA.

“(4)(A) Files that are not exempted under paragraph (1) which contain information derived or disseminated from exempted operational files shall be subject to search and review.

“(B) The inclusion of information from exempted operational files in files that are not exempted under paragraph (1) shall not affect the exemption under paragraph (1) of the originating operational files from search, review, publication, or disclosure.

“(C) Records from exempted operational files which have been disseminated to and referenced in files that are not exempted under paragraph (1) and which have been returned to exempted operational files for sole retention shall be subject to search and review.

“(5) The provisions of paragraph (1) may not be superseded except by a provision of law which is enacted after the date of the enactment of this section, and which specifically cites and repeals or modifies its provisions.

“(6)(A) Except as provided in subparagraph (B), whenever any person who has requested agency records under section 552 of title 5, United States Code, alleges that NIMA has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

“(B) Judicial review shall not be available in the manner provided for under subparagraph (A) as follows:

“(i) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interests of national defense or foreign relations

Courts.

is filed with, or produced for, the court by NIMA, such information shall be examined ex parte, in camera by the court.

“(ii) The court shall, to the fullest extent practicable, determine the issues of fact based on sworn written submissions of the parties.

“(iii) When a complainant alleges that requested records are improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

“(iv)(I) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, NIMA shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in paragraph (2).

“(II) The court may not order NIMA to review the content of any exempted operational file or files in order to make the demonstration required under subclause (I), unless the complainant disputes NIMA’s showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

“(v) In proceedings under clauses (iii) and (iv), the parties may not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admissions may be made pursuant to rules 26 and 36.

“(vi) If the court finds under this paragraph that NIMA has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order NIMA to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this subsection.

“(vii) If at any time following the filing of a complaint pursuant to this paragraph NIMA agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint.

“(viii) Any information filed with, or produced for the court pursuant to clauses (i) and (iv) shall be coordinated with the Director of Central Intelligence prior to submission to the court.

“(b) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—

(1) Not less than once every 10 years, the Director of the National Imagery and Mapping Agency and the Director of Central Intelligence shall review the exemptions in force under subsection (a)(1) to determine whether such exemptions may be removed from the category of exempted files or any portion thereof. The Director of Central Intelligence must approve any determination to remove such exemptions.

“(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

“(3) A complainant that alleges that NIMA has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court’s review shall be limited to determining the following:

“(A) Whether NIMA has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

“(B) Whether NIMA, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.”.

(2) The table of contents contained in the first section of such Act is amended by inserting after the item relating to section 105A the following new item:

“Sec. 105B. Protection of operational files of the National Imagery and Mapping Agency.”.

(b) TREATMENT OF CERTAIN TRANSFERRED RECORDS.—Any record transferred to the National Imagery and Mapping Agency from exempted operational files of the Central Intelligence Agency covered by section 701(a) of the National Security Act of 1947 (50 U.S.C. 431(a)) shall be placed in the operational files of the National Imagery and Mapping Agency that are established pursuant to section 105B of the National Security Act of 1947, as added by subsection (a).

50 USC 403–5b  
note.

**SEC. 502. FUNDING FOR INFRASTRUCTURE AND QUALITY OF LIFE IMPROVEMENTS AT MENWITH HILL AND BAD AIBLING STATIONS.**

Section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104–93; 109 Stat. 974), as amended by section 502 of the Intelligence Authorization Act for Fiscal Year 1998 (Public Law 105–107; 111 Stat. 2262), is further amended by striking “for fiscal years 1998 and 1999” and inserting “for fiscal years 2000 and 2001”.

**TITLE VI—FOREIGN COUNTERINTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS**

**SEC. 601. EXPANSION OF DEFINITION OF “AGENT OF A FOREIGN POWER” FOR PURPOSES OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Section 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(2)) is amended—

- (1) in subparagraph (C), by striking “or” at the end;
- (2) by redesignating subparagraph (D) as subparagraph (E); and
- (3) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) knowingly enters the United States under a false or fraudulent identity for or on behalf of a foreign power or, while in the United States, knowingly assumes a false

or fraudulent identity for or on behalf of a foreign power; or”.

**SEC. 602. FEDERAL BUREAU OF INVESTIGATION REPORTS TO OTHER EXECUTIVE AGENCIES ON RESULTS OF COUNTERINTELLIGENCE ACTIVITIES.**

Section 811(c)(2) of the Counterintelligence and Security Enhancements Act of 1994 (title VIII of Public Law 103–359; 108 Stat. 3455; 50 U.S.C. 402a(c)(2)) is amended by striking “after a report has been provided pursuant to paragraph (1)(A)”.

**TITLE VII—NATIONAL COMMISSION  
FOR THE REVIEW OF THE NATIONAL  
RECONNAISSANCE OFFICE**

50 USC 401 note. **SEC. 701. FINDINGS.**

Congress makes the following findings:

(1) Imagery and signals intelligence satellites are vitally important to the security of the Nation.

(2) The National Reconnaissance Office (in this title referred to as the “NRO”) and its predecessor organizations have helped protect and defend the United States for more than 30 years.

(3) The end of the Cold War and the enormous growth in usage of information technology have changed the environment in which the intelligence community must operate. At the same time, the intelligence community has undergone significant changes in response to dynamic developments in strategy and in budgetary matters. The acquisition and maintenance of satellite systems are essential to providing timely intelligence to national policymakers and achieving information superiority for military leaders.

(4) There is a need to evaluate the roles and mission, organizational structure, technical skills, contractor relationships, use of commercial imagery, acquisition of launch vehicles, launch services, and launch infrastructure, mission assurance, acquisition authorities, and relationship to other agencies and departments of the Federal Government of the NRO in order to assure continuing success in satellite reconnaissance in the new millennium.

50 USC 401 note. **SEC. 702. NATIONAL COMMISSION FOR THE REVIEW OF THE NATIONAL RECONNAISSANCE OFFICE.**

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “National Commission for the Review of the National Reconnaissance Office” (in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of 11 members, as follows:

(1) The Deputy Director of Central Intelligence for Community Management.

(2) Three members appointed by the Majority Leader of the Senate, in consultation with the Chairman of the Select Committee on Intelligence of the Senate, one from Members of the Senate and two from private life.

(3) Two members appointed by the Minority Leader of the Senate, in consultation with the Vice Chairman of the Select Committee on Intelligence of the Senate, one from Members of the Senate and one from private life.

(4) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and two from private life.

(5) Two members appointed by the Minority Leader of the House of Representatives, in consultation with the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives, one from Members of the House of Representatives and one from private life.

The Director of the National Reconnaissance Office shall be an ex officio member of the Commission.

(c) MEMBERSHIP.—(1) The individuals appointed as members of the Commission shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(A) technical intelligence collection systems and methods;

(B) research and development programs;

(C) acquisition management;

(D) use of intelligence information by national policymakers and military leaders; or

(E) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if, in the judgment of the official, such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(3) All members of the Commission appointed from private life shall possess an appropriate security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(d) CO-CHAIRS.—(1) The Commission shall have two co-chairs, selected from among the members of the Commission.

(2) One co-chair of the Commission shall be a member of the Democratic Party, and one co-chair shall be a member of the Republican Party.

(3) The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the Majority Leader of the Senate, the Minority Leader of the Senate, and Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(e) APPOINTMENT; INITIAL MEETING.—(1) Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

Deadline.

(2) The Commission shall hold its initial meeting on the date that is 60 days after the date of the enactment of this Act.

(f) MEETINGS; QUORUM; VACANCIES.—(1) After its initial meeting, the Commission shall meet upon the call of the co-chairs of the Commission.

(2) Six members of the Commission shall constitute a quorum for purposes of conducting business, except that two members of the Commission shall constitute a quorum for purposes of receiving testimony.

(3) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day.

(g) ACTIONS OF COMMISSION.—(1) The Commission shall act by resolution agreed to by a majority of the members of the Commission voting and present.

(2) The Commission may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title. The actions of any such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(3) Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this title.

50 USC 401 note. **SEC. 703. DUTIES OF COMMISSION.**

(a) IN GENERAL.—The duties of the Commission shall be—

(1) to conduct, until not later than the date on which the Commission submits the report under section 708(a), the review described in subsection (b); and

Reports.

(2) to submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report on the results of the review.

(b) REVIEW.—The Commission shall review the current organization, practices, and authorities of the NRO, in particular with respect to—

- (1) roles and mission;
- (2) organizational structure;
- (3) technical skills;
- (4) contractor relationships;
- (5) use of commercial imagery;
- (6) acquisition of launch vehicles, launch services, and launch infrastructure, and mission assurance;
- (7) acquisition authorities; and
- (8) relationships with other agencies and departments of the Federal Government.

50 USC 401 note. **SEC. 704. POWERS OF COMMISSION.**

(a) IN GENERAL.—(1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(2) Subpoenas may be issued under paragraph (1)(B) under the signature of the co-chairs of the Commission, and may be served by any person designated by such co-chairs.

(3) The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192–194) shall apply in the case of any failure of a witness to comply with any subpoena or to testify when summoned under authority of this section.

Applicability.

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, agency, bureau, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission. The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—(1) The Director of Central Intelligence shall provide to the Commission, on a non-reimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the Commission's duties under this title.

(2) The Secretary of Defense may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(3) In addition to the assistance set forth in paragraphs (1) and (2), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(4) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary for the fulfillment of the duties of the Commission under this title, including the provision of full and current briefings and analyses.

(e) PROHIBITION ON WITHHOLDING INFORMATION.—No department or agency of the Government may withhold information from the Commission on the grounds that providing the information to the Commission would constitute the unauthorized disclosure of classified information or information relating to intelligence sources or methods.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(g) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property in carrying out its duties under this title.

#### SEC. 705. STAFF OF COMMISSION.

50 USC 401 note.

(a) IN GENERAL.—(1) The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States

Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(2) Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(3) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(b) CONSULTANT SERVICES.—(1) The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of such title.

(2) All experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

50 USC 401 note.

**SEC. 706. COMPENSATION AND TRAVEL EXPENSES.**

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

50 USC 401 note.

**SEC. 707. TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.**

(a) IN GENERAL.—(1) The Director of Central Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(2) Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committee may not be further provided or released without the approval of the chairman of such committee.

(b) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under section 708, only the Members and designated staff of the congressional intelligence committees, the Director of



Central Intelligence and the designees of the Director, and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

**SEC. 708. FINAL REPORT; TERMINATION.**

50 USC 401 note.

(a) **FINAL REPORT.**—Not later than November 1, 2000, the Commission shall submit to the congressional intelligence committees, the Director of Central Intelligence, and the Secretary of Defense a final report as required by section 703(a).

Deadline.

(b) **TERMINATION.**—(1) The Commission, and all the authorities of this title, shall terminate at the end of the 120-day period beginning on the date on which the final report under subsection (a) is transmitted to the congressional intelligence committees.

(2) The Commission may use the 120-day period referred to in paragraph (1) for the purposes of concluding its activities, including providing testimony to committees of Congress concerning the final report referred to in that paragraph and disseminating the report.

**SEC. 709. ASSESSMENTS OF FINAL REPORT.**

50 USC 401 note.

Not later than 60 days after receipt of the final report under section 708(a), the Director of Central Intelligence and the Secretary of Defense shall each submit to the congressional intelligence committees an assessment by the Director or the Secretary, as the case may be, of the final report. Each assessment shall include such comments on the findings and recommendations contained in the final report as the Director or Secretary, as the case may be, considers appropriate.

Deadline.

**SEC. 710. INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.**

50 USC 401 note.

(a) **FEDERAL ADVISORY COMMITTEE ACT.**—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this title.

(b) **FREEDOM OF INFORMATION ACT.**—The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this title.

**SEC. 711. FUNDING.**

50 USC 401 note.

(a) **TRANSFER FROM NRO.**—Of the amounts authorized to be appropriated by this Act for the National Reconnaissance Office, the Director of the National Reconnaissance Office shall transfer to the Director of Central Intelligence \$5,000,000 for purposes of the activities of the Commission under this title.

(b) **AVAILABILITY IN GENERAL.**—The Director of Central Intelligence shall make available to the Commission, from the amount transferred to the Director under subsection (a), such amounts as the Commission may require for purposes of the activities of the Commission under this title.

(c) **DURATION OF AVAILABILITY.**—Amounts made available to the Commission under subsection (b) shall remain available until expended.

50 USC 401 note. **SEC. 712. CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.**

In this title, the term “congressional intelligence committees” means the following:

- (1) The Select Committee on Intelligence of the Senate.
- (2) The Permanent Select Committee on Intelligence of the House of Representatives.

Foreign Narcotics  
Kingpin  
Designation Act.

## **TITLE VIII—INTERNATIONAL NARCOTICS TRAFFICKING**

21 USC 1901  
note. **SEC. 801. SHORT TITLE.**

This title may be cited as the “Foreign Narcotics Kingpin Designation Act”.

21 USC 1901. **SEC. 802. FINDINGS AND POLICY.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Presidential Decision Directive 42, issued on October 21, 1995, ordered agencies of the executive branch of the United States Government to, inter alia, increase the priority and resources devoted to the direct and immediate threat international crime presents to national security, work more closely with other governments to develop a global response to this threat, and use aggressively and creatively all legal means available to combat international crime.

(2) Executive Order No. 12978 of October 21, 1995, provides for the use of the authorities in the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.) to target and apply sanctions to four international narcotics traffickers and their organizations that operate from Colombia.

(3) IEEPA was successfully applied to international narcotics traffickers in Colombia and based on that successful case study, Congress believes similar authorities should be applied worldwide.

(4) There is a national emergency resulting from the activities of international narcotics traffickers and their organizations that threatens the national security, foreign policy, and economy of the United States.

(b) **POLICY.**—It shall be the policy of the United States to apply economic and other financial sanctions to significant foreign narcotics traffickers and their organizations worldwide to protect the national security, foreign policy, and economy of the United States from the threat described in subsection (a)(4).

21 USC 1902. **SEC. 803. PURPOSE.**

The purpose of this title is to provide authority for the identification of, and application of sanctions on a worldwide basis to, significant foreign narcotics traffickers, their organizations, and the foreign persons who provide support to those significant foreign narcotics traffickers and their organizations, whose activities threaten the national security, foreign policy, and economy of the United States.

President.  
21 USC 1903. **SEC. 804. PUBLIC IDENTIFICATION OF SIGNIFICANT FOREIGN  
NARCOTICS TRAFFICKERS AND REQUIRED REPORTS.**

(a) **PROVISION OF INFORMATION TO THE PRESIDENT.**—The Secretary of the Treasury, the Attorney General, the Secretary

of Defense, the Secretary of State, and the Director of Central Intelligence shall consult among themselves and provide the appropriate and necessary information to enable the President to submit the report under subsection (b). This information shall also be provided to the Director of the Office of National Drug Control Policy.

(b) **PUBLIC IDENTIFICATION AND SANCTIONING OF SIGNIFICANT FOREIGN NARCOTICS TRAFFICKERS.**—Not later than June 1, 2000, and not later than June 1 of each year thereafter, the President shall submit a report to the Permanent Select Committee on Intelligence, and the Committees on the Judiciary, International Relations, Armed Services, and Ways and Means of the House of Representatives; and to the Select Committee on Intelligence, and the Committees on the Judiciary, Foreign Relations, Armed Services, and Finance of the Senate—

Deadline.

(1) identifying publicly the foreign persons that the President determines are appropriate for sanctions pursuant to this title; and

(2) detailing publicly the President's intent to impose sanctions upon these significant foreign narcotics traffickers pursuant to this title.

The report required in this subsection shall not include information on persons upon which United States sanctions imposed under this title, or otherwise on account of narcotics trafficking, are already in effect.

(c) **UNCLASSIFIED REPORT REQUIRED.**—The report required by subsection (b) shall be submitted in unclassified form and made available to the public.

Public information.

(d) **CLASSIFIED REPORT.**—(1) Not later than July 1, 2000, and not later than July 1 of each year thereafter, the President shall provide the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate with a report in classified form describing in detail the status of the sanctions imposed under this title, including the personnel and resources directed towards the imposition of such sanctions during the preceding fiscal year, and providing background information with respect to newly-identified significant foreign narcotics traffickers and their activities.

Deadline.

(2) Such classified report shall describe actions the President intends to undertake or has undertaken with respect to such significant foreign narcotics traffickers.

(3) The report required under this subsection is in addition to the President's obligations to keep the intelligence committees of Congress fully and currently informed pursuant to the provisions of the National Security Act of 1947.

(e) **EXCLUSION OF CERTAIN INFORMATION.**—

(1) **INTELLIGENCE.**—Notwithstanding any other provision of this section, the reports described in subsections (b) and (d) shall not disclose the identity of any person, if the Director of Central Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) **LAW ENFORCEMENT.**—Notwithstanding any other provision of this section, the reports described in subsections (b) and (d) shall not disclose the name of any person if the Attorney General, in coordination as appropriate with the Director of the Federal Bureau of Investigation, the Administrator of the

Drug Enforcement Administration, and the Secretary of the Treasury, determines that such disclosure could reasonably be expected to—

(A) compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) endanger the life or physical safety of any person; or

(D) cause substantial harm to physical property.

(f) NOTIFICATION REQUIRED.—(1) Whenever either the Director of Central Intelligence or the Attorney General makes a determination under subsection (e), the Director of Central Intelligence or the Attorney General shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and explain the reasons for such determination.

Deadline.

(2) The notification required under this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate not later than July 1, 2000, and on an annual basis thereafter.

(g) DETERMINATIONS NOT TO APPLY SANCTIONS.—(1) The President may waive the application to a significant foreign narcotics trafficker of any sanction authorized by this title if the President determines that the application of sanctions under this title would significantly harm the national security of the United States.

Notification.  
Deadline.

(2) When the President determines not to apply sanctions that are authorized by this title to any significant foreign narcotics trafficker, the President shall notify the Permanent Select Committee on Intelligence, and the Committees on the Judiciary, International Relations, Armed Services, and Ways and Means of the House of Representatives, and the Select Committee on Intelligence, and the Committees on the Judiciary, Foreign Relations, Armed Services, and Finance of the Senate not later than 21 days after making such determination.

(h) CHANGES IN DETERMINATIONS TO IMPOSE SANCTIONS.—

Public  
information.

(1) ADDITIONAL DETERMINATIONS.—(A) If at any time after the report required under subsection (b) the President finds that a foreign person is a significant foreign narcotics trafficker and such foreign person has not been publicly identified in a report required under subsection (b), the President shall submit an additional public report containing the information described in subsection (b) with respect to such foreign person to the Permanent Select Committee on Intelligence, and the Committees on the Judiciary, International Relations, Armed Services, and Ways and Means of the House of Representatives, and the Select Committee on Intelligence, and the Committees on the Judiciary, Foreign Relations, Armed Services, and Finance of the Senate.

(B) The President may apply sanctions authorized under this title to the significant foreign narcotics trafficker identified in the report submitted under subparagraph (A) as if the trafficker were originally included in the report submitted pursuant to subsection (b) of this section.

(C) The President shall notify the Secretary of the Treasury of any determination made under this paragraph. Notification.

(2) REVOCATION OF DETERMINATION.—(A) Whenever the President finds that a foreign person that has been publicly identified as a significant foreign narcotics trafficker in the report required under subsection (b) or this subsection no longer engages in those activities for which sanctions under this title may be applied, the President shall issue public notice of such a finding. Notice.

(B) Not later than the date of the public notice issued pursuant to subparagraph (A), the President shall notify, in writing and in classified or unclassified form, the Permanent Select Committee on Intelligence, and the Committees on the Judiciary, International Relations, Armed Services, and Ways and Means of the House of Representatives, and the Select Committee on Intelligence, and the Committees on the Judiciary, Foreign Relations, Armed Services, and Finance of the Senate of actions taken under this paragraph and a description of the basis for such actions. Deadline. Notification.

**SEC. 805. BLOCKING ASSETS AND PROHIBITING TRANSACTIONS.**

21 USC 1904.

(a) APPLICABILITY OF SANCTIONS.—A significant foreign narcotics trafficker publicly identified in the report required under subsection (b) or (h)(1) of section 804 and foreign persons designated by the Secretary of the Treasury pursuant to subsection (b) of this section shall be subject to any and all sanctions as authorized by this title. The application of sanctions on any foreign person pursuant to subsection (b) or (h)(1) of section 804 or subsection (b) of this section shall remain in effect until revoked pursuant to section 804(h)(2) or subsection (e)(1)(A) of this section or waived pursuant to section 804(g)(1).

(b) BLOCKING OF ASSETS.—Except to the extent provided in regulations, orders, instructions, licenses, or directives issued pursuant to this title, and notwithstanding any contract entered into or any license or permit granted prior to the date on which the President submits the report required under subsection (b) or (h)(1) of section 804, there are blocked as of such date, and any date thereafter, all such property and interests in property within the United States, or within the possession or control of any United States person, which are owned or controlled by—

(1) any significant foreign narcotics trafficker publicly identified by the President in the report required under subsection (b) or (h)(1) of section 804;

(2) any foreign person that the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, designates as materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a significant foreign narcotics trafficker so identified in the report required under subsection (b) or (h)(1) of section 804, or foreign persons designated by the Secretary of the Treasury pursuant to this subsection;

(3) any foreign person that the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, designates as owned, controlled, or directed by, or acting for or on behalf of, a significant foreign narcotics trafficker so identified in the report required under subsection (b) or (h)(1) of section 804, or foreign persons designated by the Secretary of the Treasury pursuant to this subsection; and

(4) any foreign person that the Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, designates as playing a significant role in international narcotics trafficking.

(c) PROHIBITED TRANSACTIONS.—Except to the extent provided in regulations, orders, instructions, licenses, or directives issued pursuant to this title, and notwithstanding any contract entered into or any license or permit granted prior to the date on which the President submits the report required under subsection (b) or (h)(1) of section 804, the following transactions are prohibited:

(1) Any transaction or dealing by a United States person, or within the United States, in property or interests in property of any significant foreign narcotics trafficker so identified in the report required pursuant to subsection (b) or (h)(1) of section 804, and foreign persons designated by the Secretary of the Treasury pursuant to subsection (b) of this section.

(2) Any transaction or dealing by a United States person, or within the United States, that evades or avoids, or has the effect of evading or avoiding, and any endeavor, attempt, or conspiracy to violate, any of the prohibitions contained in this title.

(d) LAW ENFORCEMENT AND INTELLIGENCE ACTIVITIES NOT AFFECTED.—Nothing in this title prohibits or otherwise limits the authorized law enforcement or intelligence activities of the United States, or the law enforcement activities of any State or subdivision thereof.

(e) IMPLEMENTATION.—(1) The Secretary of the Treasury, in consultation with the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, and the Secretary of State, is authorized to take such actions as may be necessary to carry out this title, including—

(A) making those designations authorized by paragraphs (2), (3), and (4) of subsection (b) of this section and revocation thereof;

(B) promulgating rules and regulations permitted under this title; and

(C) employing all powers conferred on the Secretary of the Treasury under this title.

(2) Each agency of the United States shall take all appropriate measures within its authority to carry out the provisions of this title.

(3) Section 552(a)(3) of title 5, United States Code, shall not apply to any record or information obtained or created in the implementation of this title.

(f) JUDICIAL REVIEW.—The determinations, identifications, findings, and designations made pursuant to section 804 and subsection (b) of this section shall not be subject to judicial review.

**SEC. 806. AUTHORITIES.**

21 USC 1905.

(a) IN GENERAL.—To carry out the purposes of this title, the Secretary of the Treasury may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(1) investigate, regulate, or prohibit—

(A) any transactions in foreign exchange, currency, or securities; and

(B) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interests of any foreign country or a national thereof; and

(2) investigate, block during the pendency of an investigation, regulate, direct and compel, nullify, void, prevent, or prohibit any acquisition, holding, withholding, use, transfer, withdrawal, transportation, placement into foreign or domestic commerce of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest,

by any person, or with respect to any property, subject to the jurisdiction of the United States.

(b) RECORDKEEPING.—Pursuant to subsection (a), the Secretary of the Treasury may require recordkeeping, reporting, and production of documents to carry out the purposes of this title.

(c) DEFENSES.—

(1) Full and actual compliance with any regulation, order, license, instruction, or direction issued under this title shall be a defense in any proceeding alleging a violation of any of the provisions of this title.

(2) No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to, and in reliance on this title, or any regulation, instruction, or direction issued under this title.

(d) RULEMAKING.—The Secretary of the Treasury may issue such other regulations or orders, including regulations prescribing recordkeeping, reporting, and production of documents, definitions, licenses, instructions, or directions, as may be necessary for the exercise of the authorities granted by this title.

**SEC. 807. ENFORCEMENT.**

21 USC 1906.

(a) CRIMINAL PENALTIES.—(1) Whoever willfully violates the provisions of this title, or any license rule, or regulation issued pursuant to this title, or willfully neglects or refuses to comply with any order of the President issued under this title shall be—

(A) imprisoned for not more than 10 years,

(B) fined in the amount provided in title 18, United States Code, or, in the case of an entity, fined not more than \$10,000,000,

or both.

(2) Any officer, director, or agent of any entity who knowingly participates in a violation of the provisions of this title shall be imprisoned for not more than 30 years, fined not more than \$5,000,000, or both.

(b) CIVIL PENALTIES.—A civil penalty not to exceed \$1,000,000 may be imposed by the Secretary of the Treasury on any person who violates any license, order, rule, or regulation issued in compliance with the provisions of this title.

(c) JUDICIAL REVIEW OF CIVIL PENALTY.—Any penalty imposed under subsection (b) shall be subject to judicial review only to the extent provided in section 702 of title 5, United States Code.

21 USC 1907.

**SEC. 808. DEFINITIONS.**

As used in this title:

(1) ENTITY.—The term “entity” means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(2) FOREIGN PERSON.—The term “foreign person” means any citizen or national of a foreign state or any entity not organized under the laws of the United States, but does not include a foreign state.

(3) NARCOTICS TRAFFICKING.—The term “narcotics trafficking” means any illicit activity to cultivate, produce, manufacture, distribute, sell, finance, or transport narcotic drugs, controlled substances, or listed chemicals, or otherwise endeavor or attempt to do so, or to assist, abet, conspire, or collude with others to do so.

(4) NARCOTIC DRUG; CONTROLLED SUBSTANCE; LISTED CHEMICAL.—The terms “narcotic drug”, “controlled substance”, and “listed chemical” have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(5) PERSON.—The term “person” means an individual or entity.

(6) UNITED STATES PERSON.—The term “United States person” means any United States citizen or national, permanent resident alien, an entity organized under the laws of the United States (including its foreign branches), or any person within the United States.

(7) SIGNIFICANT FOREIGN NARCOTICS TRAFFICKER.—The term “significant foreign narcotics trafficker” means any foreign person that plays a significant role in international narcotics trafficking, that the President has determined to be appropriate for sanctions pursuant to this title, and that the President has publicly identified in the report required under subsection (b) or (h)(1) of section 804.

**SEC. 809. EXCLUSION OF PERSONS WHO HAVE BENEFITED FROM ILLICIT ACTIVITIES OF DRUG TRAFFICKERS.**

Section 212(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(C)) is amended to read as follows:

“(C) CONTROLLED SUBSTANCE TRAFFICKERS.—Any alien who the consular officer or the Attorney General knows or has reason to believe—

“(i) is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the



illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so; or

“(ii) is the spouse, son, or daughter of an alien inadmissible under clause (i), has, within the previous 5 years, obtained any financial or other benefit from the illicit activity of that alien, and knew or reasonably should have known that the financial or other benefit was the product of such illicit activity, is inadmissible.”.

**SEC. 810. JUDICIAL REVIEW COMMISSION ON FOREIGN ASSET CONTROL.** 21 USC 1908.

(a) **ESTABLISHMENT.**—There is established a commission to be known as the “Judicial Review Commission on Foreign Asset Control” (in this section referred to as the “Commission”).

(b) **MEMBERSHIP AND PROCEDURAL MATTERS.**—(1) The Commission shall be composed of five members, as follows:

(A) One member shall be appointed by the Chairman of the Select Committee on Intelligence of the Senate.

(B) One member shall be appointed by the Vice Chairman of the Select Committee on Intelligence of the Senate.

(C) One member shall be appointed by the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives.

(D) One member shall be appointed by the Ranking Minority Member of the Permanent Select Committee on Intelligence of the House of Representatives.

(E) One member shall be appointed jointly by the members appointed under subparagraphs (A) through (D).

(2) Each member of the Commission shall, for purposes of the activities of the Commission under this section, possess or obtain an appropriate security clearance in accordance with applicable laws and regulations regarding the handling of classified information.

(3) The members of the Commission shall choose the chairman of the Commission from among the members of the Commission.

(4) The members of the Commission shall establish rules governing the procedures and proceedings of the Commission.

(c) **DUTIES.**—The Commission shall have as its duties the following:

(1) To conduct a review of the current judicial, regulatory, and administrative authorities relating to the blocking of assets of foreign persons by the United States Government.

(2) To conduct a detailed examination and evaluation of the remedies available to United States persons affected by the blocking of assets of foreign persons by the United States Government.

(d) **POWERS.**—(1) The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(2) The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each such department, agency, bureau, board, commission,

office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the chairman of the Commission. The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable statutes and regulations.

(3) The Attorney General and the Secretary of the Treasury shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, facilities, and other support services as are necessary for the performance of the Commission's duties under this section.

(4) The Commission shall receive the full and timely cooperation of any official, department, or agency of the United States Government whose assistance is necessary for the fulfillment of the duties of the Commission under this section, including the provision of full and current briefings and analyses.

(5) No department or agency of the Government may withhold information from the Commission on the grounds that providing the information to the Commission would constitute the unauthorized disclosure of classified information or information relating to intelligence sources or methods.

(6) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

(e) STAFF.—(1) Subject to paragraph (2), the chairman of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III or chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(2)(A) Any employee of a department or agency referred to in subparagraph (B) may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(B) The departments and agencies referred to in this subparagraph are as follows:

- (i) The Department of Justice.
- (ii) The Department of the Treasury.
- (iii) The Central Intelligence Agency.

(3) All staff of the Commission shall possess a security clearance in accordance with applicable laws and regulations concerning the handling of classified information.

(f) COMPENSATION AND TRAVEL EXPENSES.—(1)(A) Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this section.

(B) Members of the Commission who are officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(g) REPORT.—(1) Not later than 1 year after the date of the enactment of this Act, the Commissions shall submit to the committees of Congress referred to in paragraph (4) a report on the activities of the Commission under this section, including the findings, conclusions, and recommendations, if any, of the Commission as a result of the review under subsection (c)(1) and the examination and evaluation under subsection (c)(2). Deadline.

(2) The report under paragraph (1) shall include any additional or dissenting views of a member of the Commission upon the request of the member.

(3) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(4) The committees of Congress referred to in this paragraph are the following:

(A) The Select Committee on Intelligence and the Committees on Foreign Relations and the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committees on International Relations and the Judiciary of the House of Representatives.

(h) TERMINATION.—The Commission shall terminate at the end of the 60-day period beginning on the date on which the report required by subsection (g) is submitted to the committees of Congress referred to in that subsection.

(i) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—(1) The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission under this section.

(2) The provisions of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), shall not apply to the activities, records, and proceedings of the Commission under this title.

(j) FUNDING.—The Attorney General shall, from amounts authorized to be appropriated to the Attorney General by this Act, make available to the Commission \$1,000,000 for purposes of the activities of the Commission under this section. Amounts made available to the Commission under the preceding sentence shall remain available until expended.

21 USC 1901  
note.

**SEC. 811. EFFECTIVE DATE.**

This title shall take effect on the date of the enactment of this Act.

Approved December 3, 1999.

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**LEGISLATIVE HISTORY—H.R. 1555 (S. 1009):**

HOUSE REPORTS: Nos. 106–130, Pt. 1 (Select Comm. on Intelligence) and 106–457 (Comm. of Conference).

SENATE REPORTS: No. 106–48 accompanying S. 1009 (Select Comm. on Intelligence).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 13, considered and passed House.

July 20, 21, considered and passed Senate, amended.

Nov. 9, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 3, Presidential statement.



Public Law 106–121  
106th Congress

An Act

To extend the deadline under the Federal Power Act for FERC Project No. 9401,  
the Mt. Hope Waterpower Project.

Dec. 6, 1999  
[H.R. 459]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF TIME FOR FERC PROJECT.**

Notwithstanding the time limitations specified in section 13 of the Federal Power Act (16 U.S.C. 806), the Federal Energy Regulatory Commission, upon the request of the licensee for FERC Project No. 9401 (and after reasonable notice), is authorized, in accordance with the good faith, due diligence, and public interest requirements of such section 13 and the Commission's procedures under such section, to extend the time required for commencement of construction of such project until August 3, 2002.

Approved December 6, 1999.

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LEGISLATIVE HISTORY—H.R. 459:

HOUSE REPORTS: No. 106–119 (Comm. on Commerce).

SENATE REPORTS: No. 106–97 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 4, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–122  
106th Congress

An Act

Dec. 6, 1999  
[H.R. 1094]

To amend the Federal Reserve Act to broaden the range of discount window loans which may be used as collateral for Federal reserve notes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the third sentence of the second undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended by striking “acceptances acquired under the provisions of section 13 of this Act” and inserting “acceptances acquired under section 10A, 10B, 13, or 13A of this Act”.

Approved December 6, 1999.

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LEGISLATIVE HISTORY—H.R. 1094:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–123  
106th Congress

An Act

To designate certain facilities of the United States Postal Service in Chicago, Illinois.

Dec. 6, 1999

[H.R. 1191]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CARDISS COLLINS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 433 West Harrison Street in Chicago, Illinois, is hereby designated as the “Cardiss Collins Post Office Building”.

(b) REFERENCES.—Any reference to such facility in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Cardiss Collins Post Office Building”.

**SEC. 2. OTIS GRANT COLLINS POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2302 South Pulaski Street in Chicago, Illinois, is hereby designated as the “Otis Grant Collins Post Office Building”.

(b) REFERENCES.—Any reference to such facility in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Otis Grant Collins Post Office Building”.

**SEC. 3. MARY ALICE (MA) HENRY POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 4222 West Madison Street in Chicago, Illinois, is hereby designated as the “Mary Alice (Ma) Henry Post Office Building”.

(b) REFERENCES.—Any reference to such facility in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Mary Alice (Ma) Henry Post Office Building”.

**SEC. 4. ROBERT LEFLORE, JR. POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 50001 West Division Street in Chicago, Illinois, is hereby designated as the “Robert LeFlore, Jr. Post Office Building”.

(b) REFERENCES.—Any reference to such facility in any law, regulation, map, document, paper, or other record of the United

States shall be considered to be a reference to the “Robert LeFlore, Jr. Post Office Building”.

Approved December 6, 1999.

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LEGISLATIVE HISTORY—H.R. 1191:

CONGRESSIONAL RECORD, Vol. 145 (1999):

May 24, considered and passed House.

Nov. 19, considered and passed Senate.





Public Law 106–124  
106th Congress

An Act

To designate the United States Postal Service building located at 8850 South 700 East, Sandy, Utah, as the “Noal Cushing Bateman Post Office Building”.

Dec. 6, 1999  
[H.R. 1251]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Postal Service building located at 8850 South 700 East, in Sandy, Utah, shall be known and designated as the “Noal Cushing Bateman Post Office Building”.

**SEC. 2. REFERENCES.**

Any reference in any law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Noal Cushing Bateman Post Office Building”.

Approved December 6, 1999.

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**LEGISLATIVE HISTORY—H.R. 1251:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
May 24, considered and passed House.  
Nov. 19, considered and passed Senate.



Public Law 106–125  
106th Congress

An Act

Dec. 6, 1999  
[H.R. 1327]

To designate the United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, as the “Maurine B. Neuberger United States Post Office”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The United States Postal Service building located at 34480 Highway 101 South in Cloverdale, Oregon, shall be known and designated as the “Maurine B. Neuberger United States Post Office”.

**SEC. 2. REFERENCES.**

Any reference in any law, map, regulation, document, paper, or other record of the United States to the United States Postal Service building referred to in section 1 shall be deemed to be a reference to the “Maurine B. Neuberger United States Post Office”.

Approved December 6, 1999.

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**LEGISLATIVE HISTORY—H.R. 1327:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
June 29, considered and passed House.  
Nov. 19, considered and passed Senate.



Public Law 106–126  
106th Congress

An Act

To require the Secretary of the Treasury to mint coins in conjunction with the minting of coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson.

Dec. 6, 1999  
[H.R. 3373]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—LEIF ERICSON MILLENNIUM  
COMMEMORATIVE COIN**

Leif Ericson  
Millennium  
Commemorative  
Coin Act.  
31 USC 5112  
note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Leif Ericson Millennium Commemorative Coin Act”.

**SEC. 102. COIN SPECIFICATIONS.**

(a) **\$1 SILVER COINS.**—In conjunction with the simultaneous minting and issuance of commemorative coins by the Republic of Iceland in commemoration of the millennium of the discovery of the New World by Leif Ericson, the Secretary of the Treasury (hereafter in this title referred to as the “Secretary”) shall mint and issue not more than 500,000 1 dollar coins, which shall—

- (1) weigh 26.73 grams;
- (2) have a diameter of 1.500 inches; and
- (3) contain 90 percent silver and 10 percent copper.

(b) **LEGAL TENDER.**—The coins minted under this title shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of section 5136 of title 31, United States Code, all coins minted under this title shall be considered to be numismatic items.

**SEC. 103. SOURCES OF BULLION.**

The Secretary may obtain silver for minting coins under this title from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 104. DESIGN OF COINS.**

(a) **DESIGN REQUIREMENTS.**—

(1) **IN GENERAL.**—The design of the coins minted under this title shall be emblematic of the millennium of the discovery of the New World by Leif Ericson.

(2) **DESIGNATION AND INSCRIPTIONS.**—On each coin minted under this title there shall be—

- (A) a designation of the value of the coin;

Public Law 106–127  
106th Congress

Joint Resolution

Appointing the day for the convening of the second session of the One Hundred  
Sixth Congress.

Dec. 6, 1999

[H.J. Res. 85]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. DAY FOR CONVENING OF SECOND SESSION OF ONE HUN-  
DRED SIXTH CONGRESS.**

The second regular session of the One Hundred Sixth Congress  
shall begin at noon on Monday, January 24, 2000.

**SEC. 2. ADDITIONAL SESSION PRIOR TO CONVENING.**

If the Speaker of the House of Representatives and the Majority  
Leader of the Senate, acting jointly after consultation with the  
Minority Leader of the House of Representatives and the Minority  
Leader of the Senate, determine that it is in the public interest  
for the Members of the House of Representatives and the Senate  
to reassemble prior to the convening of the second regular session  
of the One Hundred Sixth Congress as provided in section 1—

(1) the Speaker and Majority Leader shall so notify their  
respective Members; and

(2) Congress shall reassemble at noon on the second day  
after the Members are so notified.

Approved December 6, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 85:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 18, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–128  
106th Congress

An Act

Dec. 6, 1999  
[S. 574]

To direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

16 USC 3503  
note.  
Deadline.

**SECTION 1. CORRECTIONS TO MAP.**

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled “Coastal Barrier Resources System”, dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled “Cape Henlopen Unit DE–03P”.

Approved December 6, 1999.

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LEGISLATIVE HISTORY—S. 574 (H.R. 535):

HOUSE REPORTS: No. 106–230 accompanying H.R. 535 (Comm. on Resources).

SENATE REPORTS: No. 106–39 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 22, considered and passed Senate.

Nov. 18, considered and passed House.



Public Law 106–129  
106th Congress

An Act

To amend title IX of the Public Health Service Act to revise and extend the  
Agency for Healthcare Policy and Research.

Dec. 6, 1999  
[S. 580]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Healthcare Research and Quality  
Act of 1999”.

Healthcare  
Research and  
Quality Act of  
1999.  
42 USC 201 note.

**SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

(a) IN GENERAL.—Title IX of the Public Health Service Act  
(42 U.S.C. 299 et seq.) is amended to read as follows:

**“TITLE IX—AGENCY FOR HEALTHCARE  
RESEARCH AND QUALITY**

**“PART A—ESTABLISHMENT AND GENERAL  
DUTIES**

**“SEC. 901. MISSION AND DUTIES.**

42 USC 299.

“(a) IN GENERAL.—There is established within the Public  
Health Service an agency to be known as the Agency for Healthcare  
Research and Quality, which shall be headed by a director appointed  
by the Secretary. The Secretary shall carry out this title acting  
through the Director.

“(b) MISSION.—The purpose of the Agency is to enhance the  
quality, appropriateness, and effectiveness of health services, and  
access to such services, through the establishment of a broad base  
of scientific research and through the promotion of improvements  
in clinical and health system practices, including the prevention  
of diseases and other health conditions. The Agency shall promote  
health care quality improvement by conducting and supporting—

“(1) research that develops and presents scientific evidence  
regarding all aspects of health care, including—

“(A) the development and assessment of methods for  
enhancing patient participation in their own care and for  
facilitating shared patient-physician decision-making;

“(B) the outcomes, effectiveness, and cost-effectiveness  
of health care practices, including preventive measures and  
long-term care;

“(C) existing and innovative technologies;

“(D) the costs and utilization of, and access to health care;

“(E) the ways in which health care services are organized, delivered, and financed and the interaction and impact of these factors on the quality of patient care;

“(F) methods for measuring quality and strategies for improving quality; and

“(G) ways in which patients, consumers, purchasers, and practitioners acquire new information about best practices and health benefits, the determinants and impact of their use of this information;

“(2) the synthesis and dissemination of available scientific evidence for use by patients, consumers, practitioners, providers, purchasers, policy makers, and educators; and

“(3) initiatives to advance private and public efforts to improve health care quality.

“(c) REQUIREMENTS WITH RESPECT TO RURAL AND INNER-CITY AREAS AND PRIORITY POPULATIONS.—

“(1) RESEARCH, EVALUATIONS AND DEMONSTRATION PROJECTS.—In carrying out this title, the Director shall conduct and support research and evaluations, and support demonstration projects, with respect to—

“(A) the delivery of health care in inner-city areas, and in rural areas (including frontier areas); and

“(B) health care for priority populations, which shall include—

“(i) low-income groups;

“(ii) minority groups;

“(iii) women;

“(iv) children;

“(v) the elderly; and

“(vi) individuals with special health care needs, including individuals with disabilities and individuals who need chronic care or end-of-life health care.

“(2) PROCESS TO ENSURE APPROPRIATE RESEARCH.—The Director shall establish a process to ensure that the requirements of paragraph (1) are reflected in the overall portfolio of research conducted and supported by the Agency.

Establishment.

“(3) OFFICE OF PRIORITY POPULATIONS.—The Director shall establish an Office of Priority Populations to assist in carrying out the requirements of paragraph (1).

42 USC 299a.

**“SEC. 902. GENERAL AUTHORITIES.**

“(a) IN GENERAL.—In carrying out section 901(b), the Director shall conduct and support research, evaluations, and training, support demonstration projects, research networks, and multidisciplinary centers, provide technical assistance, and disseminate information on health care and on systems for the delivery of such care, including activities with respect to—

“(1) the quality, effectiveness, efficiency, appropriateness and value of health care services;

“(2) quality measurement and improvement;

“(3) the outcomes, cost, cost-effectiveness, and use of health care services and access to such services;

“(4) clinical practice, including primary care and practice-oriented research;

“(5) health care technologies, facilities, and equipment;

“(6) health care costs, productivity, organization, and market forces;

“(7) health promotion and disease prevention, including clinical preventive services;

“(8) health statistics, surveys, database development, and epidemiology; and

“(9) medical liability.

“(b) HEALTH SERVICES TRAINING GRANTS.—

“(1) IN GENERAL.—The Director may provide training grants in the field of health services research related to activities authorized under subsection (a), to include pre- and post-doctoral fellowships and training programs, young investigator awards, and other programs and activities as appropriate. In carrying out this subsection, the Director shall make use of funds made available under section 487(d)(3) as well as other appropriated funds.

“(2) REQUIREMENTS.—In developing priorities for the allocation of training funds under this subsection, the Director shall take into consideration shortages in the number of trained researchers who are addressing health care issues for the priority populations identified in section 901(c)(1)(B) and in addition, shall take into consideration indications of long-term commitment, amongst applicants for training funds, to addressing health care needs of the priority populations.

“(c) MULTIDISCIPLINARY CENTERS.—The Director may provide financial assistance to assist in meeting the costs of planning and establishing new centers, and operating existing and new centers, for multidisciplinary health services research, demonstration projects, evaluations, training, and policy analysis with respect to the matters referred to in subsection (a).

“(d) RELATION TO CERTAIN AUTHORITIES REGARDING SOCIAL SECURITY.—Activities authorized in this section shall be appropriately coordinated with experiments, demonstration projects, and other related activities authorized by the Social Security Act and the Social Security Amendments of 1967. Activities under subsection (a)(2) of this section that affect the programs under titles XVIII, XIX and XXI of the Social Security Act shall be carried out consistent with section 1142 of such Act.

“(e) DISCLAIMER.—The Agency shall not mandate national standards of clinical practice or quality health care standards. Recommendations resulting from projects funded and published by the Agency shall include a corresponding disclaimer.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply that the Agency’s role is to mandate a national standard or specific approach to quality measurement and reporting. In research and quality improvement activities, the Agency shall consider a wide range of choices, providers, health care delivery systems, and individual preferences.

“(g) ANNUAL REPORT.—Beginning with fiscal year 2003, the Director shall annually submit to the Congress a report regarding prevailing disparities in health care delivery as it relates to racial factors and socioeconomic factors in priority populations.

Effective date.



## **“PART B—HEALTH CARE IMPROVEMENT RESEARCH**

42 USC 299b.

### **“SEC. 911. HEALTH CARE OUTCOME IMPROVEMENT RESEARCH.**

“(a) EVIDENCE RATING SYSTEMS.—In collaboration with experts from the public and private sector, the Agency shall identify and disseminate methods or systems to assess health care research results, particularly methods or systems to rate the strength of the scientific evidence underlying health care practice, recommendations in the research literature, and technology assessments. The Agency shall make methods or systems for evidence rating widely available. Agency publications containing health care recommendations shall indicate the level of substantiating evidence using such methods or systems.

#### **“(b) HEALTH CARE IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.—**

“(1) IN GENERAL.—In order to address the full continuum of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Agency shall employ research strategies and mechanisms that will link research directly with clinical practice in geographically diverse locations throughout the United States, including—

“(A) health care improvement research centers that combine demonstrated multidisciplinary expertise in outcomes or quality improvement research with linkages to relevant sites of care;

“(B) provider-based research networks, including plan, facility, or delivery system sites of care (especially primary care), that can evaluate outcomes and evaluate and promote quality improvement; and

“(C) other innovative mechanisms or strategies to link research with clinical practice.

“(2) REQUIREMENTS.—The Director is authorized to establish the requirements for entities applying for grants under this subsection.

42 USC 299b-1.

### **“SEC. 912. PRIVATE-PUBLIC PARTNERSHIPS TO IMPROVE ORGANIZATION AND DELIVERY.**

#### **“(a) SUPPORT FOR EFFORTS TO DEVELOP INFORMATION ON QUALITY.—**

“(1) SCIENTIFIC AND TECHNICAL SUPPORT.—In its role as the principal agency for health care research and quality, the Agency may provide scientific and technical support for private and public efforts to improve health care quality, including the activities of accrediting organizations.

“(2) ROLE OF THE AGENCY.—With respect to paragraph (1), the role of the Agency shall include—

“(A) the identification and assessment of methods for the evaluation of the health of—

“(i) enrollees in health plans by type of plan, provider, and provider arrangements; and

“(ii) other populations, including those receiving long-term care services;

“(B) the ongoing development, testing, and dissemination of quality measures, including measures of health and functional outcomes;

“(C) the compilation and dissemination of health care quality measures developed in the private and public sector;

“(D) assistance in the development of improved health care information systems;

“(E) the development of survey tools for the purpose of measuring participant and beneficiary assessments of their health care; and

“(F) identifying and disseminating information on mechanisms for the integration of information on quality into purchaser and consumer decision-making processes.

“(b) CENTERS FOR EDUCATION AND RESEARCH ON THERAPEUTICS.—

“(1) IN GENERAL.—The Secretary, acting through the Director and in consultation with the Commissioner of Food and Drugs, shall establish a program for the purpose of making one or more grants for the establishment and operation of one or more centers to carry out the activities specified in paragraph (2).

“(2) REQUIRED ACTIVITIES.—The activities referred to in this paragraph are the following:

“(A) The conduct of state-of-the-art research for the following purposes:

“(i) To increase awareness of—

“(I) new uses of drugs, biological products, and devices;

“(II) ways to improve the effective use of drugs, biological products, and devices; and

“(III) risks of new uses and risks of combinations of drugs and biological products.

“(ii) To provide objective clinical information to the following individuals and entities:

“(I) Health care practitioners and other providers of health care goods or services.

“(II) Pharmacists, pharmacy benefit managers and purchasers.

“(III) Health maintenance organizations and other managed health care organizations.

“(IV) Health care insurers and governmental agencies.

“(V) Patients and consumers.

“(iii) To improve the quality of health care while reducing the cost of health care through—

“(I) an increase in the appropriate use of drugs, biological products, or devices; and

“(II) the prevention of adverse effects of drugs, biological products, and devices and the consequences of such effects, such as unnecessary hospitalizations.

“(B) The conduct of research on the comparative effectiveness, cost-effectiveness, and safety of drugs, biological products, and devices.

“(C) Such other activities as the Secretary determines to be appropriate, except that a grant may not be expended to assist the Secretary in the review of new drugs, biological products, and devices.

“(c) REDUCING ERRORS IN MEDICINE.—The Director shall conduct and support research and build private-public partnerships to—

“(1) identify the causes of preventable health care errors and patient injury in health care delivery;

“(2) develop, demonstrate, and evaluate strategies for reducing errors and improving patient safety; and

“(3) disseminate such effective strategies throughout the health care industry.

42 USC 299b-2.

**“SEC. 913. INFORMATION ON QUALITY AND COST OF CARE.**

“(a) IN GENERAL.—The Director shall—

Survey.  
Effective date.

“(1) conduct a survey to collect data on a nationally representative sample of the population on the cost, use and, for fiscal year 2001 and subsequent fiscal years, quality of health care, including the types of health care services Americans use, their access to health care services, frequency of use, how much is paid for the services used, the source of those payments, the types and costs of private health insurance, access, satisfaction, and quality of care for the general population including rural residents and also for populations identified in section 901(c); and

“(2) develop databases and tools that provide information to States on the quality, access, and use of health care services provided to their residents.

“(b) QUALITY AND OUTCOMES INFORMATION.—

Effective date.

“(1) IN GENERAL.—Beginning in fiscal year 2001, the Director shall ensure that the survey conducted under subsection (a)(1) will—

“(A) identify determinants of health outcomes and functional status, including the health care needs of populations identified in section 901(c), provide data to study the relationships between health care quality, outcomes, access, use, and cost, measure changes over time, and monitor the overall national impact of Federal and State policy changes on health care;

“(B) provide information on the quality of care and patient outcomes for frequently occurring clinical conditions for a nationally representative sample of the population including rural residents; and

“(C) provide reliable national estimates for children and persons with special health care needs through the use of supplements or periodic expansions of the survey. In expanding the Medical Expenditure Panel Survey, as in existence on the date of the enactment of this title in fiscal year 2001 to collect information on the quality of care, the Director shall take into account any outcomes measurements generally collected by private sector accreditation organizations.

Effective date.

“(2) ANNUAL REPORT.—Beginning in fiscal year 2003, the Secretary, acting through the Director, shall submit to Congress an annual report on national trends in the quality of health care provided to the American people.

42 USC 299b-3.

**“SEC. 914. INFORMATION SYSTEMS FOR HEALTH CARE IMPROVEMENT.**

“(a) IN GENERAL.—In order to foster a range of innovative approaches to the management and communication of health information, the Agency shall conduct and support research, evaluations, and initiatives to advance—

“(1) the use of information systems for the study of health care quality and outcomes, including the generation of both individual provider and plan-level comparative performance data;

“(2) training for health care practitioners and researchers in the use of information systems;

“(3) the creation of effective linkages between various sources of health information, including the development of information networks;

“(4) the delivery and coordination of evidence-based health care services, including the use of real-time health care decision-support programs;

“(5) the utility and comparability of health information data and medical vocabularies by addressing issues related to the content, structure, definitions and coding of such information and data in consultation with appropriate Federal, State and private entities;

“(6) the use of computer-based health records in all settings for the development of personal health records for individual health assessment and maintenance, and for monitoring public health and outcomes of care within populations; and

“(7) the protection of individually identifiable information in health services research and health care quality improvement.

“(b) DEMONSTRATION.—The Agency shall support demonstrations into the use of new information tools aimed at improving shared decision-making between patients and their care-givers.

“(c) FACILITATING PUBLIC ACCESS TO INFORMATION.—The Director shall work with appropriate public and private sector entities to facilitate public access to information regarding the quality of and consumer satisfaction with health care.

**“SEC. 915. RESEARCH SUPPORTING PRIMARY CARE AND ACCESS IN UNDERSERVED AREAS.** 42 USC 299b–4.

“(a) PREVENTIVE SERVICES TASK FORCE.—

“(1) ESTABLISHMENT AND PURPOSE.—The Director may periodically convene a Preventive Services Task Force to be composed of individuals with appropriate expertise. Such a task force shall review the scientific evidence related to the effectiveness, appropriateness, and cost-effectiveness of clinical preventive services for the purpose of developing recommendations for the health care community, and updating previous clinical preventive recommendations.

“(2) ROLE OF AGENCY.—The Agency shall provide ongoing administrative, research, and technical support for the operations of the Preventive Services Task Force, including coordinating and supporting the dissemination of the recommendations of the Task Force.

“(3) OPERATION.—In carrying out its responsibilities under paragraph (1), the Task Force is not subject to the provisions of Appendix 2 of title 5, United States Code.

“(b) PRIMARY CARE RESEARCH.—

“(1) IN GENERAL.—There is established within the Agency a Center for Primary Care Research (referred to in this subsection as the ‘Center’) that shall serve as the principal source of funding for primary care practice research in the Department of Health and Human Services. For purposes of this paragraph, Establishment.

primary care research focuses on the first contact when illness or health concerns arise, the diagnosis, treatment or referral to specialty care, preventive care, and the relationship between the clinician and the patient in the context of the family and community.

“(2) RESEARCH.—In carrying out this section, the Center shall conduct and support research concerning—

“(A) the nature and characteristics of primary care practice;

“(B) the management of commonly occurring clinical problems;

“(C) the management of undifferentiated clinical problems; and

“(D) the continuity and coordination of health services.

42 USC 299b-5.

**“SEC. 916. HEALTH CARE PRACTICE AND TECHNOLOGY INNOVATION.**

“(a) IN GENERAL.—The Director shall promote innovation in evidence-based health care practices and technologies by—

“(1) conducting and supporting research on the development, diffusion, and use of health care technology;

“(2) developing, evaluating, and disseminating methodologies for assessments of health care practices and technologies;

“(3) conducting intramural and supporting extramural assessments of existing and new health care practices and technologies;

“(4) promoting education and training and providing technical assistance in the use of health care practice and technology assessment methodologies and results; and

“(5) working with the National Library of Medicine and the public and private sector to develop an electronic clearinghouse of currently available assessments and those in progress.

“(b) SPECIFICATION OF PROCESS.—

“(1) IN GENERAL.—Not later than December 31, 2000, the Director shall develop and publish a description of the methods used by the Agency and its contractors for health care practice and technology assessment.

“(2) CONSULTATIONS.—In carrying out this subsection, the Director shall cooperate and consult with the Assistant Secretary for Health, the Administrator of the Health Care Financing Administration, the Director of the National Institutes of Health, the Commissioner of Food and Drugs, and the heads of any other interested Federal department or agency, and shall seek input, where appropriate, from professional societies and other private and public entities.

“(3) METHODOLOGY.—The Director shall, in developing the methods used under paragraph (1), consider—

“(A) safety, efficacy, and effectiveness;

“(B) legal, social, and ethical implications;

“(C) costs, benefits, and cost-effectiveness;

“(D) comparisons to alternate health care practices and technologies; and

“(E) requirements of Food and Drug Administration approval to avoid duplication.

“(c) SPECIFIC ASSESSMENTS.—

“(1) IN GENERAL.—The Director shall conduct or support specific assessments of health care technologies and practices.

Deadline.  
Publication.

“(2) REQUESTS FOR ASSESSMENTS.—The Director is authorized to conduct or support assessments, on a reimbursable basis, for the Health Care Financing Administration, the Department of Defense, the Department of Veterans Affairs, the Office of Personnel Management, and other public or private entities.

“(3) GRANTS AND CONTRACTS.—In addition to conducting assessments, the Director may make grants to, or enter into cooperative agreements or contracts with, entities described in paragraph (4) for the purpose of conducting assessments of experimental, emerging, existing, or potentially outmoded health care technologies, and for related activities.

“(4) ELIGIBLE ENTITIES.—An entity described in this paragraph is an entity that is determined to be appropriate by the Director, including academic medical centers, research institutions and organizations, professional organizations, third party payers, governmental agencies, minority institutions of higher education (such as Historically Black Colleges and Universities, and Hispanic institutions), and consortia of appropriate research entities established for the purpose of conducting technology assessments.

“(d) MEDICAL EXAMINATION OF CERTAIN VICTIMS.—

“(1) IN GENERAL.—The Director shall develop and disseminate a report on evidence-based clinical practices for—

Reports.

“(A) the examination and treatment by health professionals of individuals who are victims of sexual assault (including child molestation) or attempted sexual assault; and

“(B) the training of health professionals, in consultation with the Health Resources and Services Administration, on performing medical evidentiary examinations of individuals who are victims of child abuse or neglect, sexual assault, elder abuse, or domestic violence.

“(2) CERTAIN CONSIDERATIONS.—In identifying the issues to be addressed by the report, the Director shall, to the extent practicable, take into consideration the expertise and experience of Federal and State law enforcement officials regarding the victims referred to in paragraph (1), and of other appropriate public and private entities (including medical societies, victim services organizations, sexual assault prevention organizations, and social services organizations).

**“SEC. 917. COORDINATION OF FEDERAL GOVERNMENT QUALITY IMPROVEMENT EFFORTS.** 42 USC 299b-6.

“(a) REQUIREMENT.—

“(1) IN GENERAL.—To avoid duplication and ensure that Federal resources are used efficiently and effectively, the Secretary, acting through the Director, shall coordinate all research, evaluations, and demonstrations related to health services research, quality measurement and quality improvement activities undertaken and supported by the Federal Government.

“(2) SPECIFIC ACTIVITIES.—The Director, in collaboration with the appropriate Federal officials representing all concerned executive agencies and departments, shall develop and manage a process to—

“(A) improve interagency coordination, priority setting, and the use and sharing of research findings and data pertaining to Federal quality improvement programs, technology assessment, and health services research;

“(B) strengthen the research information infrastructure, including databases, pertaining to Federal health services research and health care quality improvement initiatives;

“(C) set specific goals for participating agencies and departments to further health services research and health care quality improvement; and

“(D) strengthen the management of Federal health care quality improvement programs.

“(b) STUDY BY THE INSTITUTE OF MEDICINE.—

Contracts.

“(1) IN GENERAL.—To provide Congress, the Department of Health and Human Services, and other relevant departments with an independent, external review of their quality oversight, quality improvement and quality research programs, the Secretary shall enter into a contract with the Institute of Medicine—

“(A) to describe and evaluate current quality improvement, quality research and quality monitoring processes through—

“(i) an overview of pertinent health services research activities and quality improvement efforts conducted by all Federal programs, with particular attention paid to those under titles XVIII, XIX, and XXI of the Social Security Act; and

“(ii) a summary of the partnerships that the Department of Health and Human Services has pursued with private accreditation, quality measurement and improvement organizations; and

“(B) to identify options and make recommendations to improve the efficiency and effectiveness of quality improvement programs through—

“(i) the improved coordination of activities across the medicare, medicaid and child health insurance programs under titles XVIII, XIX and XXI of the Social Security Act and health services research programs;

“(ii) the strengthening of patient choice and participation by incorporating state-of-the-art quality monitoring tools and making information on quality available; and

“(iii) the enhancement of the most effective programs, consolidation as appropriate, and elimination of duplicative activities within various Federal agencies.

“(2) REQUIREMENTS.—

Contracts.

“(A) IN GENERAL.—The Secretary shall enter into a contract with the Institute of Medicine for the preparation—

Deadline.  
Reports.

“(i) not later than 12 months after the date of the enactment of this title, of a report providing an overview of the quality improvement programs of the Department of Health and Human Services for the medicare, medicaid, and CHIP programs under titles XVIII, XIX, and XXI of the Social Security Act; and

“(ii) not later than 24 months after the date of the enactment of this title, of a final report containing recommendations. Deadline.  
Report.

“(B) REPORTS.—The Secretary shall submit the reports described in subparagraph (A) to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives.

## “PART C—GENERAL PROVISIONS

### “SEC. 921. ADVISORY COUNCIL FOR HEALTHCARE RESEARCH AND QUALITY. 42 USC 299c.

“(a) ESTABLISHMENT.—There is established an advisory council to be known as the National Advisory Council for Healthcare Research and Quality.

“(b) DUTIES.—

“(1) IN GENERAL.—The Advisory Council shall advise the Secretary and the Director with respect to activities proposed or undertaken to carry out the mission of the Agency under section 901(b).

“(2) CERTAIN RECOMMENDATIONS.—Activities of the Advisory Council under paragraph (1) shall include making recommendations to the Director regarding—

“(A) priorities regarding health care research, especially studies related to quality, outcomes, cost and the utilization of, and access to, health care services;

“(B) the field of health care research and related disciplines, especially issues related to training needs, and dissemination of information pertaining to health care quality; and

“(C) the appropriate role of the Agency in each of these areas in light of private sector activity and identification of opportunities for public-private sector partnerships.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Advisory Council shall, in accordance with this subsection, be composed of appointed members and ex officio members. All members of the Advisory Council shall be voting members other than the individuals designated under paragraph (3)(B) as ex officio members.

“(2) APPOINTED MEMBERS.—The Secretary shall appoint to the Advisory Council 21 appropriately qualified individuals. At least 17 members of the Advisory Council shall be representatives of the public who are not officers or employees of the United States and at least 1 member who shall be a specialist in the rural aspects of 1 or more of the professions or fields described in subparagraphs (A) through (G). The Secretary shall ensure that the appointed members of the Council, as a group, are representative of professions and entities concerned with, or affected by, activities under this title and under section 1142 of the Social Security Act. Of such members—

“(A) three shall be individuals distinguished in the conduct of research, demonstration projects, and evaluations with respect to health care;



“(B) three shall be individuals distinguished in the fields of health care quality research or health care improvement;

“(C) three shall be individuals distinguished in the practice of medicine of which at least one shall be a primary care practitioner;

“(D) three shall be individuals distinguished in the other health professions;

“(E) three shall be individuals either representing the private health care sector, including health plans, providers, and purchasers or individuals distinguished as administrators of health care delivery systems;

“(F) three shall be individuals distinguished in the fields of health care economics, information systems, law, ethics, business, or public policy; and

“(G) three shall be individuals representing the interests of patients and consumers of health care.

“(3) EX OFFICIO MEMBERS.—The Secretary shall designate as ex officio members of the Advisory Council—

“(A) the Assistant Secretary for Health, the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, the Administrator of the Health Care Financing Administration, the Commissioner of the Food and Drug Administration, the Director of the Office of Personnel Management, the Assistant Secretary of Defense (Health Affairs), and the Under Secretary for Health of the Department of Veterans Affairs; and

“(B) such other Federal officials as the Secretary may consider appropriate.

“(d) TERMS.—

“(1) IN GENERAL.—Members of the Advisory Council appointed under subsection (c)(2) shall serve for a term of 3 years.

“(2) STAGGERED TERMS.—To ensure the staggered rotation of one-third of the members of the Advisory Council each year, the Secretary is authorized to appoint the initial members of the Advisory Council for terms of 1, 2, or 3 years.

“(3) SERVICE BEYOND TERM.—A member of the Council appointed under subsection (c)(2) may continue to serve after the expiration of the term of the members until a successor is appointed.

“(e) VACANCIES.—If a member of the Advisory Council appointed under subsection (c)(2) does not serve the full term applicable under subsection (d), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

“(f) CHAIR.—The Director shall, from among the members of the Advisory Council appointed under subsection (c)(2), designate an individual to serve as the chair of the Advisory Council.

“(g) MEETINGS.—The Advisory Council shall meet not less than once during each discrete 4-month period and shall otherwise meet at the call of the Director or the chair.

“(h) COMPENSATION AND REIMBURSEMENT OF EXPENSES.—

“(1) APPOINTED MEMBERS.—Members of the Advisory Council appointed under subsection (c)(2) shall receive compensation for each day (including travel time) engaged in carrying out the duties of the Advisory Council unless declined by the member. Such compensation may not be in an amount in excess of the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which such member is engaged in the performance of the duties of the Advisory Council.

“(2) EX OFFICIO MEMBERS.—Officials designated under subsection (c)(3) as ex officio members of the Advisory Council may not receive compensation for service on the Advisory Council in addition to the compensation otherwise received for duties carried out as officers of the United States.

“(i) STAFF.—The Director shall provide to the Advisory Council such staff, information, and other assistance as may be necessary to carry out the duties of the Council.

“(j) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, the Advisory Council shall continue in existence until otherwise provided by law.

**“SEC. 922. PEER REVIEW WITH RESPECT TO GRANTS AND CONTRACTS.** 42 USC 299c-1.

“(a) REQUIREMENT OF REVIEW.—

“(1) IN GENERAL.—Appropriate technical and scientific peer review shall be conducted with respect to each application for a grant, cooperative agreement, or contract under this title.

“(2) REPORTS TO DIRECTOR.—Each peer review group to which an application is submitted pursuant to paragraph (1) shall report its finding and recommendations respecting the application to the Director in such form and in such manner as the Director shall require.

“(b) APPROVAL AS PRECONDITION OF AWARDS.—The Director may not approve an application described in subsection (a)(1) unless the application is recommended for approval by a peer review group established under subsection (c).

“(c) ESTABLISHMENT OF PEER REVIEW GROUPS.—

“(1) IN GENERAL.—The Director shall establish such technical and scientific peer review groups as may be necessary to carry out this section. Such groups shall be established without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and without regard to the provisions of chapter 51, and subchapter III of chapter 53, of such title that relate to classification and pay rates under the General Schedule.

“(2) MEMBERSHIP.—The members of any peer review group established under this section shall be appointed from among individuals who by virtue of their training or experience are eminently qualified to carry out the duties of such peer review group. Officers and employees of the United States may not constitute more than 25 percent of the membership of any such group. Such officers and employees may not receive compensation for service on such groups in addition to the compensation otherwise received for these duties carried out as such officers and employees.

“(3) DURATION.—Notwithstanding section 14(a) of the Federal Advisory Committee Act, peer review groups established

under this section may continue in existence until otherwise provided by law.

“(4) QUALIFICATIONS.—Members of any peer review group shall, at a minimum, meet the following requirements:

“(A) Such members shall agree in writing to treat information received, pursuant to their work for the group, as confidential information, except that this subparagraph shall not apply to public records and public information.

“(B) Such members shall agree in writing to recuse themselves from participation in the peer review of specific applications which present a potential personal conflict of interest or appearance of such conflict, including employment in a directly affected organization, stock ownership, or any financial or other arrangement that might introduce bias in the process of peer review.

“(d) AUTHORITY FOR PROCEDURAL ADJUSTMENTS IN CERTAIN CASES.—In the case of applications for financial assistance whose direct costs will not exceed \$100,000, the Director may make appropriate adjustments in the procedures otherwise established by the Director for the conduct of peer review under this section. Such adjustments may be made for the purpose of encouraging the entry of individuals into the field of research, for the purpose of encouraging clinical practice-oriented or provider-based research, and for such other purposes as the Director may determine to be appropriate.

“(e) REGULATIONS.—The Director shall issue regulations for the conduct of peer review under this section.

42 USC 299c-2.

**“SEC. 923. CERTAIN PROVISIONS WITH RESPECT TO DEVELOPMENT, COLLECTION, AND DISSEMINATION OF DATA.**

“(a) STANDARDS WITH RESPECT TO UTILITY OF DATA.—

“(1) IN GENERAL.—To ensure the utility, accuracy, and sufficiency of data collected by or for the Agency for the purpose described in section 901(b), the Director shall establish standard methods for developing and collecting such data, taking into consideration—

“(A) other Federal health data collection standards; and

“(B) the differences between types of health care plans, delivery systems, health care providers, and provider arrangements.

“(2) RELATIONSHIP WITH OTHER DEPARTMENT PROGRAMS.—In any case where standards under paragraph (1) may affect the administration of other programs carried out by the Department of Health and Human Services, including the programs under title XVIII, XIX or XXI of the Social Security Act, or may affect health information that is subject to a standard developed under part C of title XI of the Social Security Act, they shall be in the form of recommendations to the Secretary for such program.

“(b) STATISTICS AND ANALYSES.—The Director shall—

“(1) take appropriate action to ensure that statistics and analyses developed under this title are of high quality, timely, and duly comprehensive, and that the statistics are specific, standardized, and adequately analyzed and indexed; and

“(2) publish, make available, and disseminate such statistics and analyses on as wide a basis as is practicable.

Publication.

“(c) **AUTHORITY REGARDING CERTAIN REQUESTS.**—Upon request of a public or private entity, the Director may conduct or support research or analyses otherwise authorized by this title pursuant to arrangements under which such entity will pay the cost of the services provided. Amounts received by the Director under such arrangements shall be available to the Director for obligation until expended.

**“SEC. 924. DISSEMINATION OF INFORMATION.**

42 USC 299c-3.

“(a) **IN GENERAL.**—The Director shall—

“(1) without regard to section 501 of title 44, United States Code, promptly publish, make available, and otherwise disseminate, in a form understandable and on as broad a basis as practicable so as to maximize its use, the results of research, demonstration projects, and evaluations conducted or supported under this title;

“(2) ensure that information disseminated by the Agency is science-based and objective and undertakes consultation as necessary to assess the appropriateness and usefulness of the presentation of information that is targeted to specific audiences;

“(3) promptly make available to the public data developed in such research, demonstration projects, and evaluations;

“(4) provide, in collaboration with the National Library of Medicine where appropriate, indexing, abstracting, translating, publishing, and other services leading to a more effective and timely dissemination of information on research, demonstration projects, and evaluations with respect to health care to public and private entities and individuals engaged in the improvement of health care delivery and the general public, and undertake programs to develop new or improved methods for making such information available; and

“(5) as appropriate, provide technical assistance to State and local government and health agencies and conduct liaison activities to such agencies to foster dissemination.

“(b) **PROHIBITION AGAINST RESTRICTIONS.**—Except as provided in subsection (c), the Director may not restrict the publication or dissemination of data from, or the results of, projects conducted or supported under this title.

“(c) **LIMITATION ON USE OF CERTAIN INFORMATION.**—No information, if an establishment or person supplying the information or described in it is identifiable, obtained in the course of activities undertaken or supported under this title may be used for any purpose other than the purpose for which it was supplied unless such establishment or person has consented (as determined under regulations of the Director) to its use for such other purpose. Such information may not be published or released in other form if the person who supplied the information or who is described in it is identifiable unless such person has consented (as determined under regulations of the Director) to its publication or release in other form.

“(d) **PENALTY.**—Any person who violates subsection (c) shall be subject to a civil monetary penalty of not more than \$10,000 for each such violation involved. Such penalty shall be imposed and collected in the same manner as civil money penalties under subsection (a) of section 1128A of the Social Security Act are imposed and collected.

42 USC 299c-4.

**“SEC. 925. ADDITIONAL PROVISIONS WITH RESPECT TO GRANTS AND CONTRACTS.**

“(a) **FINANCIAL CONFLICTS OF INTEREST.**—With respect to projects for which awards of grants, cooperative agreements, or contracts are authorized to be made under this title, the Director shall by regulation define—

“(1) the specific circumstances that constitute financial interests in such projects that will, or may be reasonably expected to, create a bias in favor of obtaining results in the projects that are consistent with such interests; and

“(2) the actions that will be taken by the Director in response to any such interests identified by the Director.

“(b) **REQUIREMENT OF APPLICATION.**—The Director may not, with respect to any program under this title authorizing the provision of grants, cooperative agreements, or contracts, provide any such financial assistance unless an application for the assistance is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Director determines to be necessary to carry out the program involved.

“(c) **PROVISION OF SUPPLIES AND SERVICES IN LIEU OF FUNDS.**—

“(1) **IN GENERAL.**—Upon the request of an entity receiving a grant, cooperative agreement, or contract under this title, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the entity in carrying out the project involved and, for such purpose, may detail to the entity any officer or employee of the Department of Health and Human Services.

“(2) **CORRESPONDING REDUCTION IN FUNDS.**—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of the financial assistance involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Director. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“(d) **APPLICABILITY OF CERTAIN PROVISIONS WITH RESPECT TO CONTRACTS.**—Contracts may be entered into under this part without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529 and 41 U.S.C. 5).

42 USC 299c-5.

**“SEC. 926. CERTAIN ADMINISTRATIVE AUTHORITIES.**

“(a) **DEPUTY DIRECTOR AND OTHER OFFICERS AND EMPLOYEES.**—

“(1) **DEPUTY DIRECTOR.**—The Director may appoint a deputy director for the Agency.

“(2) **OTHER OFFICERS AND EMPLOYEES.**—The Director may appoint and fix the compensation of such officers and employees as may be necessary to carry out this title. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with title 5, United States Code.

“(b) **FACILITIES.**—The Secretary, in carrying out this title—

“(1) may acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise through the Administrator of General Services, buildings or portions of buildings in the District of Columbia or communities located adjacent

to the District of Columbia for use for a period not to exceed 10 years; and

“(2) may acquire, construct, improve, repair, operate, and maintain laboratory, research, and other necessary facilities and equipment, and such other real or personal property (including patents) as the Secretary deems necessary.

“(c) PROVISION OF FINANCIAL ASSISTANCE.—The Director, in carrying out this title, may make grants to public and nonprofit entities and individuals, and may enter into cooperative agreements or contracts with public and private entities and individuals.

“(d) UTILIZATION OF CERTAIN PERSONNEL AND RESOURCES.—

“(1) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Director, in carrying out this title, may utilize personnel and equipment, facilities, and other physical resources of the Department of Health and Human Services, permit appropriate (as determined by the Secretary) entities and individuals to utilize the physical resources of such Department, and provide technical assistance and advice.

“(2) OTHER AGENCIES.—The Director, in carrying out this title, may use, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, or local public agencies, or of any foreign government, with or without reimbursement of such agencies.

“(e) CONSULTANTS.—The Secretary, in carrying out this title, may secure, from time to time and for such periods as the Director deems advisable but in accordance with section 3109 of title 5, United States Code, the assistance and advice of consultants from the United States or abroad.

“(f) EXPERTS.—

“(1) IN GENERAL.—The Secretary may, in carrying out this title, obtain the services of not more than 50 experts or consultants who have appropriate scientific or professional qualifications. Such experts or consultants shall be obtained in accordance with section 3109 of title 5, United States Code, except that the limitation in such section on the duration of service shall not apply.

“(2) TRAVEL EXPENSES.—

“(A) IN GENERAL.—Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a), 5724a(c), and 5726(c) of title 5, United States Code.

“(B) LIMITATION.—Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1) unless and until the expert agrees in writing to complete the entire period of assignment, or 1 year, whichever is shorter, unless separated or reassigned for reasons that are beyond the control of the expert or consultant and that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the expert or consultant as a statutory obligation owed to the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

“(g) VOLUNTARY AND UNCOMPENSATED SERVICES.—The Director, in carrying out this title, may accept voluntary and uncompensated services.

42 USC 299c-6.

**“SEC. 927. FUNDING.**

“(a) INTENT.—To ensure that the United States investment in biomedical research is rapidly translated into improvements in the quality of patient care, there must be a corresponding investment in research on the most effective clinical and organizational strategies for use of these findings in daily practice. The authorization levels in subsections (b) and (c) provide for a proportionate increase in health care research as the United States investment in biomedical research increases.

“(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated \$250,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 through 2005.

“(c) EVALUATIONS.—In addition to amounts available pursuant to subsection (b) for carrying out this title, there shall be made available for such purpose, from the amounts made available pursuant to section 241 (relating to evaluations), an amount equal to 40 percent of the maximum amount authorized in such section 241 to be made available for a fiscal year.

42 USC 299c-7.

**“SEC. 928. DEFINITIONS.**

“In this title:

“(1) ADVISORY COUNCIL.—The term ‘Advisory Council’ means the National Advisory Council on Healthcare Research and Quality established under section 921.

“(2) AGENCY.—The term ‘Agency’ means the Agency for Healthcare Research and Quality.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Agency for Healthcare Research and Quality.”.

42 USC 299 note.

(b) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Section 901(a) of the Public Health Service Act (as added by subsection (a) of this section) applies as a redesignation of the agency that carried out title IX of such Act on the day before the date of the enactment of this Act, and not as the termination of such agency and the establishment of a different agency. The amendment made by subsection (a) of this section does not affect appointments of the personnel of such agency who were employed at the agency on the day before such date, including the appointments of members of advisory councils or study sections of the agency who were serving on the day before such date of enactment.

42 USC 203 *et seq.*

(2) REFERENCES.—Any reference in law to the Agency for Health Care Policy and Research is deemed to be a reference to the Agency for Healthcare Research and Quality, and any reference in law to the Administrator for Health Care Policy and Research is deemed to be a reference to the Director of the Agency for Healthcare Research and Quality.

**SEC. 3. GRANTS REGARDING UTILIZATION OF PREVENTIVE HEALTH SERVICES.**

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b *et seq.*) is amended by adding at the end the following section:

**“SEC. 330D. CENTERS FOR STRATEGIES ON FACILITATING UTILIZATION OF PREVENTIVE HEALTH SERVICES AMONG VARIOUS POPULATIONS.** 42 USC 254c-4.

“(a) IN GENERAL.—The Secretary, acting through the appropriate agencies of the Public Health Service, shall make grants to public or nonprofit private entities for the establishment and operation of regional centers whose purpose is to develop, evaluate, and disseminate effective strategies, which utilize quality management measures, to assist public and private health care programs and providers in the appropriate utilization of preventive health care services by specific populations.

“(b) RESEARCH AND TRAINING.—The activities carried out by a center under subsection (a) may include establishing programs of research and training with respect to the purpose described in such subsection, including the development of curricula for training individuals in implementing the strategies developed under such subsection.

“(c) PRIORITY REGARDING INFANTS AND CHILDREN.—In carrying out the purpose described in subsection (a), the Secretary shall give priority to various populations of infants, young children, and their mothers.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2000 through 2004.”.

**SEC. 4. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.**

Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following subpart:

“Subpart IX—Support of Graduate Medical Education Programs in Children's Hospitals

**“SEC. 340E. PROGRAM OF PAYMENTS TO CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.** 42 USC 256e.

“(a) PAYMENTS.—The Secretary shall make two payments under this section to each children's hospital for each of fiscal years 2000 and 2001, one for the direct expenses and the other for indirect expenses associated with operating approved graduate medical residency training programs.

“(b) AMOUNT OF PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the amounts payable under this section to a children's hospital for an approved graduate medical residency training program for a fiscal year are each of the following amounts:

“(A) DIRECT EXPENSE AMOUNT.—The amount determined under subsection (c) for direct expenses associated with operating approved graduate medical residency training programs.

“(B) INDIRECT EXPENSE AMOUNT.—The amount determined under subsection (d) for indirect expenses associated with the treatment of more severely ill patients and the additional costs relating to teaching residents in such programs.

“(2) CAPPED AMOUNT.—



“(A) IN GENERAL.—The total of the payments made to children’s hospitals under paragraph (1)(A) or paragraph (1)(B) in a fiscal year shall not exceed the funds appropriated under paragraph (1) or (2), respectively, of subsection (f) for such payments for that fiscal year.

“(B) PRO RATA REDUCTIONS OF PAYMENTS FOR DIRECT EXPENSES.—If the Secretary determines that the amount of funds appropriated under subsection (f)(1) for a fiscal year is insufficient to provide the total amount of payments otherwise due for such periods under paragraph (1)(A), the Secretary shall reduce the amounts so payable on a pro rata basis to reflect such shortfall.

“(c) AMOUNT OF PAYMENT FOR DIRECT GRADUATE MEDICAL EDUCATION.—

“(1) IN GENERAL.—The amount determined under this subsection for payments to a children’s hospital for direct graduate expenses relating to approved graduate medical residency training programs for a fiscal year is equal to the product of—

“(A) the updated per resident amount for direct graduate medical education, as determined under paragraph (2); and

“(B) the average number of full-time equivalent residents in the hospital’s graduate approved medical residency training programs (as determined under section 1886(h)(4) of the Social Security Act during the fiscal year.

“(2) UPDATED PER RESIDENT AMOUNT FOR DIRECT GRADUATE MEDICAL EDUCATION.—The updated per resident amount for direct graduate medical education for a hospital for a fiscal year is an amount determined as follows:

“(A) DETERMINATION OF HOSPITAL SINGLE PER RESIDENT AMOUNT.—The Secretary shall compute for each hospital operating an approved graduate medical education program (regardless of whether or not it is a children’s hospital) a single per resident amount equal to the average (weighted by number of full-time equivalent residents) of the primary care per resident amount and the non-primary care per resident amount computed under section 1886(h)(2) of the Social Security Act for cost reporting periods ending during fiscal year 1997.

“(B) DETERMINATION OF WAGE AND NON-WAGE-RELATED PROPORTION OF THE SINGLE PER RESIDENT AMOUNT.—The Secretary shall estimate the average proportion of the single per resident amounts computed under subparagraph (A) that is attributable to wages and wage-related costs.

“(C) STANDARDIZING PER RESIDENT AMOUNTS.—The Secretary shall establish a standardized per resident amount for each such hospital—

“(i) by dividing the single per resident amount computed under subparagraph (A) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

“(ii) by dividing the wage-related portion by the factor applied under section 1886(d)(3)(E) of the Social Security Act for discharges occurring during fiscal year 1999 for the hospital’s area; and

“(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

“(D) DETERMINATION OF NATIONAL AVERAGE.—The Secretary shall compute a national average per resident amount equal to the average of the standardized per resident amounts computed under subparagraph (C) for such hospitals, with the amount for each hospital weighted by the average number of full-time equivalent residents at such hospital.

“(E) APPLICATION TO INDIVIDUAL HOSPITALS.—The Secretary shall compute for each such hospital that is a children’s hospital a per resident amount—

“(i) by dividing the national average per resident amount computed under subparagraph (D) into a wage-related portion and a non-wage-related portion by applying the proportion determined under subparagraph (B);

“(ii) by multiplying the wage-related portion by the factor described in subparagraph (C)(ii) for the hospital’s area; and

“(iii) by adding the non-wage-related portion to the amount computed under clause (ii).

“(F) UPDATING RATE.—The Secretary shall update such per resident amount for each such children’s hospital by the estimated percentage increase in the consumer price index for all urban consumers during the period beginning October 1997 and ending with the midpoint of the hospital’s cost reporting period that begins during fiscal year 2000.

“(d) AMOUNT OF PAYMENT FOR INDIRECT MEDICAL EDUCATION.—

“(1) IN GENERAL.—The amount determined under this subsection for payments to a children’s hospital for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents for a fiscal year is equal to an amount determined appropriate by the Secretary.

“(2) FACTORS.—In determining the amount under paragraph (1), the Secretary shall—

“(A) take into account variations in case mix among children’s hospitals and the number of full-time equivalent residents in the hospitals’ approved graduate medical residency training programs; and

“(B) assure that the aggregate of the payments for indirect expenses associated with the treatment of more severely ill patients and the additional costs related to the teaching of residents under this section in a fiscal year are equal to the amount appropriated for such expenses for the fiscal year involved under subsection (f)(2).

“(e) MAKING OF PAYMENTS.—

“(1) INTERIM PAYMENTS.—The Secretary shall determine, before the beginning of each fiscal year involved for which payments may be made for a hospital under this section, the amounts of the payments for direct graduate medical education and indirect medical education for such fiscal year and shall (subject to paragraph (2)) make the payments of such amounts in 26 equal interim installments during such period.

“(2) WITHHOLDING.—The Secretary shall withhold up to 25 percent from each interim installment for direct graduate medical education paid under paragraph (1).

“(3) RECONCILIATION.—At the end of each fiscal year for which payments may be made under this section, the hospital shall submit to the Secretary such information as the Secretary determines to be necessary to determine the percent (if any) of the total amount withheld under paragraph (2) that is due under this section for the hospital for the fiscal year. Based on such determination, the Secretary shall recoup any overpayments made, or pay any balance due. The amount so determined shall be considered a final intermediary determination for purposes of applying section 1878 of the Social Security Act and shall be subject to review under that section in the same manner as the amount of payment under section 1886(d) of such Act is subject to review under such section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) DIRECT GRADUATE MEDICAL EDUCATION.—

“(A) IN GENERAL.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

“(i) for fiscal year 2000, \$90,000,000; and

“(ii) for fiscal year 2001, \$95,000,000.

“(B) CARRYOVER OF EXCESS.—The amounts appropriated under subparagraph (A) for fiscal year 2000 shall remain available for obligation through the end of fiscal year 2001.

“(2) INDIRECT MEDICAL EDUCATION.—There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payments under subsection (b)(1)(A)—

“(A) for fiscal year 2000, \$190,000,000; and

“(B) for fiscal year 2001, \$190,000,000.

“(g) DEFINITIONS.—In this section:

“(1) APPROVED GRADUATE MEDICAL RESIDENCY TRAINING PROGRAM.—The term ‘approved graduate medical residency training program’ has the meaning given the term ‘approved medical residency training program’ in section 1886(h)(5)(A) of the Social Security Act.

“(2) CHILDREN’S HOSPITAL.—The term ‘children’s hospital’ means a hospital described in section 1886(d)(1)(B)(iii) of the Social Security Act.

“(3) DIRECT GRADUATE MEDICAL EDUCATION COSTS.—The term ‘direct graduate medical education costs’ has the meaning given such term in section 1886(h)(5)(C) of the Social Security Act.”.

**SEC. 5. STUDY REGARDING SHORTAGES OF LICENSED PHARMACISTS.** 42 USC 295k note.

(a) **IN GENERAL.**—The Secretary of Health and Human Services (in this section referred to as the “Secretary”), acting through the appropriate agencies of the Public Health Service, shall conduct a study to determine whether and to what extent there is a shortage of licensed pharmacists. In carrying out the study, the Secretary shall seek the comments of appropriate public and private entities regarding any such shortage.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete the study under subsection (a) and submit to the Congress a report that describes the findings made through the study and that contains a summary of the comments received by the Secretary pursuant to such subsection. Deadline.

**SEC. 6. REPORT ON TELEMEDICINE.** 42 USC 254c.

Not later than January 10, 2001, the Secretary of Health and Human Services shall submit to the Congress a report that— Deadline.

(1) identifies any factors that inhibit the expansion and accessibility of telemedicine services, including factors relating to telemedicine networks;

(2) identifies any factors that, in addition to geographical isolation, should be used to determine which patients need or require access to telemedicine care;

(3) determines the extent to which—

(A) patients receiving telemedicine service have benefited from the services, and are satisfied with the treatment received pursuant to the services; and

(B) the medical outcomes for such patients would have differed if telemedicine services had not been available to the patients;

(4) determines the extent to which physicians involved with telemedicine services have been satisfied with the medical aspects of the services;

(5) determines the extent to which primary care physicians are enhancing their medical knowledge and experience through the interaction with specialists provided by telemedicine consultations; and

(6) identifies legal and medical issues relating to State licensing of health professionals that are presented by telemedicine services, and provides any recommendations of the Secretary for responding to such issues.

42 USC 241 note. **SEC. 7. CERTAIN TECHNOLOGIES AND PRACTICES REGARDING SURVIVAL RATES FOR CARDIAC ARREST.**

The Secretary of Health and Human Services shall, in consultation with the Administrator of the General Services Administration and other appropriate public and private entities, develop recommendations regarding the placement of automatic external defibrillators in Federal buildings as a means of improving the survival rates of individuals who experience cardiac arrest in such buildings, including recommendations on training, maintenance, and medical oversight, and on coordinating with the system for emergency medical services.

Approved December 6, 1999.

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**LEGISLATIVE HISTORY—S. 580 (H.R. 2506):**

HOUSE REPORTS: No. 106–305 accompanying H.R. 2506 (Comm. on Commerce).  
CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 3, considered and passed Senate.

Nov. 18, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 6, Presidential statement.



Public Law 106–130  
106th Congress

An Act

To provide for the holding of court at Natchez, Mississippi, in the same manner  
as court is held at Vicksburg, Mississippi, and for other purposes.

Dec. 6, 1999  
[S. 1418]

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. HOLDING OF COURT AT NATCHEZ, MISSISSIPPI.**

Section 104(b)(3) of title 28, United States Code, is amended  
in the second sentence by striking all beginning with the colon  
through “United States”.

**SEC. 2. HOLDING OF COURT AT WHEATON, ILLINOIS.**

Section 93(a)(1) of title 28, United States Code, is amended  
by adding after Chicago “and Wheaton”.

Approved December 6, 1999.

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**LEGISLATIVE HISTORY—S. 1418:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 5, considered and passed Senate.

Nov. 17, considered and passed House, amended.

Nov. 19, Senate concurred in House amendment.



Public Law 106–131  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 449]

To authorize the Gateway Visitor Center at Independence National Historical Park,  
and for other purposes.

Gateway Visitor  
Center  
Authorization  
Act of 1999.  
16 USC 407m  
note.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Gateway Visitor Center  
Authorization Act of 1999”.

16 USC 407m  
note.

**SEC. 2. FINDINGS AND PURPOSE.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The National Park Service completed and approved  
in 1997 a general management plan for Independence National  
Historical Park that establishes goals and priorities for the  
park’s future.

(2) The general management plan for Independence  
National Historical Park calls for the revitalization of Independ-  
ence Mall and recommends as a critical component of the  
Independence Mall’s revitalization the development of a new  
“Gateway Visitor Center”.

(3) Such a visitor center would replace the existing park  
visitor center and would serve as an orientation center for  
visitors to the park and to city and regional attractions.

(4) Subsequent to the completion of the general manage-  
ment plan, the National Park Service undertook and completed  
a design project and master plan for Independence Mall which  
includes the Gateway Visitor Center.

(5) Plans for the Gateway Visitor Center call for it to  
be developed and managed, in cooperation with the Secretary  
of the Interior, by a nonprofit organization which represents  
the various public and civic interests of the greater Philadelphia  
metropolitan area.

(6) The Gateway Visitor Center Corporation, a nonprofit  
organization, has been established to raise funds for and  
cooperate in a program to design, develop, construct, and  
operate the proposed Gateway Visitor Center.

(b) **PURPOSE.**—The purpose of this Act is to authorize the Sec-  
retary of the Interior to enter into a cooperative agreement with  
the Gateway Visitor Center Corporation to construct and operate  
a regional visitor center on Independence Mall.

**SEC. 3. GATEWAY VISITOR CENTER AUTHORIZATION.**

(a) **AGREEMENT.**—The Secretary of the Interior, in admin-  
istering the Independence National Historical Park, may enter into

an agreement under appropriate terms and conditions with the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the Commonwealth of Pennsylvania) to facilitate the construction and operation of a regional Gateway Visitor Center on Independence Mall.

(b) OPERATIONS OF CENTER.—The Agreement shall authorize the Corporation to operate the Center in cooperation with the Secretary and to provide at the Center information, interpretation, facilities, and services to visitors to Independence National Historical Park, its surrounding historic sites, the City of Philadelphia, and the region, in order to assist in their enjoyment of the historic, cultural, educational, and recreational resources of the greater Philadelphia area.

(c) MANAGEMENT-RELATED ACTIVITIES.—The Agreement shall authorize the Secretary to undertake at the Center activities related to the management of Independence National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Independence National Historical Park.

(d) ACTIVITIES OF CORPORATION.—The Agreement shall authorize the Corporation, acting as a private nonprofit organization, to engage in activities appropriate for operation of a regional visitor center that may include, but are not limited to, charging fees, conducting events, and selling merchandise, tickets, and food to visitors to the Center.

(e) USE OF REVENUES.—Revenues from activities engaged in by the Corporation shall be used for the operation and administration of the Center.

(f) PROTECTION OF PARK.—Nothing in this section authorizes the Secretary or the Corporation to take any actions in derogation of the preservation and protection of the values and resources of Independence National Historical Park.

(g) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means an agreement under this section between the Secretary and the Corporation.

(2) CENTER.—The term “Center” means a Gateway Visitor Center constructed and operated in accordance with the Agreement.

(3) CORPORATION.—The term “Corporation” means the Gateway Visitor Center Corporation (a nonprofit corporation established under the laws of the Commonwealth of Pennsylvania).



(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 449:

HOUSE REPORTS: No. 106–66 (Comm. on Resources).

SENATE REPORTS: No. 106–68 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 12, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–132  
106th Congress

An Act

To designate a portion of Gateway National Recreation Area as “World War Veterans Park at Miller Field”.

Dec. 7, 1999  
[H.R. 592]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF PORTION OF GATEWAY NATIONAL RECREATION AREA AS WORLD WAR VETERANS PARK AT MILLER FIELD.**

Section 3(b) of Public Law 92–592 (16 U.S.C. 460cc–2(b)) is amended—

(1) by inserting “(1)” after “(b)”; and

(2) by adding at the end the following new paragraph:

16 USC 460cc.

“(2) The portion of the Staten Island Unit of the recreation area known as Miller Field is hereby designated as ‘World War Veterans Park at Miller Field’. Any reference to such Miller Field in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to ‘World War Veterans Park at Miller Field’.”.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 592:

HOUSE REPORTS: No. 106–188 (Comm. on Resources).

SENATE REPORTS: No. 106–212 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 30, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–133  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 747]

Arizona  
Statehood and  
Enabling Act  
Amendments of  
1999.

To protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from those funds.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Arizona Statehood and Enabling Act Amendments of 1999”.

**SEC. 2. PROTECTION OF TRUST FUNDS OF STATE OF ARIZONA.**

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574; chapter 310), is amended in the first paragraph by adding at the end the following: “The trust funds (including all interest, dividends, other income, and appreciation in the market value of assets of the funds) shall be prudently invested on a total rate of return basis. Distributions from the trust funds shall be made as provided in Article 10, Section 7 of the Constitution of the State of Arizona.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 25 of the Act of June 20, 1910 (36 Stat. 573; chapter 310), is amended in the proviso of the second paragraph by striking “the income therefrom only to be used” and inserting “distributions from which shall be made in accordance with the first paragraph of section 28 and shall be used”.

(2) Section 27 of the Act of June 20, 1910 (36 Stat. 574; chapter 310), is amended by striking “the interest of which only shall be expended” and inserting “distributions from which shall be made in accordance with the first paragraph of section 28 and shall be expended”.

**SEC. 3. USE OF MINERS’ HOSPITAL ENDOWMENT FUND FOR ARIZONA PIONEERS’ HOME.**

(a) IN GENERAL.—Section 28 of the Act of June 20, 1910 (36 Stat. 574; chapter 310), is amended in the second paragraph by inserting before the period at the end the following: “, except that amounts in the Miners’ Hospital Endowment Fund may be used for the benefit of the Arizona Pioneers’ Home”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have taken effect on June 20, 1910.

**SEC. 4. CONSENT OF CONGRESS TO AMENDMENTS TO CONSTITUTION OF STATE OF ARIZONA.**

Congress consents to the amendments to the Constitution of the State of Arizona proposed by Senate Concurrent Resolution

1007 of the 43rd Legislature of the State of Arizona, Second Regular Session, 1998, entitled “Senate Concurrent Resolution requesting the Secretary of State to return Senate Concurrent Resolution 1018, Forty-Third Legislature, First Regular Session, to the Legislature and submit the Proposition contained in Sections 3, 4, and 5 of this Resolution of the proposed amendments to Article IX, Section 7, Article X, Section 7, and Article XI, Section 8, Constitution of Arizona, to the voters; relating to investment of State monies”, approved by the voters of the State of Arizona on November 3, 1998.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 747:

HOUSE REPORTS: No. 106–140 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–134  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 748]

To amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historical Park Advisory Commission.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. APPOINTMENTS TO KEWEENAW NATIONAL HISTORICAL PARK ADVISORY COMMISSION.**

Section 9(c)(1) of the Act entitled “An Act to establish the Keweenaw National Historical Park, and for other purposes” (Public Law 102–543; 16 U.S.C. 410yy–8(c)(1)) is amended by striking “from nominees” each place it appears and inserting “after consideration of nominees”.

Approved December 7, 1999.

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**LEGISLATIVE HISTORY—H.R. 748:**

HOUSE REPORTS: No. 106–367 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 12, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–135  
106th Congress

An Act

To amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system.

Dec. 7, 1999  
[H.R. 791]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Star-Spangled Banner National Historic Trail Study Act of 1999”.

Star-Spangled  
Banner National  
Historic Trail  
Study Act of  
1999.  
16 USC 1241  
note.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the British invasion of Maryland and Washington, District of Columbia, during the War of 1812 marks a defining period in the history of our Nation, the only occasion on which the United States of America has been invaded by a foreign power;

(2) the Star-Spangled Banner National Historic Trail traces the arrival of the British fleet in the Patuxent River in Calvert County and St. Mary’s County, Maryland, the landing of British forces at Benedict, the sinking of the Chesapeake Flotilla at Pig Point in Prince George’s County and Anne Arundel County, Maryland, the American defeat at the Battle of Bladensburg, the siege of the Nation’s Capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British naval diversions in the upper Chesapeake Bay leading to the Battle of Caulk’s Field in Kent County, Maryland, the route of the American troops from Washington through Georgetown, the Maryland Counties of Montgomery, Howard, and Baltimore, and the City of Baltimore, Maryland, to the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry on September 14, 1814, where a distinguished Maryland lawyer and poet, Francis Scott Key, wrote the words that captured the essence of our national struggle for independence, words that now serve as our national anthem, the Star-Spangled Banner; and

(3) the designation of this route as a national historic trail—

(A) would serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner National Historic Trail; and

(B) would give long overdue recognition to the patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

**SEC. 3. DESIGNATION OF TRAIL FOR STUDY.**

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended—

(1) by redesignating paragraph (36) (as added by section 3 of the El Camino Real Para Los Texas Study Act of 1993 (107 Stat. 1497)) as paragraph (37) and in subparagraph (C) by striking “detemine” and inserting “determine”;

(2) by designating the paragraphs relating to the Old Spanish Trail and the Great Western Scenic Trail as paragraphs (38) and (39), respectively; and

(3) by adding at the end the following:

“(40) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

“(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, tracing the War of 1812 route from the arrival of the British fleet in the Patuxent River in Calvert County and St. Mary’s County, Maryland, the landing of the British forces at Benedict, the sinking of the Chesapeake Flotilla at Pig Point, the American defeat at the Battle of Bladensburg, the siege of the Nation’s Capital, Washington, District of Columbia (including the burning of the United States Capitol and the White House), the British naval diversions in the upper Chesapeake Bay leading to the Battle of Caulk’s Field in Kent County, Maryland, the route of the American troops from Washington through Georgetown, the Maryland Counties of Montgomery, Howard, and Baltimore, and the City of Baltimore, Maryland, to the Battle of North Point, and the ultimate victory of the Americans at Fort McHenry on September 14, 1814.

“(B) AFFECTED AREAS.—The trail crosses eight counties within the boundaries of the State of Maryland, the City of Baltimore, Maryland, and Washington, District of Columbia.

“(C) COORDINATION WITH OTHER CONGRESSIONALLY MANDATED ACTIVITIES.—The study under this paragraph shall be undertaken in coordination with the study authorized under section 603 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1a–5 note; 110 Stat. 4172) and the Chesapeake Bay Gateways and Watertrails Network authorized under the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; 112 Stat. 2961). Such coordination shall extend to any research needed to complete the studies and any findings and implementation actions that result from the studies and shall use available resources to the greatest extent possible to avoid unnecessary duplication of effort.

“(D) DEADLINE FOR STUDY.—Not later than 2 years after funds are made available for the study under this paragraph, the study shall be completed and transmitted with final recommendations to the Committee on Resources in the House

of Representatives and the Committee on Energy and Natural Resources in the Senate.”.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 791 (S. 441):

HOUSE REPORTS: No. 106–189 (Comm. on Resources).

SENATE REPORTS: No. 106–63 accompanying S. 441 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

June 30, considered and passed House.

Nov. 19, considered and passed Senate.





Public Law 106–136  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 970]

Perkins County  
Rural Water  
System Act of  
1999.

To authorize the Secretary of the Interior to provide assistance to the Perkins County Rural Water System, Inc., for the construction of water supply facilities in Perkins County, South Dakota.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Perkins County Rural Water System Act of 1999”.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) in 1977, the North Dakota State Legislature authorized and directed the State Water Commission to conduct the Southwest Area Water Supply Study, which included water service to a portion of Perkins County, South Dakota;

(2) amendments made by the Garrison Diversion Unit Reformulation Act of 1986 (Public Law 101–294) authorized the Southwest Pipeline project as an eligible project for Federal cost share participation; and

(3) the Perkins County Rural Water System has continued to be recognized by the State of North Dakota, the Southwest Water Authority, the North Dakota Water Commission, the Department of the Interior, and Congress as a component of the Southwest Pipeline Project.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **CORPORATION.**—The term “Corporation” means the Perkins County Rural Water System, Inc., a nonprofit corporation established and operated under the laws of the State of South Dakota substantially in accordance with the feasibility study.

(2) **FEASIBILITY STUDY.**—The term “feasibility study” means the study entitled “Feasibility Study for Rural Water System for Perkins County Rural Water System, Inc.”, as amended in March 1995.

(3) **PROJECT CONSTRUCTION BUDGET.**—The term “project construction budget” means the description of the total amount of funds that are needed for the construction of the water supply system, as described in the feasibility study.

(4) **PUMPING AND INCIDENTAL OPERATIONAL REQUIREMENTS.**—The term “pumping and incidental operational requirements” means all power requirements that are incidental to the operation of the water supply system by the Corporation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

(6) WATER SUPPLY SYSTEM.—The term “water supply system” means intake facilities, pumping stations, water treatment facilities, cooling facilities, reservoirs, and pipelines operated by the Perkins County Rural Water System, Inc., to the point of delivery of water to each entity that distributes water at retail to individual users.

#### SEC. 4. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—The Secretary shall make grants to the Corporation for the Federal share of the costs of—

Grants.

(1) the planning and construction of the water supply system; and

(2) repairs to existing public water distribution systems to ensure conservation of the resources and to make the systems functional under the new water supply system.

(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION FUNDS.—The Secretary shall not obligate funds for the construction of the water supply system until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met with respect to the water supply system; and

(2) a final engineering report and a plan for a water conservation program have been prepared and submitted to Congress for a period of not less than 90 days before the commencement of construction of the system.

Report.  
Deadline.

#### SEC. 5. MITIGATION OF FISH AND WILDLIFE LOSSES.

Mitigation of fish and wildlife losses incurred as a result of the construction and operation of the water supply system shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

#### SEC. 6. USE OF PICK-SLOAN POWER.

For operation during the period beginning May 1 and ending October 31 of each year, portions of the water supply system constructed with assistance under this Act shall be eligible to utilize power from the Pick-Sloan Missouri Basin Program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

Effective dates.

#### SEC. 7. FEDERAL SHARE.

The Federal share under section 4 shall be 75 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

#### SEC. 8. NON-FEDERAL SHARE.

The non-Federal share under section 4 shall be 25 percent of—

(1) the amount allocated in the total project construction budget for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

**SEC. 9. CONSTRUCTION OVERSIGHT.**

(a) **AUTHORIZATION.**—At the request of the Corporation, the Secretary may provide to the Corporation assistance in overseeing matters relating to construction of the water supply system.

(b) **PROJECT OVERSIGHT ADMINISTRATION.**—The amount of funds used by the Secretary for planning and construction of the water supply system may not exceed an amount equal to 3 percent of the amount provided in the total project construction budget for the portion of the project to be constructed in Perkins County, South Dakota.

**SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary—

(1) \$15,000,000 for the planning and construction of the water supply system under section 4; and

(2) such sums as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after March 1, 1995.

Approved December 7, 1999.

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**LEGISLATIVE HISTORY—H.R. 970:**

HOUSE REPORTS: No. 106–405 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 26, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–137  
106th Congress

An Act

Concerning the participation of Taiwan in the World Health Organization (WHO).

Dec. 7, 1999

[H.R. 1794]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONCERNING THE PARTICIPATION OF TAIWAN IN THE WORLD HEALTH ORGANIZATION (WHO).**

(a) FINDINGS.—The Congress makes the following findings:

(1) Good health is a basic right for every citizen of the world and access to the highest standards of health information and services is necessary to help guarantee this right.

(2) Direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS.

(3) The World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people.

(4) In 1977, the World Health Organization established "Health For All By The Year 2000" as its overriding priority and reaffirmed that central vision with the initiation of its "Health For All" renewal process in 1995.

(5) Taiwan's population of 21,000,000 people is larger than that of three-fourths of the member states already in the World Health Organization.

(6) Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first to be rid of polio and provide children with free hepatitis B vaccinations.

(7) The World Health Organization was unable to assist Taiwan with an outbreak of enterovirus 71 which killed 70 Taiwanese children and infected more than 1,100 Taiwanese children in 1998.

(8) In recent years Taiwan has expressed a willingness to assist financially or technically in WHO-supported international aid and health activities, but has ultimately been unable to render such assistance.

(9) The World Health Organization allows observers to participate in the activities of the organization.

(10) The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations.

Deadline.

(11) In light of all of the benefits that Taiwan's participation in the World Health Organization could bring to the state of health not only in Taiwan, but also regionally and globally, Taiwan and its 21,000,000 people should have appropriate and meaningful participation in the World Health Organization.

(b) REPORT.—Not later than January 1, 2000, the Secretary of State shall submit a report to the Congress on the efforts of the Secretary to fulfill the commitment made in the 1994 Taiwan Policy Review to more actively support Taiwan's participation in international organizations, in particular the World Health Organization (WHO).

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 1794:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 4, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–138  
106th Congress

An Act

To provide for the conveyance of certain National Forest System lands in the State of South Dakota.

Dec. 7, 1999  
[H.R. 2079]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Terry Peak Land  
Transfer Act of  
1999.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Terry Peak Land Transfer Act of 1999”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area

at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) **PURPOSE.**—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

### **SEC. 3. DEFINITIONS.**

As used in this Act:

(1) The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

(2) The term “selected land” means land comprising approximately 41.42 acres and generally depicted as Government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled “Terry Peak Land Conveyance”, dated March 1999.

(3) The terms “Terry Peak Ski Area” and “Ski Area” mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

### **SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) **APPRAISAL.**—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

Deadline.

(c) **COMPLETION OF CONVEYANCE.**—It is the sense of the Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of the enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) **USE OF PROCEEDS BY THE SECRETARY.**—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) **CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.**—The conveyance to the Ski Area required by this Act shall

be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 2079 (S. 953):

HOUSE REPORTS: No. 106–261 (Comm. on Resources).

SENATE REPORTS: No. 106–129 accompanying S. 953 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Nov. 19, considered and passed Senate.





Public Law 106–139  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 2886]

To amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROVIDING THAT AN ADOPTED ALIEN WHO IS LESS THAN 18 YEARS OF AGE MAY BE CONSIDERED A CHILD UNDER THE IMMIGRATION AND NATIONALITY ACT IF ADOPTED WITH OR AFTER A SIBLING WHO IS A CHILD UNDER SUCH ACT.**

(a) IN GENERAL.—Section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) is amended—

(1) in subparagraph (E)—

(A) by inserting “(i)” after “(E)”; and

(B) by adding at the end the following:

“(ii) subject to the same proviso as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (F)(i); (II) was adopted by the adoptive parent or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child was adopted while under the age of 18 years; or”; and

(2) in subparagraph (F)—

(A) by inserting “(i)” after “(F)”; and

(B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(ii) subject to the same provisos as in clause (i), a child who: (I) is a natural sibling of a child described in clause (i) or subparagraph (E)(i); (II) has been adopted abroad, or is coming to the United States for adoption, by the adoptive parent (or prospective adoptive parent) or parents of the sibling described in such clause or subparagraph; and (III) is otherwise described in clause (i), except that the child is under the age of 18 at the time a petition is filed in his or her behalf to accord a classification as an immediate relative under section 201(b).”.

(b) CONFORMING AMENDMENTS RELATING TO NATURALIZATION.—

(1) DEFINITION OF CHILD.—Section 101(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(c)) is amended by striking “sixteen years,” and inserting “16 years (except to

the extent that the child is described in subparagraph (E)(ii) or (F)(ii) of subsection (b)(1)),”.

(2) CERTIFICATE OF CITIZENSHIP.—Section 322(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1433(a)(4)) is amended—

(A) by striking “16 years” and inserting “16 years (except to the extent that the child is described in clause (ii) of subparagraph (E) or (F) of section 101(b)(1))”; and

(B) by striking “subparagraph (E) or (F) of section 101(b)(1).” and inserting “either of such subparagraphs.”.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 2886 (S. 1743):

HOUSE REPORTS: No. 106–383 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 18, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–140  
106th Congress

An Act

Dec. 7, 1999  
[H.R. 2889]

To amend the Central Utah Project Completion Act to provide for acquisition of water and water rights for Central Utah Project purposes, completion of Central Utah project facilities, and implementation of water conservation measures.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT TO CENTRAL UTAH PROJECT COMPLETION ACT.**

The first sentence of section 202(c) of the Central Utah Project Completion Act (Public Law 102–575; 106 Stat. 4611) is amended to read as follows: “The Secretary is authorized to utilize any unexpended budget authority provided in this title up to \$60,000,000 and such funds as may be provided by the Commission for fish and wildlife purposes, to provide 65 percent Federal share pursuant to section 204, to acquire water and water rights for project purposes including instream flows, to complete project facilities authorized in this title and title III, to implement water conservation measures, and for the engineering, design, and construction of Hatchtown Dam in Garfield County and associated facilities to deliver supplemental project water from Hatchtown Dam.”.

Approved December 7, 1999.

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**LEGISLATIVE HISTORY—H.R. 2889:**

HOUSE REPORTS: No. 106–417 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 1, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–141  
106th Congress

An Act

To amend the Congressional Budget Act of 1974 to assist the Congressional Budget Office with the scoring of State and local mandates.

Dec. 7, 1999

[H.R. 3257]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

State Flexibility  
Clarification Act.  
2 USC 621 note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “State Flexibility Clarification Act”.

**SEC. 2. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.**

(a) COMMITTEE REPORTS.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking “and” after the semicolon;

(2) in paragraph (2) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(i)(II), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.”.

(b) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Section 424(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(i)(II)—

“(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

“(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.”.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—H.R. 3257:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 16, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–142  
106th Congress

Joint Resolution

Commending the World War II veterans who fought in the Battle of the Bulge,  
and for other purposes.

Dec. 7, 1999

[H.J. Res. 65]

Whereas the battle in the European theater of operations during World War II known as the Battle of the Bulge was fought from December 16, 1944, to January 25, 1945;

Whereas the Battle of the Bulge was a major German offensive in the Ardennes forest region of Belgium and Luxembourg which took Allied forces by surprise and was intended to split the Allied forces in Europe by breaking through the Allied lines, crippling the Allied fuel supply lines, and exacerbating tensions within the alliance;

Whereas 600,000 American troops, joined by 55,000 British soldiers and other Allied forces, participated in the Battle of the Bulge, overcoming numerous disadvantages in the early days of the battle that included fewer numbers, treacherous terrain, and bitter weather conditions;

Whereas the Battle of the Bulge resulted in 81,000 American and 1,400 British casualties, of whom approximately 19,000 American and 200 British soldiers were killed, with the remainder wounded, captured, or listed as missing in action;

Whereas the worst atrocity involving Americans in the European theater during World War II, known as the Malmedy Massacre, occurred on December 17, 1944, when 86 unarmed American prisoners of war were gunned down by elements of the German 1st SS Panzer Division;

Whereas American, British, and other Allied forces overcame great odds throughout the battle, including most famously the action of the 101st Airborne Division in holding back German forces at the key Belgian crossroads town of Bastogne, thereby preventing German forces from achieving their main objective of reaching Antwerp as well as the Meuse River line;

Whereas the success of American, British, and other Allied forces in defeating the German attack made possible the defeat of Nazi Germany 4 months later in April 1945;

Whereas thousands of United States veterans of the Battle of the Bulge have traveled to Belgium and Luxembourg in the years since the battle to honor their fallen comrades who died during the battle;

Whereas the peoples of Belgium and Luxembourg, symbolizing their friendship and gratitude toward the American soldiers who fought

to secure their freedom, have graciously hosted countless veterans groups over the years;

Whereas the City of Bastogne has an annual commemoration of the battle and its annual Nuts Fair has been expanded to include commemoration of the legendary one-word reply of “Nuts” by Brigadier General Anthony McAuliffe of the 101st Airborne Division when called upon by the opposing German commander at Bastogne to surrender his forces to much stronger German forces;

Whereas the Belgian people erected the Mardasson Monument to honor the Americans who fought in the Battle of the Bulge as well as to commemorate their sacrifices and service during World War II;

Whereas the 55th anniversary of the Battle of the Bulge in 1999 will be marked by many commemorative events by Americans, Belgians, and Luxembourgers; and

Whereas the friendship between the United States and both Belgium and Luxembourg is strong today in part because of the Battle of the Bulge: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress—

(1) commends the veterans of the United States Army, the British Army, and military forces of other Allied nations who fought during World War II in the German Ardennes offensive known as the Battle of the Bulge;

(2) honors those who gave their lives during that battle;

(3) authorizes the President to issue a proclamation calling upon the people of the United States to honor the veterans of the Battle of the Bulge with appropriate programs, ceremonies, and activities; and

(4) calls upon the President to reaffirm the bonds of friendship between the United States and both Belgium and Luxembourg.

Approved December 7, 1999.

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**LEGISLATIVE HISTORY—H.J. Res. 65:**

HOUSE REPORTS: No. 106–352, Pt. 1 (Comm. on Veterans’ Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 5, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–143  
106th Congress

An Act

To authorize an interpretive center and related visitor facilities within the Four Corners Monument Tribal Park, and for other purposes.

Dec. 7, 1999  
[S. 28]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Four Corners  
Interpretive  
Center Act.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Four Corners Interpretive Center Act”.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Four Corners Monument is nationally significant as the only geographic location in the United States where 4 State boundaries meet;

(2) the States with boundaries that meet at the Four Corners are Arizona, Colorado, New Mexico, and Utah;

State listing.

(3) between 1868 and 1875 the boundary lines that created the Four Corners were drawn, and in 1899 a monument was erected at the site;

(4) a United States postal stamp will be issued in 1999 to commemorate the centennial of the original boundary marker;

(5) the Four Corners area is distinct in character and possesses important historical, cultural, and prehistoric values and resources within the surrounding cultural landscape;

(6) although there are no permanent facilities or utilities at the Four Corners Monument Tribal Park, each year the park attracts approximately 250,000 visitors;

(7) the area of the Four Corners Monument Tribal Park falls entirely within the Navajo Nation or Ute Mountain Ute Tribe reservations;

(8) the Navajo Nation and the Ute Mountain Ute Tribe have entered into a memorandum of understanding governing the planning and future development of the Four Corners Monument Tribal Park;

(9) in 1992, through agreements executed by the Governors of Arizona, Colorado, New Mexico, and Utah, the Four Corners Heritage Council was established as a coalition of State, Federal, tribal, and private interests;

(10) the State of Arizona has obligated \$45,000 for planning efforts and \$250,000 for construction of an interpretive center at the Four Corners Monument Tribal Park;

(11) numerous studies and extensive consultation with American Indians have demonstrated that development at the



Four Corners Monument Tribal Park would greatly benefit the people of the Navajo Nation and the Ute Mountain Ute Tribe;

(12) the Arizona Department of Transportation has completed preliminary cost estimates that are based on field experience with rest-area development for the construction of a Four Corners Interpretive Center and surrounding infrastructure, including restrooms, roadways, parking areas, and water, electrical, telephone, and sewage facilities;

(13) an interpretive center would provide important educational and enrichment opportunities for all Americans; and

(14) Federal financial assistance and technical expertise are needed for the construction of an interpretive center.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of the Four Corners Monument and surrounding landscape as a distinct area in the heritage of the United States that is worthy of interpretation and preservation;

(2) to assist the Navajo Nation and the Ute Mountain Ute Tribe in establishing the Four Corners Interpretive Center and related facilities to meet the needs of the general public;

(3) to highlight and showcase the collaborative resource stewardship of private individuals, Indian tribes, universities, Federal agencies, and the governments of States and political subdivisions thereof (including counties); and

(4) to promote knowledge of the life, art, culture, politics, and history of the culturally diverse groups of the Four Corners region.

### SEC. 3. DEFINITIONS.

As used in this Act:

(1) CENTER.—The term “Center” means the Four Corners Interpretive Center established under section 4, including restrooms, parking areas, vendor facilities, sidewalks, utilities, exhibits, and other visitor facilities.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means the States of Arizona, Colorado, New Mexico, or Utah, or any consortium of 2 or more of those States.

(3) FOUR CORNERS HERITAGE COUNCIL.—The term “Four Corners Heritage Council” means the nonprofit coalition of Federal, State, tribal, and private entities established in 1992 by agreements of the Governors of the States of Arizona, Colorado, New Mexico, and Utah.

(4) FOUR CORNERS MONUMENT.—The term “Four Corners Monument” means the physical monument where the boundaries of the States of Arizona, Colorado, New Mexico, and Utah meet.

(5) FOUR CORNERS MONUMENT TRIBAL PARK.—The term “Four Corners Monument Tribal Park” means lands within the legally defined boundaries of the Four Corners Monument Tribal Park.

(6) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. FOUR CORNERS INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary is authorized to establish within the boundaries of the Four Corners Monument Tribal Park a center for the

interpretation and commemoration of the Four Corners Monument, to be known as the “Four Corners Interpretive Center”.

(b) LAND DESIGNATED AND MADE AVAILABLE.—Land for the Center shall be designated and made available by the Navajo Nation or the Ute Mountain Ute Tribe within the boundaries of the Four Corners Monument Tribal Park in consultation with the Four Corners Heritage Council and in accordance with—

(1) the memorandum of understanding between the Navajo Nation and the Ute Mountain Ute Tribe that was entered into on October 22, 1996; and

(2) applicable supplemental agreements with the Bureau of Land Management, the National Park Service, and the United States Forest Service.

(c) CONCURRENCE.—Notwithstanding any other provision of this Act, no such center shall be established without the consent of the Navajo Nation and the Ute Mountain Ute Tribe.

(d) COMPONENTS OF CENTER.—The Center shall include—

(1) a location for permanent and temporary exhibits depicting the archaeological, cultural, and natural heritage of the Four Corners region;

(2) a venue for public education programs;

(3) a location to highlight the importance of efforts to preserve southwestern archaeological sites and museum collections;

(4) a location to provide information to the general public about cultural and natural resources, parks, museums, and travel in the Four Corners region; and

(5) visitor amenities including restrooms, public telephones, and other basic facilities.

#### SEC. 5. CONSTRUCTION GRANT.

(a) GRANT.—

(1) IN GENERAL.—The Secretary is authorized to award a grant to an eligible entity for the construction of the Center in an amount not to exceed 50 percent of the cost of construction of the Center.

(2) ASSURANCES.—To be eligible for the grant, the eligible entity that is selected to receive the grant shall provide assurances that—

(A) the non-Federal share of the costs of construction is paid from non-Federal sources (which may include contributions made by States, private sources, the Navajo Nation, and the Ute Mountain Ute Tribe for planning, design, construction, furnishing, startup, and operational expenses); and

(B) the aggregate amount of non-Federal funds contributed by the States used to carry out the activities specified in subparagraph (A) will not be less than \$2,000,000, of which each of the States that is party to the grant will contribute equally in cash or in kind.

(3) FUNDS FROM PRIVATE SOURCES.—A State may use funds from private sources to meet the requirements of paragraph (2)(B).

(4) FUNDS OF STATE OF ARIZONA.—The State of Arizona may apply \$45,000 authorized by the State of Arizona during fiscal year 1998 for planning and \$250,000 that is held in reserve by the State for construction toward the Arizona share.

Proposal. (b) GRANT REQUIREMENTS.—In order to receive a grant under this Act, the eligible entity selected to receive the grant shall—

(1) submit to the Secretary a proposal that—

(A) meets all applicable—

(i) laws, including building codes and regulations; and

(ii) requirements under the memorandum of understanding described in paragraph (2); and

(B) provides such information and assurances as the Secretary may require; and

(2) enter into a memorandum of understanding with the Secretary providing—

(A) a timetable for completion of construction and opening of the Center;

(B) assurances that design, architectural, and construction contracts will be competitively awarded;

(C) specifications meeting all applicable Federal, State, and local building codes and laws;

(D) arrangements for operations and maintenance upon completion of construction;

(E) a description of the Center collections and educational programming;

(F) a plan for design of exhibits including, but not limited to, the selection of collections to be exhibited, and the providing of security, preservation, protection, environmental controls, and presentations in accordance with professional museum standards;

(G) an agreement with the Navajo Nation and the Ute Mountain Ute Tribe relative to site selection and public access to the facilities; and

(H) a financing plan developed jointly by the Navajo Nation and the Ute Mountain Ute Tribe outlining the long-term management of the Center, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Center through the assessment of fees or other income generated by the Center;

(iii) a strategy for achieving financial self-sufficiency with respect to the Center by not later than 5 years after the date of enactment of this Act; and

(iv) appropriate vendor standards and business activities at the Four Corners Monument Tribal Park.

#### SEC. 6. SELECTION OF GRANT RECIPIENT.

The Four Corners Heritage Council may make recommendations to the Secretary on grant proposals regarding the design of facilities at the Four Corners Monument Tribal Park.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Department of the Interior to carry out this Act—

(1) \$2,000,000 for fiscal year 2000; and

(2) \$50,000 for each of fiscal years 2001 through 2005 for maintenance and operation of the Center, program development, or staffing in a manner consistent with the requirements of section 5(b).

(b) CARRYOVER.—Funds made available under subsection (a)(1) that are unexpended at the end of the fiscal year for which those funds are appropriated, may be used by the Secretary through fiscal year 2002 for the purposes for which those funds are made available.

(c) RESERVATION OF FUNDS.—The Secretary may reserve funds appropriated pursuant to this Act until a grant proposal meeting the requirements of this Act is submitted, but no later than September 30, 2001.

#### **SEC. 8. DONATIONS.**

Notwithstanding any other provision of law, for purposes of the planning, construction, and operation of the Center, the Secretary may accept, retain, and expend donations of funds, and use property or services donated, from private persons and entities or from public entities.

#### **SEC. 9. STATUTORY CONSTRUCTION.**

Nothing in this Act is intended to abrogate, modify, or impair any right or claim of the Navajo Nation or the Ute Mountain Ute Tribe, that is based on any law (including any treaty, Executive order, agreement, or Act of Congress).

Approved December 7, 1999.

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#### **LEGISLATIVE HISTORY—S. 28:**

SENATE REPORTS: No. 106–144 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 9, considered and passed Senate.

Nov. 18, considered and passed House.



Public Law 106–144  
106th Congress

An Act

Dec. 7, 1999  
[S. 416]

To direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS.**

Congress finds that—

(1) the city of Sisters, Oregon, faces a public health threat from a major outbreak of infectious diseases due to the lack of a sewer system;

(2) the lack of a sewer system also threatens groundwater and surface water resources in the area;

(3) the city is surrounded by Forest Service land and has no reasonable access to non-Federal parcels of land large enough, and with the proper soil conditions, for the development of a sewage treatment facility;

(4) the Forest Service currently must operate, maintain, and replace 11 separate septic systems to serve existing Forest Service facilities in the city of Sisters; and

(5) the Forest Service currently administers 77 acres of land within the city limits that would increase in value as a result of construction of a sewer system.

**SEC. 2. CONVEYANCE.**

Deadline.

(a) **IN GENERAL.**—As soon as practicable and upon completion of any documents or analysis required by any environmental law, but not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall convey to the city of Sisters, Oregon (hereinafter referred to as the “city”) an amount of land that is not more than is reasonably necessary for a sewage treatment facility and for the disposal of treated effluent consistent with subsection (c).

(b) **LAND DESCRIPTION.**—The amount of land conveyed under subsection (a) shall be 160 acres or 240 acres from within—

(1) the SE quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, and the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes, Oregon, that lies east of Three Creeks Lake Road, but not including the westernmost 500 feet of that portion; and

(2) the portion of the SW quarter of section 09, township 15 south, range 10 west, W.M., Deschutes County, Oregon, lying easterly of Three Creeks Lake Road.

(c) **CONDITION.**—

(1) IN GENERAL.—The conveyance under subsection (a) shall be made on the condition that the city—

(A) shall conduct a public process before the final determination is made regarding land use for the disposition of treated effluent;

(B) except as provided by paragraph (2), shall be responsible for system development charges, mainline construction costs, and equivalent dwelling unit monthly service fees as set forth in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999; and

(C) shall pay the cost of preparation of any documents required by any environmental law in connection with the conveyance.

(2) ADJUSTMENT IN FEES.—

(A) VALUE HIGHER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more higher than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the city shall be responsible for additional charges, costs, fees, or other compensation so that the total amount of charges, costs, and fees for which the city is responsible under paragraph (1)(B) plus the value of the amount of charges, costs, fees, or other compensation due under this subparagraph is equal to such appraised value. The Secretary and the city shall agree upon the form of additional charges, costs, fees, or other compensation due under this subparagraph.

(B) VALUE LOWER THAN ESTIMATED.—If the land to be conveyed pursuant to subsection (a) is appraised for a value that is 10 percent or more lower than the value estimated for such land in the agreement between the city and the Forest Service in the letter of understanding dated October 14, 1999, the amount of equivalent dwelling unit monthly service fees for which the city shall be responsible under paragraph (1)(B) shall be reduced so that the total amount of charges, costs, and fees for which the city is responsible under that paragraph is equal to such appraised value.

(d) USE OF LAND.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be used by the city for a sewage treatment facility and for the disposal of treated effluent.

(2) OPTIONAL REVERTER.—If at any time the land conveyed under subsection (a) ceases to be used for a purpose described in paragraph (1), at the option of the United States, title to the land shall revert to the United States.

(e) AUTHORITY TO ACQUIRE LAND IN SUBSTITUTION.—Subject to the availability of appropriations, the Secretary shall acquire land within Oregon, and within or in the vicinity of the Deschutes National Forest, of an acreage equivalent to that of the land conveyed under subsection (a). Any lands acquired shall be added to and administered as part of the Deschutes National Forest.

Approved December 7, 1999.

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LEGISLATIVE HISTORY—S. 416:

HOUSE REPORTS: No. 106-453 (Comm. on Resources).

SENATE REPORTS: No. 106-60 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

July 1, considered and passed Senate.

Nov. 17, considered and passed House, amended.

Nov. 19, Senate concurred in House amendment.



Public Law 106–145  
106th Congress

An Act

To designate a portion of the Otay Mountain region of California as wilderness.

Dec. 9, 1999

[H.R. 15]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Otay Mountain  
Wilderness Act of  
1999.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Otay Mountain Wilderness Act of 1999”.

**SEC. 2. FINDINGS.**

The Congress finds and declares the following:

(1) The public lands within the Otay Mountain region of California are one of the last remaining pristine locations in western San Diego County, California.

(2) This rugged mountain adjacent to the United States-Mexico border is internationally known for its diversity of unique and sensitive plants.

(3) This area plays a critical role in San Diego’s multi-species conservation plan, a national model made for maintaining biodiversity.

(4) Due to its proximity to the international border, this area is the focus of important law enforcement and border interdiction efforts necessary to curtail illegal immigration and protect the area’s wilderness values.

(5) The illegal immigration traffic, combined with the rugged topography, also presents unique fire management challenges for protecting lives and resources.

**SEC. 3. DESIGNATION.**

16 USC 1132  
note.

In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public lands in the California Desert District of the Bureau of Land Management, California, comprising approximately 18,500 acres as generally depicted on a map entitled “Otay Mountain Wilderness” and dated May 7, 1998, are hereby designated as wilderness and therefore as a component of the National Wilderness Preservation System, which shall be known as the Otay Mountain Wilderness.

**SEC. 4. MAP AND LEGAL DESCRIPTION.**

(a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, a map and a legal description for the Wilderness Area shall be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. Such map and legal description shall have the same force and effect as if included



in this Act, except that the Secretary, as appropriate, may correct clerical and typographical errors in such legal description and map. Such map and legal description for the Wilderness Area shall be on file and available for public inspection in the offices of the Director and California State Director, Bureau of Land Management, Department of the Interior.

(b) UNITED STATES-MEXICO BORDER.—In carrying out this section, the Secretary shall ensure that the southern boundary of the Wilderness Area is 100 feet north of the trail depicted on the map referred to in subsection (a) and is at least 100 feet from the United States-Mexico international border.

#### **SEC. 5. WILDERNESS REVIEW.**

The Congress hereby finds and directs that all the public lands not designated wilderness within the boundaries of the Southern Otay Mountain Wilderness Study Area (CA-060-029) and the Western Otay Mountain Wilderness Study Area (CA-060-028) managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), and are no longer subject to the requirements contained in section 603(c) of that Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

#### **SEC. 6. ADMINISTRATION OF WILDERNESS AREA.**

(a) IN GENERAL.—Subject to valid existing rights and to subsection (b), the Wilderness Area shall be administered by the Secretary in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in such provisions to the effective date of the Wilderness Act is deemed to be a reference to the effective date of this Act; and

(2) any reference in such provisions to the Secretary of Agriculture is deemed to be a reference to the Secretary of the Interior.

(b) BORDER ENFORCEMENT, DRUG INTERDICTION, AND WILDLAND FIRE PROTECTION.—Because of the proximity of the Wilderness Area to the United States-Mexico international border, drug interdiction, border operations, and wildland fire management operations are common management actions throughout the area encompassing the Wilderness Area. This Act recognizes the need to continue such management actions so long as such management actions are conducted in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and are subject to such conditions as the Secretary considers appropriate.

#### **SEC. 7. FURTHER ACQUISITIONS.**

Any lands within the boundaries of the Wilderness Area that are acquired by the United States after the date of the enactment of this Act shall become part of the Wilderness Area and shall be managed in accordance with all the provisions of this Act and other laws applicable to such a wilderness.

#### **SEC. 8. NO BUFFER ZONES.**

The Congress does not intend for the designation of the Wilderness Area by this Act to lead to the creation of protective perimeters

or buffer zones around the Wilderness Area. The fact that non-wilderness activities or uses can be seen or heard from areas within the Wilderness Area shall not, of itself, preclude such activities or uses up to the boundary of the Wilderness Area.

**SEC. 9. DEFINITIONS.**

As used in this Act:

(1) **PUBLIC LANDS.**—The term “public lands” has the same meaning as that term has in section 103(e) of the Federal Land Policy and Management Act of 1976.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **WILDERNESS AREA.**—The term “Wilderness Area” means the Otay Mountain Wilderness designated by section 3.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 15:**

HOUSE REPORTS: No. 106–65 (Comm. on Resources).

SENATE REPORTS: No. 106–116 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Apr. 12, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–146  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 658]

To establish the Thomas Cole National Historic Site in the State of New York  
as an affiliated area of the National Park System.

Thomas Cole  
National Historic  
Site Act.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Thomas Cole National Historic Site Act”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings and purposes.
- Sec. 4. Establishment of Thomas Cole National Historic Site.
- Sec. 5. Retention of ownership and management of historic site by Greene County Historical Society.
- Sec. 6. Administration of historic site.
- Sec. 7. Authorization of appropriations.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) The term “historic site” means the Thomas Cole National Historic Site established by section 4 of this Act.

(2) The term “Hudson River artists” means artists who were associated with the Hudson River school of landscape painting.

(3) The term “plan” means the general management plan developed pursuant to section 6(d).

(4) The term “Secretary” means the Secretary of the Interior.

(5) The term “Society” means the Greene County Historical Society of Greene County, New York, which owns the Thomas Cole home, studio, and other property comprising the historic site.

**SEC. 3. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Hudson River school of landscape painting was inspired by Thomas Cole and was characterized by a group of 19th century landscape artists who recorded and celebrated the landscape and wilderness of America, particularly in the Hudson River Valley region in the State of New York.

(2) Thomas Cole is recognized as America’s most prominent landscape and allegorical painter of the mid-19th century.

(3) Located in Greene County, New York, the Thomas Cole House, also known as Thomas Cole’s Cedar Grove, is

listed on the National Register of Historic Places and has been designated as a National Historic Landmark.

(4) Within a 15 mile radius of the Thomas Cole House, an area that forms a key part of the rich cultural and natural heritage of the Hudson River Valley region, significant landscapes and scenes painted by Thomas Cole and other Hudson River artists, such as Frederic Church, survive intact.

(5) The State of New York has established the Hudson River Valley Greenway to promote the preservation, public use, and enjoyment of the natural and cultural resources of the Hudson River Valley region.

(6) Establishment of the Thomas Cole National Historic Site will provide opportunities for the illustration and interpretation of cultural themes of the heritage of the United States and unique opportunities for education, public use, and enjoyment.

(b) PURPOSES.—The purposes of this Act are—

(1) to preserve and interpret the home and studio of Thomas Cole for the benefit, inspiration, and education of the people of the United States;

(2) to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression;

(3) to coordinate the interpretive, preservation, and recreational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use, and enjoyment; and

(4) to broaden understanding of the Hudson River Valley region and its role in American history and culture.

#### **SEC. 4. ESTABLISHMENT OF THOMAS COLE NATIONAL HISTORIC SITE.**

(a) ESTABLISHMENT.—There is established, as an affiliated area of the National Park System, the Thomas Cole National Historic Site in the State of New York.

(b) DESCRIPTION.—The historic site shall consist of the home and studio of Thomas Cole, comprising approximately 3.4 acres, located at 218 Spring Street, in the village of Catskill, New York, as generally depicted on the boundary map numbered TCH/80002, and dated March 1992.

#### **SEC. 5. RETENTION OF OWNERSHIP AND MANAGEMENT OF HISTORIC SITE BY GREENE COUNTY HISTORICAL SOCIETY.**

The Greene County Historical Society of Greene County, New York, shall continue to own, administer, manage, and operate the historic site.

#### **SEC. 6. ADMINISTRATION OF HISTORIC SITE.**

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENTS.—

(1) ASSISTANCE TO SOCIETY.—The Secretary may enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures in the historic site and to

assist with education programs and research and interpretation of the Thomas Cole House and associated landscapes.

(2) OTHER ASSISTANCE.—To further the purposes of this Act, the Secretary may enter into cooperative agreements with the State of New York, the Society, the Thomas Cole Foundation, and other public and private entities to facilitate public understanding and enjoyment of the lives and works of the Hudson River artists through the provision of assistance to develop, present, and fund art exhibits, resident artist programs, and other appropriate activities related to the preservation, interpretation, and use of the historic site.

(c) ARTIFACTS AND PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.

Deadline.

(d) GENERAL MANAGEMENT PLAN.—Within two complete fiscal years after the date of the enactment of this Act, the Secretary shall develop a general management plan for the historic site with the cooperation of the Society. Upon the completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives. The plan shall include recommendations for regional wayside exhibits, to be carried out through cooperative agreements with the State of New York and other public and private entities. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et seq.; commonly known as the National Park System General Authorities Act).

#### **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Approved December 9, 1999.

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#### **LEGISLATIVE HISTORY—H.R. 658 (S. 140):**

HOUSE REPORTS: No. 106-138 (Comm. on Resources).

SENATE REPORTS: No. 106-89 accompanying S. 140 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 13, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–147  
106th Congress

An Act

To authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center.

Dec. 9, 1999  
[H.R. 1104]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. VISITOR CENTER FOR HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE, HYDE PARK, NEW YORK.**

16 USC 461 note.

(a) **TRANSFER OF ADMINISTRATIVE JURISDICTION.**—The Secretary of the Interior may transfer to the Archivist of the United States administrative jurisdiction over land located in the Home of Franklin D. Roosevelt National Historic Site, for use by the Archivist for the construction of a visitor center facility to jointly serve the Home of Franklin D. Roosevelt National Historic Site and the Franklin D. Roosevelt Presidential Library, located in Hyde Park, New York.

(b) **CONDITIONS OF TRANSFER.**—

(1) **PROTECTION OF HISTORIC SITE.**—The transfer authorized in subsection (a) shall be subject to an agreement between the Secretary and the Archivist that shall include such provisions for the protection of the Home of Franklin D. Roosevelt National Historic Site and the joint use of the facility to be constructed as the Secretary and the Archivist may consider necessary.

(2) **CONSIDERATION.**—A transfer made pursuant to subsection (a) shall be made without consideration or reimbursement.

(3) **TERMINATION.**—If use by the Archivist of the land referred to in subsection (a) is terminated by the Archivist at any time, administrative jurisdiction over the land shall automatically revert to the Department of the Interior.

(c) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) shall consist of not more than 1 acre of land as may be mutually

agreed to by the Secretary and the Archivist and more particularly described in the agreement required under subsection (b)(1).

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 1104 (S. 946):

HOUSE REPORTS: No. 106–141 (Comm. on Resources).

SENATE REPORTS: No. 106–94 accompanying S. 946 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Aug. 2, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–148  
106th Congress

An Act

To reauthorize and amend the National Geologic Mapping Act of 1992.

Dec. 9, 1999

[H.R. 1528]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

National Geologic  
Mapping  
Reauthorization  
Act of 1999.  
43 USC 31a note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Geologic Mapping Reauthorization Act of 1999”.

**SEC. 2. FINDINGS.**

Section 2(a) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31a(a)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) by redesignating paragraph (8) as paragraph (10);

(3) by inserting after paragraph (7) the following:

“(8) geologic map information is required for the sustainable and balanced development of natural resources of all types, including energy, minerals, land, water, and biological resources;

“(9) advances in digital technology and geographical information system science have made geologic map databases increasingly important as decision support tools for land and resource management; and”; and

(4) in paragraph (10) (as redesignated by paragraph (2)), by inserting “of surficial and bedrock deposits” after “geologic mapping”.

**SEC. 3. DEFINITIONS.**

Section 3 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31b) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (6), (7), (8), and (10), respectively;

(2) by inserting after paragraph (3) the following:

“(4) EDUCATION COMPONENT.—The term ‘education component’ means the education component of the geologic mapping program described in section 6(d)(3).

“(5) FEDERAL COMPONENT.—The term ‘Federal component’ means the Federal component of the geologic mapping program described in section 6(d)(1).”; and

(3) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

“(9) STATE COMPONENT.—The term ‘State component’ means the State component of the geologic mapping program described in section 6(d)(2).”.



**SEC. 4. GEOLOGIC MAPPING PROGRAM.**

Section 4 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31c) is amended—

(1) in subsection (b)(1)—

(A) in the first sentence, by striking “priorities” and inserting “national priorities and standards for”;

(B) in subparagraph (A)—

(i) by striking “develop a geologic mapping program implementation plan” and inserting “develop a 5-year strategic plan for the geologic mapping program”; and

(ii) by striking “within 300 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997” and inserting “not later than 1 year after the date of the enactment of the National Geologic Mapping Reauthorization Act of 1999”;

(C) in subparagraph (B), by striking “within 90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997” and inserting “not later than 1 year after the date of the enactment of the National Geologic Mapping Reauthorization Act of 1999”; and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “within 210 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997” and inserting “not later than 3 years after the date of the enactment of the National Geologic Mapping Reauthorization Act of 1999, and biennially thereafter”;

(ii) in clause (i), by striking “will coordinate” and inserting “are coordinating”;

(iii) in clause (ii), by striking “will establish” and inserting “establish”; and

(iv) in clause (iii), by striking “will lead to” and inserting “affect”; and

(2) by striking subsection (d) and inserting the following:

“(d) PROGRAM COMPONENTS.—

“(1) FEDERAL COMPONENT.—

“(A) IN GENERAL.—The geologic mapping program shall include a Federal geologic mapping component, the objective of which shall be to determine the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of the United States.

“(B) MAPPING PRIORITIES.—For the Federal component, mapping priorities—

“(i) shall be described in the 5-year plan under section 6; and

“(ii) shall be based on—

“(I) national requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

“(II) national requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

“(C) INTERDISCIPLINARY STUDIES.—

“(i) IN GENERAL.—The Federal component shall include interdisciplinary studies that add value to geologic mapping.

“(ii) REPRESENTATIVE CATEGORIES.—Interdisciplinary studies under clause (i) may include—

“(I) establishment of a national geologic map database under section 7;

“(II) studies that lead to the implementation of cost-effective digital methods for the acquisition, compilation, analysis, cartographic production, and dissemination of geologic map information;

“(III) paleontologic, geochronologic, and isotopic investigations that provide information critical to understanding the age and history of geologic map units;

“(IV) geophysical investigations that assist in delineating and mapping the physical characteristics and 3-dimensional distribution of geologic materials and geologic structures; and

“(V) geochemical investigations and analytical operations that characterize the composition of geologic map units.

“(iii) USE OF RESULTS.—The results of investigations under clause (ii) shall be contributed to national databases.

“(2) STATE COMPONENT.—

“(A) IN GENERAL.—The geologic mapping program shall include a State geologic mapping component, the objective of which shall be to establish the geologic framework of areas determined to be vital to the economic, social, environmental, or scientific welfare of individual States.

“(B) MAPPING PRIORITIES.—For the State component, mapping priorities—

“(i) shall be determined by State panels representing a broad range of users of geologic maps; and

“(ii) shall be based on—

“(I) State requirements for geologic map information in areas of multiple-issue need or areas of compelling single-issue need; and

“(II) State requirements for geologic map information in areas where mapping is required to solve critical earth science problems.

“(C) INTEGRATION OF FEDERAL AND STATE PRIORITIES.—A national panel including representatives of the Survey shall integrate the State mapping priorities under this paragraph with the Federal mapping priorities under paragraph (1).

“(D) USE OF FUNDS.—The Survey and recipients of grants under the State component shall not use more than 15.25 percent of the Federal funds made available under the State component for any fiscal year to pay indirect, servicing, or program management charges.

“(E) FEDERAL SHARE.—The Federal share of the cost of activities under the State component for any fiscal year shall not exceed 50 percent.

“(3) EDUCATION COMPONENT.—

“(A) IN GENERAL.—The geologic mapping program shall include a geologic mapping education component for the training of geologic mappers, the objectives of which shall be—

“(i) to provide for broad education in geologic mapping and field analysis through support of field studies; and

“(ii) to develop academic programs that teach students of earth science the fundamental principles of geologic mapping and field analysis.

“(B) INVESTIGATIONS.—The education component may include the conduct of investigations, which—

“(i) shall be integrated with the Federal component and the State component; and

“(ii) shall respond to mapping priorities identified for the Federal component and the State component.

“(C) USE OF FUNDS.—The Survey and recipients of grants under the education component shall not use more than 15.25 percent of the Federal funds made available under the education component for any fiscal year to pay indirect, servicing, or program management charges.

“(D) FEDERAL SHARE.—The Federal share of the cost of activities under the education component for any fiscal year shall not exceed 50 percent.”.

#### **SEC. 5. ADVISORY COMMITTEE.**

Section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d) is amended—

(1) in subsection (a)(3), by striking “90 days after the date of enactment of the National Geologic Mapping Reauthorization Act of 1997” and inserting “1 year after the date of the enactment of the National Geologic Mapping Reauthorization Act of 1999”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “critique the draft implementation plan” and inserting “update the 5-year plan”; and

(B) in paragraph (3), by striking “this Act” and inserting “sections 4 through 7”.

#### **SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.**

The National Geologic Mapping Act of 1992 is amended by striking section 6 (43 U.S.C. 31e) and inserting the following:

43 USC 31e.

#### **“SEC. 6. GEOLOGIC MAPPING PROGRAM 5-YEAR PLAN.**

“(a) IN GENERAL.—The Secretary, acting through the Director, shall, with the advice and review of the advisory committee, prepare a 5-year plan for the geologic mapping program.

“(b) REQUIREMENTS.—The 5-year plan shall identify—

“(1) overall priorities for the geologic mapping program; and

“(2) implementation of the overall management structure and operation of the geologic mapping program, including—

“(A) the role of the Survey in the capacity of overall management lead, including the responsibility for developing the national geologic mapping program that meets Federal needs while fostering State needs;

“(B) the responsibilities of the State geological surveys, with emphasis on mechanisms that incorporate the needs, missions, capabilities, and requirements of the State geological surveys, into the nationwide geologic mapping program;

“(C) mechanisms for identifying short- and long-term priorities for each component of the geologic mapping program, including—

“(i) for the Federal component, a priority-setting mechanism that responds to—

“(I) Federal mission requirements for geologic map information;

“(II) critical scientific problems that require geologic maps for their resolution; and

“(III) shared Federal and State needs for geologic maps, in which joint Federal-State geologic mapping projects are in the national interest;

“(ii) for the State component, a priority-setting mechanism that responds to—

“(I) specific intrastate needs for geologic map information; and

“(II) interstate needs shared by adjacent States that have common requirements; and

“(iii) for the education component, a priority-setting mechanism that responds to requirements for geologic map information that are dictated by Federal and State mission requirements;

“(D) a mechanism for adopting scientific and technical mapping standards for preparing and publishing general- and special-purpose geologic maps to—

“(i) ensure uniformity of cartographic and scientific conventions; and

“(ii) provide a basis for assessing the comparability and quality of map products; and

“(E) a mechanism for monitoring the inventory of published and current mapping investigations nationwide to facilitate planning and information exchange and to avoid redundancy.”.

#### **SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.**

Section 7 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31f) is amended by striking the section heading and all that follows through subsection (a) and inserting the following:

#### **“SEC. 7. NATIONAL GEOLOGIC MAP DATABASE.**

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Survey shall establish a national geologic map database.

“(2) FUNCTION.—The database shall serve as a national catalog and archive, distributed through links to Federal and State geologic map holdings, that includes—

“(A) all maps developed under the Federal component and the education component;

“(B) the databases developed in connection with investigations under subclauses (III), (IV), and (V) of section 4(d)(1)(C)(ii); and

“(C) other maps and data that the Survey and the Association consider appropriate.”.

**SEC. 8. BIENNIAL REPORT.**

The National Geologic Mapping Act of 1992 is amended by striking section 8 (43 U.S.C. 31g) and inserting the following:

43 USC 31g.

Deadline.

**“SEC. 8. BIENNIAL REPORT.**

“Not later 3 years after the date of the enactment of the National Geologic Mapping Reauthorization Act of 1999 and biennially thereafter, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

“(1) describes the status of the national geologic mapping program;

“(2) describes and evaluates the progress achieved during the preceding 2 years in developing the national geologic map database; and

“(3) includes any recommendations that the Secretary may have for legislative or other action to achieve the purposes of sections 4 through 7.”.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

The National Geologic Mapping Act of 1992 is amended by striking section 9 (43 U.S.C. 31h) and inserting the following:

43 USC 31h.

**“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

“(1) \$28,000,000 for fiscal year 1999;

“(2) \$30,000,000 for fiscal year 2000;

“(3) \$37,000,000 for fiscal year 2001;

“(4) \$43,000,000 for fiscal year 2002;

“(5) \$50,000,000 for fiscal year 2003;

“(6) \$57,000,000 for fiscal year 2004; and

“(7) \$64,000,000 for fiscal year 2005.

“(b) ALLOCATION OF APPROPRIATIONS.—Of any amounts appropriated for any fiscal year in excess of the amount appropriated for fiscal year 2000—

“(1) 48 percent shall be available for the State component; and

“(2) 2 percent shall be available for the education component.”.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 1528 (S. 607):

HOUSE REPORTS: No. 106–389 (Comm. on Resources).

SENATE REPORTS: No. 106–78 accompanying S. 607 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 26, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–149  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 1619]

To amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor.

Quinebaug and  
Shetucket Rivers  
Valley National  
Heritage  
Corridor  
Reauthorization  
Act of 1999.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; REFERENCE.**

(a) **SHORT TITLE.**—This Act may be cited as the “Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999”.

(b) **REFERENCE.**—Whenever in this Act a section or other provision is amended or repealed, such amendment or repeal shall be considered to be made to that section or other provision of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 (Public Law 103–449; 16 U.S.C. 461 note).

**SEC. 2. FINDINGS.**

Section 102 of the Act is amended—

(1) in paragraph (1), by inserting “and the Commonwealth of Massachusetts” after “State of Connecticut”;

(2) by striking paragraph (2) and redesignating paragraphs (3) through (9) as paragraphs (2) through (8), respectively; and

(3) in paragraph (3) (as so redesignated), by inserting “New Haven,” after “Hartford.”.

**SEC. 3. ESTABLISHMENT OF QUINEBAUG AND SHETUCKET RIVERS VALLEY NATIONAL HERITAGE CORRIDOR; PURPOSE.**

(a) **ESTABLISHMENT.**—Section 103(a) of the Act is amended by inserting “and the Commonwealth of Massachusetts” after “State of Connecticut”.

(b) **PURPOSE.**—Section 103(b) of the Act is amended to read as follows:

“(b) **PURPOSE.**—It is the purpose of this title to provide assistance to the State of Connecticut and the Commonwealth of Massachusetts, their units of local and regional government and citizens in the development and implementation of integrated natural, cultural, historic, scenic, recreational, land, and other resource management programs in order to retain, enhance, and interpret the significant features of the lands, water, structures, and history of the Quinebaug and Shetucket Rivers Valley.”.

**SEC. 4. BOUNDARIES AND ADMINISTRATION.**

(a) **BOUNDARIES.**—Section 104(a) of the Act is amended—

(1) by inserting “Union,” after “Thompson,”; and

(2) by inserting after “Woodstock” the following: “in the State of Connecticut, and the towns of Brimfield, Charlton, Dudley, E. Brookfield, Holland, Oxford, Southbridge, Sturbridge, and Webster in the Commonwealth of Massachusetts, which are contiguous areas in the Quinebaug and Shetucket Rivers Valley, related by shared natural, cultural, historic, and scenic resources”.

(b) ADMINISTRATION.—Section 104 of the Act is amended by adding at the end the following:

“(b) ADMINISTRATION.—

“(1) IN GENERAL.—(A) The Corridor shall be managed by the management entity in accordance with the management plan, in consultation with the Governor and pursuant to a compact with the Secretary.

“(B) The management entity shall amend its by-laws to add the Governor of Connecticut (or the Governor’s designee) and the Governor of the Commonwealth of Massachusetts (or the Governor’s designee) as a voting members of its Board of Directors.

“(C) The management entity shall provide the Governor with an annual report of its activities, programs, and projects. An annual report prepared for any other purpose shall satisfy the requirements of this paragraph.

“(2) COMPACT.—To carry out the purposes of this Act, the Secretary shall enter into a compact with the management entity. The compact shall include information relating to the objectives and management of the Corridor, including, but not limited to, each of the following:

“(A) A delineation of the boundaries of the Corridor.

“(B) A discussion of goals and objectives of the Corridor, including an explanation of the proposed approaches to accomplishing the goals set forth in the management plan.

“(C) A description of the role of the State of Connecticut and the Commonwealth of Massachusetts.

“(3) AUTHORITIES OF MANAGEMENT ENTITY.—For the purpose of achieving the goals set forth in the management plan, the management entity may use Federal funds provided under this Act—

“(A) to make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons;

“(B) to enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons;

“(C) to hire and compensate staff; and

“(D) to contract for goods and services.

“(4) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or any interest in real property.”.

#### SEC. 5. STATES CORRIDOR PLAN.

Section 105 of the Act is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsection (c) as subsection (a);

(3) in subsection (a) (as so redesignated)—



(A) by striking the first sentence and all that follows through “Governor,” and inserting the following: “The management entity shall implement the management plan. Upon request of the management entity,”; and

(B) in paragraph (5), by striking “identified pursuant to the inventory required by section 5(a)(1)”;

(4) by adding at the end the following:

“(b) GRANTS AND TECHNICAL ASSISTANCE.—For the purposes of implementing the management plan, the management entity may make grants or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations, and other persons to further the goals set forth in the management plan.”.

#### **SEC. 6. DUTIES OF THE SECRETARY.**

Section 106 of the Act is amended—

(1) in subsection (a)—

(A) by striking “Governor” each place it appears and inserting “management entity”;

(B) by striking “preparation and”; and

(C) by adding at the end the following: “Such assistance shall include providing funds authorized under section 109 and technical assistance necessary to carry out this Act.”; and

(2) by amending subsection (b) to read as follows:

“(b) TERMINATION OF AUTHORITY.—The Secretary may not make any grants or provide any assistance under this Act after September 30, 2009.”.

#### **SEC. 7. DUTIES OF OTHER FEDERAL AGENCIES.**

Section 107 of the Act is amended by striking “Governor” and inserting “management entity”.

#### **SEC. 8. DEFINITIONS.**

Section 108 of the Act is amended—

(1) in paragraph (1), by inserting before the period the following: “and the Commonwealth of Massachusetts”.

(2) in paragraph (3), by inserting before the period the following: “and the Governor of the Commonwealth of Massachusetts”;

(3) in paragraph (5), by striking “each of” and all that follows and inserting the following: “the Northeastern Connecticut Council of Governments, the Windham Regional Council of Governments, and the Southeastern Connecticut Council of Governments in Connecticut, (or their successors), and the Pioneer Valley Regional Planning Commission and the Southern Worcester County Regional Planning Commission (or their successors) in Massachusetts.”; and

(4) by adding at the end the following:

“(6) The term ‘management plan’ means the document approved by the Governor of the State of Connecticut on February 16, 1999, and adopted by the management entity, entitled ‘Vision to Reality: A Management Plan’, the management plan for the Corridor, as it may be amended or replaced from time-to-time.

“(7) The term ‘management entity’ means Quinebaug-Shetucket Heritage Corridor, Inc., a not-for-profit corporation (or its successor) incorporated in the State of Connecticut.”.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

Section 109 of the Act is amended to read as follows:

**“SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL.**—There is authorized to be appropriated under this title not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Corridor under this title after the date of the enactment of the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Reauthorization Act of 1999.

“(b) **FIFTY PERCENT MATCH.**—Federal funding provided under this title may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this title.”.

**SEC. 10. CONFORMING AMENDMENTS.**

(a) **LONG TITLE.**—The long title of the Act is amended to read as follows: “An Act to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.”.

(b) **HEADING.**—The heading for section 110 of the Act is amended by striking “**SERVICE**” and inserting “**SYSTEM**”.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 1619:**

HOUSE REPORTS: No. 106–306 (Comm. on Resources).

SENATE REPORTS: No. 106–213 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 13, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–150  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 1665]

To allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADDITION TO WILDERNESS BATTLEFIELD, VIRGINIA.**

(a) REMOVAL OF CONDITION ON BATTLEFIELD ADDITION.—Section 2(a)(2) of Public Law 102–541 (16 U.S.C. 425k note; 106 Stat. 3565) is amended by striking “: *Provided*,” and all that follows through “Interior”.

(b) AUTHORIZED METHODS OF ACQUISITION.—

(1) LIMITATIONS ON ACQUISITION METHODS.—Section 3(a) of Public Law 101–214 (16 U.S.C. 425l(a)) is amended—

(A) by striking “The Secretary” and inserting “(1) Except as provided in paragraph (2), the Secretary”; and

(B) by adding at the end the following new paragraph:

“(2) The lands designated ‘P04–04’ on the map referred to in section 2(a) numbered 326–40072E/89/A and dated September 1990 may be acquired only by donation, and the lands designated ‘P04–01’, ‘P04–02’, and ‘P04–03’ on such map may be acquired only by donation, purchase from willing sellers, or exchange.”.

(2) REMOVAL OF RESTRICTION ON ACQUISITION OF ADDITION.—Section 2 of Public Law 102–541 (16 U.S.C. 425k note; 106 Stat. 3565) is amended by striking subsection (b).

(c) TECHNICAL CORRECTION.—Section 2(a) of Public Law 101–214 (16 U.S.C. 425k(a)) is amended by striking “Spotsylvania” and inserting “Spotsylvania”.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 1665:**

HOUSE REPORTS: No. 106–362 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 12, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–151  
106th Congress

An Act

To amend the Fair Labor Standards Act of 1938 to clarify the overtime exemption for employees engaged in fire protection activities.

Dec. 9, 1999  
[H.R. 1693]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITION OF FIRE PROTECTION ACTIVITIES.**

Section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203) is amended by adding at the end the following:

“(y) ‘Employee in fire protection activities’ means an employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

“(1) is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by a fire department of a municipality, county, fire district, or State; and

“(2) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.”.

**SEC. 2. CONSTRUCTION.**

29 USC 203 note.

The amendment made by section 1 shall not be construed to reduce or substitute for compensation standards: (1) contained in any existing or future agreement or memorandum of understanding reached through collective bargaining by a bona fide representative of employees in accordance with the laws of a State or political subdivision of a State; and (2) which result in compensation greater than the compensation available to employees under the overtime exemption under section 7(k) of the Fair Labor Standards Act of 1938.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 1693:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 4, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–152  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 1887]

To amend title 18, United States Code, to punish the depiction of animal cruelty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PUNISHMENT FOR DEPICTION OF ANIMAL CRUELTY.**

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

**“§ 48. Depiction of animal cruelty**

“(a) CREATION, SALE, OR POSSESSION.—Whoever knowingly creates, sells, or possesses a depiction of animal cruelty with the intention of placing that depiction in interstate or foreign commerce for commercial gain, shall be fined under this title or imprisoned not more than 5 years, or both.

“(b) EXCEPTION.—Subsection (a) does not apply to any depiction that has serious religious, political, scientific, educational, journalistic, historical, or artistic value.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘depiction of animal cruelty’ means any visual or auditory depiction, including any photograph, motion-picture film, video recording, electronic image, or sound recording of conduct in which a living animal is intentionally maimed, mutilated, tortured, wounded, or killed, if such conduct is illegal under Federal law or the law of the State in which the creation, sale, or possession takes place, regardless of whether the maiming, mutilation, torture, wounding, or killing took place in the State; and

“(2) the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding at the end the following:

“48. Depiction of animal cruelty.”.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 1887:

HOUSE REPORTS: No. 106–397 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 19, considered and passed House.

Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 9, Presidential statement.



Public Law 106–153  
106th Congress

An Act

To authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

Dec. 9, 1999  
[H.R. 1932]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Father Theodore M. Hesburgh Congressional Gold Medal Act”.

Father Theodore  
M. Hesburgh  
Congressional  
Gold Medal Act.  
31 USC 5111  
note.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) Father Theodore M. Hesburgh, C.S.C., has made outstanding and enduring contributions to American society through his activities in civil rights, higher education, the Catholic Church, the Nation, and the global community;

(2) Father Hesburgh was a charter member of the United States Commission on Civil Rights from its creation in 1957 and served as chairperson of the Commission from 1969 to 1972;

(3) Father Hesburgh was president of the University of Notre Dame from 1952 until 1987, and has been president emeritus since 1987;

(4) Father Hesburgh is a national and international leader in higher education;

(5) Father Hesburgh has been honored with the Elizabeth Ann Seton Award from the National Catholic Education Association and with more than 130 honorary degrees;

(6) Father Hesburgh served as co-chairperson of the nationally influential Knight Commission on Intercollegiate Athletics and as chairperson, from 1994 to 1996, of the Board of Overseers of Harvard University;

(7) Father Hesburgh served under President Ford as a member of the Presidential Clemency Board, charged with deciding the fates of persons committing offenses during the Vietnam conflict;

(8) Father Hesburgh served as chairman of the board of the Overseas Development Council and in that capacity led fundraising efforts that averted mass starvation in Cambodia in 1979 and 1980;

(9) Father Hesburgh served from 1979 to 1981 as chairperson of the Select Commission on Immigration and Refugee

Policy, which made recommendations that served as the basis of congressional reform legislation enacted 5 years later;

(10) Father Hesburgh served as ambassador to the 1979 United Nations Conference on Science and Technology for Development; and

(11) Father Hesburgh has served the Catholic Church in a variety of capacities, including his service from 1956 to 1970 as the permanent Vatican representative to the International Atomic Energy Agency in Vienna and his service as a member of the Holy See's delegation to the United Nations.

#### **SEC. 3. CONGRESSIONAL GOLD MEDAL.**

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Father Theodore M. Hesburgh in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

#### **SEC. 4. DUPLICATE MEDALS.**

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

#### **SEC. 5. NATIONAL MEDALS.**

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

#### **SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed \$30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 4 shall be deposited in the Numismatic Public Enterprise Fund.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 1932:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 12, considered and passed House.

Nov. 19, considered and passed Senate.





Public Law 106–154  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 2140]

To improve protection and management of the Chattahoochee River National  
Recreation Area in the State of Georgia.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

16 USC 460ii  
note.

**SECTION 1. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Chattahoochee River National Recreation Area in the State of Georgia is a nationally significant resource;

(2) the Chattahoochee River National Recreation Area has been adversely affected by land use changes occurring inside and outside the recreation area;

(3) the population of the metropolitan Atlanta area continues to expand northward, leaving dwindling opportunities to protect the scenic, recreational, natural, and historical values of the 2,000-foot-wide corridor adjacent to each bank of the Chattahoochee River and its impoundments in the 48-mile segment known as the “area of national concern”;

(4) the State of Georgia has enacted the Metropolitan River Protection Act to ensure protection of the corridor located within 2,000 feet of each bank of the Chattahoochee River, or the corridor located within the 100-year floodplain, whichever is larger;

(5) the corridor located within the 100-year floodplain includes the area of national concern;

(6) since establishment of the Chattahoochee River National Recreation Area, visitor use of the recreation area has shifted dramatically from waterborne to water-related and land-based activities;

(7) the State of Georgia and political subdivisions of the State along the Chattahoochee River have indicated willingness to join in a cooperative effort with the United States to link existing units of the recreation area through a series of linear corridors to be established within the area of national concern and elsewhere on the river; and

(8) if Congress appropriates funds in support of the cooperative effort described in paragraph (7), funding from the State, political subdivisions of the State, private foundations, corporate entities, private individuals, and other sources will be available to fund more than half the estimated cost of the cooperative effort.

(b) PURPOSES.—The purposes of this Act are—

(1) to increase the level of protection of the open spaces within the area of national concern along the Chattahoochee

River and to enhance visitor enjoyment of the open spaces by adding land-based linear corridors to link existing units of the recreation area;

(2) to ensure that the Chattahoochee River National Recreation Area is managed to standardize acquisition, planning, design, construction, and operation of the linear corridors; and

(3) to authorize the appropriation of Federal funds to cover a portion of the costs of the Federal, State, local, and private cooperative effort to add additional areas to the recreation area so as to establish a series of linear corridors linking existing units of the recreation area and to protect other open spaces of the Chattahoochee River corridor.

**SEC. 2. AMENDMENTS TO CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA ACT.**

(a) **BOUNDARIES.**—Section 101 of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes”, approved August 15, 1978 (16 U.S.C. 460ii), is amended—

(1) in the third sentence, by inserting after “numbered CHAT-20,003, and dated September 1984,” the following: “and on the maps entitled ‘Chattahoochee River National Recreation Area Interim Boundary Map #1’, ‘Chattahoochee River National Recreation Area Interim Boundary Map #2’, and ‘Chattahoochee River National Recreation Area Interim Boundary Map #3’, and dated August 6, 1998,”;

(2) by striking the fourth sentence and inserting the following: “No sooner than 180 days after the date of the enactment of this sentence, the Secretary of the Interior (hereafter referred to as the ‘Secretary’) may modify the boundaries of the recreation area to include other land within the Chattahoochee River corridor by submitting a revised map or other boundary description to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. The revised map or other boundary description shall be prepared by the Secretary after consultation with affected landowners, the State of Georgia, and affected political subdivisions of the State. The revised boundaries shall take effect 180 days after the date of submission unless, within the 180-day period, Congress enacts a joint resolution disapproving the revised boundaries.”; and

(3) in the next-to-last sentence, by striking “may not exceed approximately 6,800 acres.” and inserting “may not exceed 10,000 acres.”.

(b) **ACQUISITION OF PROPERTY.**—Section 102 of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes”, approved August 15, 1978 (16 U.S.C. 460ii-1), is amended—

(1) in subsection (a), by inserting “from willing sellers” after “purchase”; and

(2) by striking subsection (f).

(c) **COOPERATIVE AGREEMENTS.**—Section 103 of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other

purposes”, approved August 15, 1978 (16 U.S.C. 460ii-2), is amended by striking subsection (b) and inserting the following:

“(b) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Georgia, political subdivisions of the State, and other entities to ensure standardized acquisition, planning, design, construction, and operation of the recreation area.”

(d) FUNDING.—Section 105 of the Act entitled “An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes”, approved August 15, 1978 (16 U.S.C. 460ii-4), is amended—

(1) by striking “SEC. 105. (a)” and inserting the following:

**“SEC. 105. FUNDING SOURCES AND GENERAL MANAGEMENT PLAN.**

“(a) FUNDING.—

“(1) LIMITATION ON USE OF APPROPRIATED FUNDS.—”;

(2) in subsection (a)—

(A) by striking “\$79,400,000” and inserting “\$115,000,000”;

(B) by striking “this Act” and inserting “this title”;

and

(C) by adding at the end the following:

“(2) DONATIONS.—The Secretary may accept a donation of funds or land or an interest in land to carry out this title.

“(3) RELATION TO OTHER FUNDING SOURCES.—Funds made available under paragraph (1) are in addition to funding and the donation of land and interests in land by the State of Georgia, local government authorities, private foundations, corporate entities, and individuals for purposes of this title.”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) by striking “(c) Within” and inserting the following:

“(c) GENERAL MANAGEMENT PLAN.—

“(1) INITIAL PLAN.—Within”;

(C) in paragraph (1) (as designated by subparagraph (B)), by striking “transmit to” and all that follows through “Representatives” and inserting “transmit to the Committee on Resources of the House of Representatives”; and

(D) by adding at the end the following:

“(2) REVISED PLAN.—

“(A) IN GENERAL.—Within 3 years after the date funds are made available, the Secretary shall submit to the committees specified in paragraph (1) a revised general management plan to provide for the protection, enhancement, enjoyment, development, and use of the recreation area.

“(B) PUBLIC PARTICIPATION.—In preparing the revised plan, the Secretary shall encourage the participation of the State of Georgia and affected political subdivisions of the State, private landowners, interested citizens, public officials, groups, agencies, educational institutions, and other entities.”

(e) TECHNICAL CORRECTIONS.—Title I of the Act entitled “An Act to authorize the establishment of the Chattahoochee River

National Recreation Area in the State of Georgia, and for other purposes”, approved August 15, 1978 (16 U.S.C. 460ii et seq.), is amended—

- (1) in sections 102(d) and 103(a), by striking “of this Act” and inserting “of this title”; 16 USC 460ii–1, 460ii–2.
- (2) in section 104(b)— 16 USC 460ii–3.
  - (A) by striking “of this Act” and inserting “of this title”;
  - (B) by striking “under this Act” and inserting “under this title”;
  - (C) by striking “by this Act” and inserting “by this title”; and
  - (D) by striking “in this Act” and inserting “in this title”;
- (3) in section 104(d)(2), by striking “under this Act” and inserting “under this title”;
- (4) in section 105(c)(1)(A), as redesignated by subsection (d)(3), by striking “of this Act” and inserting “of this title”; 16 USC 460ii–4.
- (5) in section 106(a), by striking “in this Act” and inserting “in this title”; and 16 USC 460ii–5.
- (6) in section 106(d), by striking “under this Act” and inserting “under this title”.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 2140 (S. 109):

HOUSE REPORTS: No. 106–369 (Comm. on Resources).

SENATE REPORTS: No. 106–62 accompanying S. 109 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 18, considered and passed House.

Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 9, Presidential statement.



Public Law 106–155  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 2401]

To amend the U.S. Holocaust Assets Commission Act of 1998 to extend the period by which the final report is due and to authorize additional funding.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

U.S. Holocaust  
Assets  
Commission  
Extension Act of  
1999.  
22 USC 1621  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “U.S. Holocaust Assets Commission Extension Act of 1999”.

**SEC. 2. AMENDMENTS TO THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998.**

(a) **EXTENSION OF TIME FOR FINAL REPORT.**—Section 3(d)(1) of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 note) is amended by striking “December 31, 1999” and inserting “December 31, 2000”.

(b) **REAUTHORIZATION OF APPROPRIATIONS.**—Section 9 of the U.S. Holocaust Assets Commission Act of 1998 (22 U.S.C. 1621 note) is amended—

- (1) by striking “\$3,500,000” and inserting “\$6,000,000”; and
- (2) by striking “1999, and 2000,” and inserting “1999, 2000, and 2001,”.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 2401:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 4, considered and passed House.

Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 9, Presidential statement.



Public Law 106–156  
106th Congress

An Act

To designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness.

Dec. 9, 1999  
[H.R. 2632]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Dugger Mountain  
Wilderness Act of  
1999.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Dugger Mountain Wilderness Act of 1999”.

**SEC. 2. DESIGNATION OF DUGGER MOUNTAIN WILDERNESS, ALABAMA.**

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal lands in the Talladega National Forest in the State of Alabama, which comprise approximately 9,200 acres, as generally depicted on a map entitled “Proposed Dugger Mountain Wilderness” and dated July 2, 1999, are hereby designated as wilderness and, therefore, as a component of the National Wilderness Preservation System, and shall be known as the Dugger Mountain Wilderness.

16 USC 1132  
note.

(b) **MAP AND DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a map and a boundary description of the area designated as wilderness by this section. The map and description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and description. A copy of the map and description shall be on file and available for public inspection in the Office of the Chief of the Forest Service and in the office of the Supervisor of National Forest System lands in Alabama.

(c) **MANAGEMENT.**—Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that, with respect to the wilderness area designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act.

(d) **TREATMENT OF DUGGER MOUNTAIN FIRE TOWER.**—The Forest Service shall have 2 years, beginning on the date of the enactment of this Act, in which to use ground-based mechanical and motorized equipment to disassemble and remove from the wilderness area designated by this section the Dugger Mountain fire tower, which has been scheduled for removal by the Forest Service, and any supporting structures. The road to the fire tower shall be open to motorized vehicles during this period only for

Deadline.

the purpose of removing the tower and supporting structures, after which time the road shall be permanently closed to motorized use. The Forest Service shall follow the provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.) in the determination and execution of the removal of the tower and supporting structures.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 2632 (S. 1843):

HOUSE REPORTS: No. 106–422, Pt. 1 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 1, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–157  
106th Congress

An Act

To authorize the Secretary of the Interior to convey to the State of Illinois certain Federal land associated with the Lewis and Clark National Historic Trail to be used as an historic and interpretive site along the trail.

Dec. 9, 1999

[H.R. 2737]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, ILLINOIS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Interior may convey, without consideration, to the State of Illinois all right, title, and interest of the United States in and to a parcel of federally-owned land under the jurisdiction of the Secretary consisting of approximately 39 acres located in the north half of section 16, township 4 north, range 9 west, Third Principal Meridian, Madison County, Illinois, within the corridor of the Lewis and Clark National Historic Trail.

(b) **SURVEY; CONVEYANCE COSTS.**—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other costs incurred by the Secretary to convey the land shall be borne by the State of Illinois.

(c) **CONDITIONS OF CONVEYANCE.**—

(1) **USE OF CONVEYED LAND.**—The conveyance authorized under subsection (a) shall be subject to the condition that the State of Illinois, acting through the Illinois Historic Preservation Agency, use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(2) **PLAN FOR DEVELOPMENT AND OPERATION OF SITE.**—The conveyance authorized under subsection (a) shall be subject to the further condition that the Governor of the State of Illinois develop, within 2 years after the date of the conveyance, a plan for the development and operation of the historic site and interpretive center proposed for the conveyed land. In developing the plan, the Governor shall provide an opportunity for review and comment by the Secretary and the public.

(d) **DISCONTINUANCE OF USE.**—If the State of Illinois determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the State of Illinois shall convey the lands back to the Secretary without consideration.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with

Deadline.  
Public review.



the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.R. 2737:

HOUSE REPORTS: No. 106–427 (Comm. on Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 1, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–158  
106th Congress

An Act

To reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

Dec. 9, 1999  
[H.R. 3381]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Export Enhancement Act of 1999”.

Export  
Enhancement  
Act of 1999.  
22 USC 2151  
note.

**SEC. 2. OPIC ISSUING AUTHORITY.**

Section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195a)(3)) is amended by striking “1999” and inserting “2003”.

**SEC. 3. IMPACT OF OPIC PROGRAMS.**

(a) **ADDITIONAL REQUIREMENTS.**—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) **ENVIRONMENTAL IMPACT.**—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

“(1) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

“(2) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.”; and

(3) in subsection (c), as so redesignated—

(A) by inserting “(1)” before “The Board”; and

(B) by adding at the end the following:

“(2) In conjunction with each meeting of its Board of Directors, the Corporation shall hold a public hearing in order to afford an opportunity for any person to present views regarding the activities of the Corporation. Such views shall be made part of the record.”.

Public hearing.

22 USC 2191a  
note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

#### **SEC. 4. BOARD OF DIRECTORS OF OPIC.**

Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended—

- (1) by striking the second and third sentences;
- (2) in the fourth sentence by striking “(other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director, ex officio)”;
- (3) in the second undesignated paragraph—

(A) by inserting “the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and” after “including”; and

(B) by adding at the end the following: “The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative.”; and

- (4) by inserting after the second undesignated paragraph

the following:

“There shall be a Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.”.

#### **SEC. 5. TRADE AND DEVELOPMENT AGENCY.**

(a) **PURPOSE.**—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is amended by inserting before the period at the end of the second sentence the following: “, with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment”.

(b) **CONTRIBUTIONS OF COSTS.**—Section 661(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(b)) is amended by adding at the end the following:

“(5) **CONTRIBUTIONS TO COSTS.**—The Trade and Development Agency shall, to the maximum extent practicable, require corporations and other entities to—

“(A) share the costs of feasibility studies and other project planning services funded under this section; and

“(B) reimburse the Trade and Development Agency those funds provided under this section, if the corporation or entity concerned succeeds in project implementation.”.

(c) **FUNDING.**—Section 661(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)) is amended—

- (1) in paragraph (1)(A) by striking “\$77,000,000” and all that follows through “1996” and inserting “\$48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter”; and
- (2) in paragraph (2)(A), by striking “in fiscal years” and all that follows through “provides” and inserting “in carrying out its program, provide, as appropriate, funds”.

15 USC 4727a.

#### **SEC. 6. IMPLEMENTATION OF PRIMARY OBJECTIVES OF TPCC.**

The Trade Promotion Coordinating Committee shall—

(1) report on the actions taken or efforts currently underway to eliminate the areas of overlap and duplication identified among Federal export promotion activities; Reports.

(2) coordinate efforts to sponsor or promote any trade show or trade fair;

(3) work with all relevant State and national organizations, including the National Governors' Association, that have established trade promotion offices;

(4) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including co-location, cost sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and Reports.

(5) by not later than March 30, 2000, and annually thereafter, include the matters addressed in paragraphs (1), (2), (3), and (4) in the annual report required to be submitted under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)). Deadline. Reports.

#### SEC. 7. TIMING OF TPCC REPORTS.

Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) is amended by striking “September 30, 1995, and annually thereafter,” and inserting “March 30 of each year,”.

Approved December 9, 1999.

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#### LEGISLATIVE HISTORY—H.R. 3381:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 17, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–159  
106th Congress

An Act

Dec. 9, 1999  
[H.R. 3419]

To amend title 49, United States Code, to establish the Federal Motor Carrier Safety Administration, and for other purposes.

Motor Carrier  
Safety  
Improvement Act  
of 1999.  
49 USC 101 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Motor Carrier Safety Improvement Act of 1999”.

(b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Secretary defined.
- Sec. 3. Findings.
- Sec. 4. Purposes.

**TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

- Sec. 101. Establishment of Federal Motor Carrier Safety Administration.
- Sec. 102. Revenue aligned budget authority.
- Sec. 103. Additional funding for motor carrier safety grant program.
- Sec. 104. Motor carrier safety strategy.
- Sec. 105. Commercial motor vehicle safety advisory committee.
- Sec. 106. Saving provisions.
- Sec. 107. Effective date.

**TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY**

- Sec. 201. Disqualifications.
- Sec. 202. Requirements for State participation.
- Sec. 203. State noncompliance.
- Sec. 204. Checks before issuance of driver’s licenses.
- Sec. 205. Registration enforcement.
- Sec. 206. Delinquent payment of penalties.
- Sec. 207. State cooperation in registration enforcement.
- Sec. 208. Imminent hazard.
- Sec. 209. Household goods amendments.
- Sec. 210. New motor carrier entrant requirements.
- Sec. 211. Certification of safety auditors.
- Sec. 212. Commercial van rulemaking.
- Sec. 213. 24-hour staffing of telephone hotline.
- Sec. 214. CDL school bus endorsement.
- Sec. 215. Medical certificate.
- Sec. 216. Implementation of Inspector General recommendations.
- Sec. 217. Periodic refiling of motor carrier identification reports.
- Sec. 218. Border staffing standards.
- Sec. 219. Foreign motor carrier penalties and disqualifications.
- Sec. 220. Traffic law initiative.
- Sec. 221. State-to-State notification of violations data.
- Sec. 222. Minimum and maximum assessments.
- Sec. 223. Motor carrier safety progress report.
- Sec. 224. Study of commercial motor vehicle crash causation.
- Sec. 225. Data collection and analysis.
- Sec. 226. Drug test results study.
- Sec. 227. Approval of agreements.
- Sec. 228. DOT authority.

**SEC. 2. SECRETARY DEFINED.**

49 USC 101 note.

In this Act, the term “Secretary” means the Secretary of Transportation.

**SEC. 3. FINDINGS.**

49 USC 113 note.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is insufficient and civil penalties for violators must be utilized to deter future violations.

(3) The Department of Transportation is failing to meet statutorily mandated deadlines for completing rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department’s data bases and information systems require substantial improvement to enhance the Department’s ability to target inspection and enforcement resources toward the most serious safety problems and to improve States’ ability to keep dangerous drivers off the roads.

(5) Additional safety inspectors and inspection facilities are needed in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in federally funded research.

(7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries, and fatalities.

(8) Proper use of Federal resources is essential to the Department’s ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

**SEC. 4. PURPOSES.**

49 USC 113 note.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a Federal Motor Carrier Safety Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver’s license testing, recordkeeping and sanctions.

## **TITLE I—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

### **SEC. 101. ESTABLISHMENT OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

#### **“§ 113. Federal Motor Carrier Safety Administration**

“(a) IN GENERAL.—The Federal Motor Carrier Safety Administration shall be an administration of the Department of Transportation.

“(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

“(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in motor carrier safety. The Administrator shall report directly to the Secretary of Transportation.

“(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

“(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant Federal Motor Carrier Safety Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

“(f) POWERS AND DUTIES.—The Administrator shall carry out—

“(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, 315, and 317 and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999; and

“(2) additional duties and powers prescribed by the Secretary.

“(g) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (f)(1) may only be transferred to another part of the Department when specifically provided by law.

“(h) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (f)(1) and involving notice and hearing required by law is administratively final.

“(i) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway

Traffic Safety Administrator on matters related to highway and motor carrier safety.”

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking “exceed 1½ percent of all sums so made available, as the Secretary determines necessary—” and inserting “exceed—

“(A) 1⅙ percent of all sums so made available, as the Secretary determines necessary—”;

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting “; and” and the following:

“(B) one-third of 1 percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.”; and

(4) by adding at the end the following:

“(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the Federal Motor Carrier Safety Administration.”.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

“113. Federal Motor Carrier Safety Administration.”.

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting “; and”;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

“Administrator of the National Highway Traffic Safety Administration.” the following:

“Administrator of the Federal Motor Carrier Safety Administration.”.

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after

“Deputy Administrator of the National Highway Traffic Safety Administration.”

the following:

“Deputy Administrator of the Federal Motor Carrier Safety Administration.

“Assistant Federal Motor Carrier Safety Administrator.”.



(e) **PERSONNEL LEVELS.**—The number of personnel positions at the Office of Motor Carrier Safety (and, beginning on January 1, 2000, the Federal Motor Carrier Safety Administration) at its headquarters location in fiscal year 2000 shall not be increased above the level transferred from the Federal Highway Administration to the Office of Motor Carrier Safety. The Secretary shall provide detailed justifications to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives for the personnel requested for fiscal years 2001, 2002, and 2003 for the Federal Motor Carrier Safety Administration when the President submits his budget, including a justification for increasing personnel at headquarters above the levels so transferred.

49 USC 31136  
note.

(f) **AUTHORITY TO PROMULGATE SAFETY STANDARDS FOR RETROFITTING.**—The authority under title 49, United States Code, to promulgate safety standards for commercial motor vehicles and equipment subsequent to initial manufacture is vested in the Secretary and may be delegated.

49 USC 330 note.

(g) **CONFLICTS OF INTEREST.**—

(1) **COMPLIANCE WITH REGULATION.**—In awarding any contract for research, the Secretary shall comply with section 1252.209–70 of title 48, Code of Federal Regulations, as in effect on the date of the enactment of this section. The Secretary shall require that the text of such section be included in any request for proposal and contract for research made by the Secretary.

(2) **STUDY.**—

(A) **IN GENERAL.**—The Secretary shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid conflicts of interest in contracts for research awarded by the Secretary and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) **CONSULTATION.**—In conducting the study under this paragraph, the Secretary shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

Deadline.

(C) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study conducted under this paragraph.

#### **SEC. 102. REVENUE ALIGNED BUDGET AUTHORITY.**

(a) **IN GENERAL.**—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting “and the motor carrier safety grant program” after “relief”;

(B) in subsection (b)(1)(A)—

(i) by inserting “and the motor carrier safety grant program” after “program”;

(ii) by striking “title and” and inserting “title,”; and

(iii) by inserting “, and subchapter I of chapter 311 of title 49” after “21st Century”.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking

“110. Uniform transferability of Federal-aid highway funds.”;

(2) by inserting after the item relating to section 125 the following:

“126. Uniform transferability of Federal-aid highway funds.”;

and

(3) in the item relating to section 163 by striking “Sec.”.

#### **SEC. 103. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.**

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, \$75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

49 USC 31104  
note.

“(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by \$65,000,000.”.

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended by adding at the end the following:

“(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by \$65,000,000.”.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the average level of such expenditures for fiscal years 1997, 1998, and 1999.

49 USC 31102  
note.

(d) EMERGENCY CDL GRANTS.—Section 31107 of title 49, United States Code, is amended by adding at the end the following:

“(c) EMERGENCY CDL GRANTS.—From amounts made available by subsection (a) for a fiscal year, the Secretary of Transportation may make a grant of up to \$1,000,000 to a State whose commercial driver’s license program may fail to meet the compliance requirements of section 31311(a).”.

49 USC 31102  
note.

(e) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

49 USC 31100  
note.

#### **SEC. 104. MOTOR CARRIER SAFETY STRATEGY.**

(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Federal Motor Carrier Safety Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) ANNUAL PERFORMANCE.—

(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the Federal Motor Carrier Safety Administrator.

(B) The Administrator and the Deputy Federal Motor Carrier Safety Administrator.

(C) The Administrator and the Chief Safety Officer of the Federal Motor Carrier Safety Administration.

(D) The Administrator and the regulatory ombudsman of the Administration designated by the Administrator under subsection (f).

(2) GOALS.—Each annual performance agreement entered into under paragraph (1) shall include the appropriate numeric or measurable goals of subsection (b).

(3) PROGRESS ASSESSMENT.—Consistent with the current performance appraisal system of the Department of Transportation, the Secretary shall assess the progress of each official (other than the Secretary) referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) ADMINISTRATION.—In deciding whether or not to award a bonus or other achievement award to an official of the Administration who is a party to a performance agreement required by this subsection, the Secretary shall give substantial weight to whether the official has made satisfactory progress toward meeting the goals of his or her performance agreement.

(e) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semi-annually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d) and the official's performance relative to the goals of the performance agreement. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a).

(f) EXPEDITING REGULATORY PROCEEDINGS.—The Administrator shall designate a regulatory ombudsman to expedite rulemaking proceedings. The Secretary and the Administrator shall each delegate to the ombudsman such authority as may be necessary for the ombudsman to expedite rulemaking proceedings of the Administration to comply with statutory and internal departmental deadlines, including authority to—

(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rule-making process; and

(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

49 USC 31100  
note.

**SEC. 105. COMMERCIAL MOTOR VEHICLE SAFETY ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—The Secretary may establish a commercial motor vehicle safety advisory committee to provide advice and recommendations on a range of motor carrier safety issues.

(b) COMPOSITION.—The members of the advisory committee shall be appointed by the Secretary and shall include representatives of the motor carrier industry, drivers, safety advocates, manufacturers, safety enforcement officials, law enforcement agencies of border States, and other individuals affected by rulemakings under consideration by the Department of Transportation. Representatives of a single interest group may not constitute a majority of the members of the advisory committee.

(c) FUNCTION.—The advisory committee shall provide advice to the Secretary on commercial motor vehicle safety regulations and other matters relating to activities and functions of the Federal Motor Carrier Safety Administration.

(d) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

49 USC 113 note.

**SEC. 106. SAVINGS PROVISION.**

(a) TRANSFER OF ASSETS AND PERSONNEL.—Except as otherwise provided in this Act and the amendments made by this Act, those

personnel, property, and records employed, used, held, available, or to be made available in connection with a function transferred to the Federal Motor Carrier Safety Administration by this Act shall be transferred to the Administration for use in connection with the functions transferred, and unexpended balances of appropriations, allocations, and other funds of the Office of Motor Carrier Safety (including any predecessor entity) shall also be transferred to the Administration.

(b) **LEGAL DOCUMENTS.**—All orders, determinations, rules, regulations, permits, grants, loans, contracts, settlements, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Office, any officer or employee of the Office, or any other Government official, or by a court of competent jurisdiction, in the performance of any function that is transferred by this Act or the amendments made by this Act; and

(2) that are in effect on the effective date of such transfer (or become effective after such date pursuant to their terms as in effect on such effective date),

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Administration, any other authorized official, a court of competent jurisdiction, or operation of law.

(c) **PROCEEDINGS.**—

(1) **IN GENERAL.**—The provisions of this Act shall not affect any proceedings or any application for any license pending before the Office at the time this Act takes effect, insofar as those functions are transferred by this Act; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(2) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any proceeding described in paragraph (1) under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) **ORDERLY TRANSFER.**—The Secretary is authorized to provide for the orderly transfer of pending proceedings from the Office.

(d) **SUITS.**—

(1) **IN GENERAL.**—This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) **SUITS BY OR AGAINST OMCS.**—Any suit by or against the Office begun before January 1, 2000, shall be continued, insofar as it involves a function retained and transferred under this Act, with the Administration (to the extent the suit involves

functions transferred to the Administration under this Act) substituted for the Office.

(3) REMANDED CASES.—If the court in a suit described in paragraph (1) remands a case to the Administration, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(e) CONTINUANCE OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Office shall abate by reason of the enactment of this Act. No cause of action by or against the Office, or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this Act.

(f) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, an officer or employee of the Administration may, for purposes of performing a function transferred by this Act or the amendments made by this Act, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of the function immediately before the effective date of the transfer of the function under this Act or the amendments made by this Act.

(g) REFERENCES.—Any reference to the Office in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Office or an officer or employee of the Office is deemed to refer to the Administration or a member or employee of the Administration, as appropriate.

#### SEC. 107. EFFECTIVE DATE.

49 USC 104 note.

(a) IN GENERAL.—This Act shall take effect on the date of the enactment of this Act; except that the amendments made by section 101 shall take effect on January 1, 2000.

31 USC 1105  
note.

(b) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the Federal Motor Carrier Safety Administration in accordance with this Act.

## TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

#### SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.—

(1) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking “or” at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph

(C) and inserting a semicolon; and

(C) by adding at the end the following:

“(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

“(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.”.

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking “or” at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

“(D) committing more than one violation of driving a commercial motor vehicle when the individual’s commercial driver’s license is revoked, suspended, or canceled based on the individual’s operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual’s operation of a commercial motor vehicle;

“(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or”; and

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking “clauses (A)–(C) of this paragraph” and inserting “subparagraphs (A) through (E)”.

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting “, other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies” after “a fatality”.

(b) EMERGENCY DISQUALIFICATION; NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

“(f) EMERGENCY DISQUALIFICATION.—

“(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

“(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

“(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—

“(1) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver’s license and who has been convicted of—

“(A) a serious offense involving a motor vehicle (other than a commercial motor vehicle) that has resulted in the revocation, cancellation, or suspension of the individual’s license; or

“(B) a drug or alcohol related offense involving a motor vehicle (other than a commercial motor vehicle).

Deadline.



“(2) REQUIREMENTS FOR REGULATIONS.—Regulations issued under paragraph (1) shall establish the minimum periods for which the disqualifications shall be in effect, but in no case shall the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.”; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking “(b)–(e)” each place it appears and inserting “(b) through (g)”.

(c) SERIOUS TRAFFIC VIOLATIONS.—Section 31301(12) of such title is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

(3) by inserting after subparagraph (C) the following:

“(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver’s license;

“(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver’s license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver’s license on the date of the citation;

“(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

“(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

“(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and”.

(d) CONFORMING AMENDMENTS.—Section 31305(b)(1) of such title is amended—

(1) by striking “to operate the vehicle”; and

(2) by inserting before the period at the end the following: “to operate the vehicle and has a commercial driver’s license to operate the vehicle”.

#### SEC. 202. REQUIREMENTS FOR STATE PARTICIPATION.

(a) REQUESTS FOR DRIVING RECORD INFORMATION.—Section 31311(a)(6) of title 49, United States Code, is amended—

(1) by inserting “or renewing such a license” before the comma; and

(2) by striking “commercial” the second place it appears.

(b) RECORDING OF VIOLATIONS.—Section 31311(a)(8) of such title is amended by inserting before the period at the end the following: “, and the violation that resulted in the disqualification, revocation, suspension, or cancellation shall be recorded”.

(c) NOTIFICATION OF STATE OFFICIALS.—Section 31311(a)(9) of such title is amended to read as follows:

“(9) If an individual violates a State or local law on motor vehicle traffic control (except a parking violation) and the individual—

“(A) has a commercial driver’s license issued by another State; or

“(B) is operating a commercial vehicle without a commercial driver’s license and has a driver’s license issued by another State,  
the State in which the violation occurred shall notify a State official designated by the issuing State of the violations not later than 10 days after the date the individual is found to have committed the violation.”.

(d) PROVISIONAL LICENSES.—Section 31311(a)(10) of such title is amended—

(1) by striking “(10)” and inserting “(10)(A)”; and

(2) by adding at the end the following:

“(B) The State may not issue a special license or permit (including a provisional or temporary license) to an individual who holds a commercial driver’s license that permits the individual to drive a commercial motor vehicle during a period in which—

“(i) the individual is disqualified from operating a commercial motor vehicle; or

“(ii) the individual’s driver’s license is revoked, suspended, or canceled.”.

(e) PENALTIES.—Section 31311(a)(13) of such title is amended—

(1) by inserting “consistent with this chapter that” after “penalties”; and

(2) by striking “vehicle” the first place it appears and all that follows through the period at the end and inserting “vehicle.”.

(f) RECORDS OF VIOLATIONS.—Section 31311(a) of such title is amended by adding at the end the following:

“(18) The State shall maintain, as part of its driver information system, a record of each violation of a State or local motor vehicle traffic control law while operating a motor vehicle (except a parking violation) for each individual who holds a commercial driver’s license. The record shall be available upon request to the individual, the Secretary, employers, prospective employers, State licensing and law enforcement agencies, and their authorized agents.”.

(g) MASKING.—Section 31311(a) of such title is further amended by adding at the end the following:

“(19) The State shall—

“(A) record in the driving record of an individual who has a commercial driver’s license issued by the State; and

“(B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every violation by the individual involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such violation, as the case may be. The State may not allow information regarding such violations to be withheld or masked in any way from the record of an individual possessing a commercial driver’s license.”.

(h) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of such title is further amended by adding at the end the following:

“(20) The State shall revoke, suspend, or cancel the commercial driver’s license of an individual in accordance with regulations issued by the Secretary to carry out section 31310(g).”.

**SEC. 203. STATE NONCOMPLIANCE.**

(a) IN GENERAL.—Chapter 313 of title 49, United States Code, is amended by inserting after section 31311 the following:

**“§ 31312. Decertification authority**

“(a) IN GENERAL.—If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to—

“(1) prohibit that State from carrying out licensing procedures under this chapter; and

“(2) prohibit that State from issuing any commercial driver’s licenses until such time the Secretary determines such State is in substantial compliance with this chapter.

“(b) EFFECT ON OTHER STATES.—A State (other than a State subject to an order under subsection (a)) may issue a non-resident commercial driver’s license to an individual domiciled in a State that is prohibited from such activities under subsection (a) if that individual meets all requirements of this chapter and the non-resident licensing requirements of the issuing State.

“(c) PREVIOUSLY ISSUED LICENSES.—Nothing in this section shall be construed as invalidating or otherwise affecting commercial driver’s licenses issued by a State before the date of issuance of an order under subsection (a) with respect to the State.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 313 of such title is amended by inserting after the item relating to section 31311 the following:

“31312. Decertification authority.”.

**SEC. 204. CHECKS BEFORE ISSUANCE OF DRIVER’S LICENSES.**

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

“(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator’s license to an individual or renewing such a license, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver’s license information system under section 31309 on the individual’s driving record.”.

**SEC. 205. REGISTRATION ENFORCEMENT.**

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

“(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the

Secretary shall provide an opportunity for review in accordance with section 554 of title 5, United States Code; except that such review shall occur not later than 10 days after issuance of such order.

“(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.”.

**SEC. 206. DELINQUENT PAYMENT OF PENALTIES.**

(a) REVOCATION OF REGISTRATION.—Section 13905(c) of title 49, United States Code, is amended—

(1) by inserting “(1) IN GENERAL.—” before “On application”;

(2) by inserting “(A)” before “suspend”;

(3) by striking the period at the end of the second sentence and inserting “; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder: (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title; or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 90 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11, United States Code.

“(2) REGULATIONS.—Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).”; and

Deadline.

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

(b) PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 521(b) of such title is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

“(8) PROHIBITION ON OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

“(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapter 51, 149, or 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a

Deadline.

civil penalty because such person is a debtor in a case under chapter 11 of title 11, United States Code.

“(B) REGULATIONS.—Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.”.

#### **SEC. 207. STATE COOPERATION IN REGISTRATION ENFORCEMENT.**

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

“(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;”.

#### **SEC. 208. IMMINENT HAZARD.**

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking “is likely to result in” and inserting “substantially increases the likelihood of”.

#### **SEC. 209. HOUSEHOLD GOODS AMENDMENTS.**

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking “, including” and all that follows through “dwelling,” and inserting “, except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;”.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking “\$1,000” each place it appears and inserting “\$5,000”.

49 USC 14104  
note.

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation’s enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

#### **SEC. 210. NEW MOTOR CARRIER ENTRANT REQUIREMENTS.**

(a) SAFETY REVIEWS.—Section 31144 of title 49, United States Code, is amended by adding at the end the following:

“(c) SAFETY REVIEWS OF NEW OPERATORS.—

Regulations.

“(1) IN GENERAL.—The Secretary shall require, by regulation, each owner and each operator granted new operating authority, after the date on which section 31148(b) is first implemented, to undergo a safety review within the first 18 months after the owner or operator, as the case may be, begins operations under such authority.

“(2) ELEMENTS.—In the regulations issued pursuant to paragraph (1), the Secretary shall establish the elements of the safety review, including basic safety management controls. In establishing such elements, the Secretary shall consider their effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.

“(3) PHASE-IN OF REQUIREMENT.—The Secretary shall phase in the requirements of paragraph (1) in a manner that takes into account the availability of certified motor carrier safety auditors.

“(4) NEW ENTRANT AUTHORITY.—Notwithstanding any other provision of this title, any new operating authority granted after the date on which section 31148(b) is first implemented shall be designated as new entrant authority until the safety review required by paragraph (1) is completed.”.

(b) MINIMUM REQUIREMENTS.—The Secretary shall initiate a rulemaking to establish minimum requirements for applicant motor carriers, including foreign motor carriers, seeking Federal interstate operating authority to ensure applicant carriers are knowledgeable about applicable Federal motor carrier safety standards. As part of that rulemaking, the Secretary shall consider the establishment of a proficiency examination for applicant motor carriers as well as other requirements to ensure such applicants understand applicable safety regulations before being granted operating authority.

49 USC 31144  
note.

#### SEC. 211. CERTIFICATION OF SAFETY AUDITORS.

(a) IN GENERAL.—Chapter 311 of title 49, United States Code, is amended by adding at the end the following:

##### “§ 31148. Certified motor carrier safety auditors

“(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Secretary of Transportation shall complete a rulemaking to improve training and provide for the certification of motor carrier safety auditors, including private contractors, to conduct safety inspection audits and reviews described in subsection (b).

Deadline.

“(b) CERTIFIED INSPECTION AUDIT REQUIREMENT.—Not later than 1 year after completion of the rulemaking required by subsection (a), any safety inspection audit or review required by, or based on the authority of, this chapter or chapter 5, 313, or 315 of this title and performed after December 31, 2002, shall be conducted by—

Deadline.

“(1) a motor carrier safety auditor certified under subsection (a); or

“(2) a Federal or State employee who, on the date of the enactment of this section, was qualified to perform such an audit or review.

“(c) EXTENSION.—If the Secretary determines that subsection (b) cannot be implemented within the 1-year period established by that subsection and notifies the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the determination and the reasons therefor, the Secretary may extend the deadline for compliance with subsection (b) by not more than 12 months.

“(d) APPLICATION WITH OTHER AUTHORITY.—The Secretary may not delegate the Secretary’s authority to private contractors to issue ratings or operating authority, and nothing in this section authorizes any private contractor to issue ratings or operating authority.

“(e) OVERSIGHT RESPONSIBILITY.—The Secretary shall have authority over any motor carrier safety auditor certified under subsection (a), including the authority to decertify a motor carrier safety auditor.”

(b) CONFORMING AMENDMENT.—The analysis for such chapter 311 is amended by adding at the end the following:

“31148. Certified motor carrier safety auditors.”

**SEC. 212. COMMERCIAL VAN RULEMAKING.**

Deadline.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete Department of Transportation’s rulemaking, Docket No. FHWA-99-5710, to amend Federal motor carrier safety regulations to determine which motor carriers operating commercial motor vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation shall be covered. At a minimum, the rulemaking shall apply such regulations to—

- (1) commercial vans commonly referred to as “camionetas”; and
- (2) those commercial vans operating in interstate commerce outside commercial zones that have been determined to pose serious safety risks.

In no case should the rulemaking exempt from such regulations all motor carriers operating commercial vehicles designed or used to transport between 9 and 15 passengers (including the driver) for compensation.

**SEC. 213. 24-HOUR STAFFING OF TELEPHONE HOTLINE.**

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

- (1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;
- (2) by inserting after subsection (b) the following:

“(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.”; and

- (3) in subsection (e) (as redesignated by paragraph (1) of this section)—
  - (A) by striking “104(a)” and inserting “104(a)(1)(B)”; and
  - (B) by striking “for each of fiscal years 1999” and inserting “for fiscal year 1999 and \$375,000 for each of fiscal years 2000”.

49 USC 31305  
note.  
Regulations.

**SEC. 214. CDL SCHOOL BUS ENDORSEMENT.**

The Secretary shall conduct a rulemaking to establish a special commercial driver’s license endorsement for drivers of school buses. The endorsement shall, at a minimum—

- (1) include a driving skills test in a school bus; and
- (2) address proper safety procedures for—
  - (A) loading and unloading children;
  - (B) using emergency exits; and
  - (C) traversing highway rail grade crossings.

**SEC. 215. MEDICAL CERTIFICATE.**

The Secretary shall initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of commercial driver's licenses.

49 USC 31305  
note.  
Regulations.

**SEC. 216. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.**

(a) IN GENERAL.—The Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report TR–1999–091, except to the extent that such recommendations are specifically addressed in sections 206, 208, 217, and 222 of this Act, including any amendments made by such sections.

(b) REPORTS TO CONGRESS.—

(1) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

Deadline.

(2) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the committees referred to in paragraph (1) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and analyzing the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extraordinary circumstances under section 222(c) of this Act and the circumstances in which these findings are made.

**SEC. 217. PERIODIC REFILE OF MOTOR CARRIER IDENTIFICATION REPORTS.**

The Secretary shall amend section 385.21 of the Department of Transportation's regulations (49 CFR 385.21) to require periodic updating, not more frequently than once every 2 years, of the motor carrier identification report, form MCS–150, filed by each motor carrier conducting operations in interstate or foreign commerce. The initial update shall occur not later than 1 year after the date of the enactment of this Act.

Deadline.

**SEC. 218. BORDER STAFFING STANDARDS.**

(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

49 USC 31133  
note.  
Deadline.

(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United



States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) **BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.**—

(1) **ENFORCEMENT.**—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary should designate the amount made available for allocation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) **ALLOCATION.**—If the Secretary makes a designation of an amount under paragraph (1), such amount shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) **LIMITATION.**—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

49 USC 14901  
note.

**SEC. 219. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.**

(a) **GENERAL RULE.**—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) **PENALTY FOR INTENTIONAL VIOLATION.**—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than \$10,000 and may include a disqualification from operating a commercial motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) **PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.**—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than \$25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) **LEASING.**—Before the implementation of the land transportation provisions of the North American Free Trade Agreement, during any period in which a suspension, condition, restriction, or limitation imposed under section 13902(c) of title 49, United States Code, applies to a motor carrier (as defined in section 13902(e) of such title), that motor carrier may not lease a commercial motor vehicle to another motor carrier or a motor private carrier to transport property in the United States.

(e) SAVINGS CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(f) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

**SEC. 220. TRAFFIC LAW INITIATIVE.**

(a) IN GENERAL.—In cooperation with one or more States, the Secretary may carry out a program to develop innovative methods of improving motor carrier compliance with traffic laws. Such methods may include the use of photography and other imaging technologies.

(b) REPORT.—The Secretary shall transmit to Congress a report on the results of any program conducted under this section, together with any recommendations as the Secretary determines appropriate.

49 USC 31131  
note.

**SEC. 221. STATE-TO-STATE NOTIFICATION OF VIOLATIONS DATA.**

(a) DEVELOPMENT.—In cooperation with the States, the Secretary shall develop a uniform system to support the electronic transmission of data State-to-State on convictions for all motor vehicle traffic control law violations by individuals possessing a commercial drivers' licenses as required by paragraphs (9) and (19) of section 31311(a) of title 49, United States Code.

(b) STATUS REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the status of the implementation of this section.

49 USC 31311  
note.

Deadline.

**SEC. 222. MINIMUM AND MAXIMUM ASSESSMENTS.**

(a) IN GENERAL.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty. In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

49 USC 521 note.

## (d) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) SUBMISSION TO CONGRESS.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

**SEC. 223. MOTOR CARRIER SAFETY PROGRESS REPORT.**

Not later than May 25, 2000, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a status report on the Department of Transportation's quantitative progress toward reducing motor carrier fatalities by 50 percent by the year 2009.

49 USC 31100  
note.

**SEC. 224. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION.**

(a) OBJECTIVES.—The Secretary shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles, including vehicles described in section 31132(1)(B) of title 49, United States Code. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers, including passenger carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

## (e) REPORTS.—

(1) IN GENERAL.—The Secretary shall promptly transmit to Congress the results of the study, together with any legislative recommendations.

(2) REVIEW AND UPDATE.—The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) FUNDING.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out this section.

**SEC. 225. DATA COLLECTION AND ANALYSIS.**

49 USC 31100  
note.

(a) IN GENERAL.—In cooperation with the States, the Secretary shall carry out a program to improve the collection and analysis of data on crashes, including crash causation, involving commercial motor vehicles.

(b) PROGRAM ADMINISTRATION.—The Secretary shall administer the program through the National Highway Traffic Safety Administration in cooperation with the Federal Motor Carrier Safety Administration. The National Highway Traffic Safety Administration shall—

(1) enter into agreements with the States to collect data and report the data by electronic means to a central data repository; and

Contracts.

(2) train State employees and motor carrier safety enforcement officials to assure the quality and uniformity of the data.

(c) USE OF DATA.—The National Highway Traffic Safety Administration shall—

(1) integrate the data, including driver citation and conviction information; and

(2) make the data base available electronically to the Federal Motor Carrier Safety Administration, the States, motor carriers, and other interested parties for problem identification, program evaluation, planning, and other safety-related activities.

(d) REPORT.—Not later than 3 years after the date on which the improved data program begins, the Secretary shall transmit a report to Congress on the program, together with any recommendations the Secretary finds appropriate.

Deadline.

(e) FUNDING.—Of the amounts deducted under section 104(a)(1)(B) of title 23, United States Code, for each of fiscal years 2001, 2002, and 2003 \$5,000,000 per fiscal year shall be available only to carry out this section.

(f) ADDITIONAL FUNDING FOR INFORMATION SYSTEMS.—

(1) IN GENERAL.—Of the amounts made available for each of fiscal years 2001, 2002, and 2003 under section 4003(i) of the Transportation Equity Act for the 21st Century (112 Stat. 395–398), as added by section 103(b)(1) of this Act, \$5,000,000 per fiscal year shall be available only to carry out section 31106 of title 49, United States Code.

(2) AMOUNTS AS ADDITIONAL.—The amounts made available by paragraph (1) shall be in addition to amounts made available under section 31107 of title 49, United States Code.

**SEC. 226. DRUG TEST RESULTS STUDY.**

49 USC 31306  
note.

(a) IN GENERAL.—The Secretary shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers or employers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382

of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

Deadline.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

#### SEC. 227. APPROVAL OF AGREEMENTS.

(a) REVIEW.—Section 13703(c) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(2) by striking “The Board” and inserting the following:

“(1) IN GENERAL.—The Board”;

(3) by adding at the end the following:

“(2) PERIODIC REVIEW OF APPROVALS.—Subject to this section, in the 5-year period beginning on the date of the enactment of this paragraph and in each 5-year period thereafter, the Board shall initiate a proceeding to review any agreement approved pursuant to this section. Any such agreement shall be continued unless the Board determines otherwise.”; and

(4) by moving the remainder of the text of paragraph (1) (as designated by paragraph (2) of this subsection), including subparagraphs (A) through (D) (as designated by paragraph (1) of this subsection), 2 ems to the right.

(b) LIMITATION.—Section 13703(d) of such title is amended to read as follows:

“(d) LIMITATION.—The Board shall not take any action that would permit the establishment of nationwide collective ratemaking authority.”.

(c) EXISTING AGREEMENTS.—Section 13703(e) of such title is amended—

(1) by striking “Agreements” and inserting the following:

“(1) AGREEMENTS EXISTING AS OF DECEMBER 31, 1995.—Agreements”;

(2) by adding at the end the following:

“(2) CASES PENDING AS OF DATE OF THE ENACTMENT.—Nothing in section 227 (other than subsection (b)) of the Motor

Carrier Safety Improvement Act of 1999, including the amendments made by such section, shall be construed to affect any case brought under this section that is pending before the Board as of the date of the enactment of this paragraph.”; and

(3) by aligning the left margin of paragraph (1) (as designated by paragraph (1) of this subsection) with paragraph (2) (as added by paragraph (2) of this subsection).

**SEC. 228. DOT AUTHORITY.**

5 USC app.

(a) **IN GENERAL.**—The statutory authority of the Inspector General of the Department of Transportation includes authority to conduct, pursuant to Federal criminal statutes, investigations of allegations that a person or entity has engaged in fraudulent or other criminal activity relating to the programs and operations of the Department or its operating administrations.

(b) **REGULATED ENTITIES.**—The authority to conduct investigations referred to in subsection (a) extends to any person or entity subject to the laws and regulations of the Department or its operating administrations, whether or not they are recipients of funds from the Department or its operating administrations.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—H.R. 3419:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 18, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–160  
106th Congress

An Act

Dec. 9, 1999

[H.R. 3456]

Digital Theft  
Deterrence and  
Copyright  
Damages  
Improvement Act  
of 1999.  
17 USC 101 note.

To amend statutory damages provisions of title 17, United States Code.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Digital Theft Deterrence and  
Copyright Damages Improvement Act of 1999”.

**SEC. 2. STATUTORY DAMAGES ENHANCEMENT.**

Section 504(c) of title 17, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “\$500” and inserting “\$750”; and

(B) by striking “\$20,000” and inserting “\$30,000”; and

(2) in paragraph (2), by striking “\$100,000” and inserting  
“\$150,000”.

28 USC 994 note.

**SEC. 3. SENTENCING COMMISSION GUIDELINES.**

Deadline.

Within 120 days after the date of the enactment of this Act,  
or within 120 days after the first date on which there is a sufficient  
number of voting members of the Sentencing Commission to con-  
stitute a quorum, whichever is later, the Commission shall promul-  
gate emergency guideline amendments to implement section 2(g)  
of the No Electronic Theft (NET) Act (29 U.S.C. 994 note) in  
accordance with the procedures set forth in section 21(a) of the  
Sentencing Act of 1987, as though the authority under that Act  
had not expired.

17 USC 504 note.

**SEC. 4. EFFECTIVE DATE.**

The amendments made by section 2 shall apply to any action  
brought on or after the date of the enactment of this Act, regardless  
of the date on which the alleged activity that is the basis of  
the action occurred.

Approved December 9, 1999.

**LEGISLATIVE HISTORY—H.R. 3456:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 18, considered and passed House.

Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 9, Presidential statement.



Public Law 106–161  
106th Congress

Joint Resolution

Conferring status as an honorary veteran of the United States Armed Forces on  
Zachary Fisher.

Dec. 9, 1999

[H.J. Res. 46]

Whereas the United States has only once before conferred on an individual status as an honorary veteran of the United States Armed Forces, when in Public Law 105–67 Congress conferred that status on Leslie Townes (Bob) Hope;

Whereas status as an honorary veteran of the United States Armed Forces is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas the lifetime of accomplishments and generosity of Zachary Fisher on behalf of United States military servicemembers, veterans, and their families through a wide range of philanthropic activities fully justifies the conferring of such status;

Whereas Zachary Fisher is himself not a veteran, having attempted to enlist in the Armed Forces to serve his country during World War II, but being informed that he was ineligible due to a preexisting medical condition;

Whereas Zachary Fisher and his wife Elizabeth have as private citizens enhanced the lives of thousands of servicemembers, veterans, and their families through a wide range of philanthropic activities;

Whereas Zachary Fisher has been honored by each of the branches of the Armed Forces, by the Departments of Defense and Veterans Affairs, and by the major veterans service organizations for projects such as the preservation of the USS INTREPID as a sea-air-space museum in New York harbor, the establishment of the Fisher House program for relatives of critically ill members of the Armed Forces and their families, and the furnishing of scholarships and other financial support to families who have lost a loved one in service to their country; and

Whereas Zachary Fisher has been awarded the Presidential Medal of Freedom in recognition of his extraordinary patriotism and philanthropy: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—*

(1) extends its gratitude, on behalf of the American people, to Zachary Fisher for his lifetime of accomplishments and philanthropy on behalf of United States military servicemembers; and



(2) confers upon Zachary Fisher the status of an honorary veteran of the United States Armed Forces.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—H.J. Res. 46:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 2, considered and passed House.

Nov. 19, considered and passed Senate.



Public Law 106–162  
106th Congress

An Act

To designate the headquarters building of the Department of Housing and Urban Development in Washington, District of Columbia, as the “Robert C. Weaver Federal Building”.

Dec. 9, 1999  
[S. 67]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF ROBERT C. WEAVER FEDERAL BUILDING.**

In honor of the first Secretary of Housing and Urban Development, the headquarters building of the Department of Housing and Urban Development located at 451 Seventh Street, SW., in Washington, District of Columbia, shall be known and designated as the “Robert C. Weaver Federal Building”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the “Robert C. Weaver Federal Building”.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—S. 67:**

CONGRESSIONAL RECORD, Vol. 145 (1999):  
Mar. 23, considered and passed Senate.  
Nov. 18, considered and passed House.



Public Law 106–163  
106th Congress

An Act

Dec. 9, 1999  
[S. 438]

To provide for the settlement of the water rights claims of the Chippewa Cree  
Tribe of the Rocky Boy's Reservation, and for other purposes.

Chippewa Cree  
Tribe of The  
Rocky Boy's  
Reservation  
Indian Reserved  
Water Rights  
Settlement and  
Water Supply  
Enhancement  
Act of 1999.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION. 1. SHORT TITLE.**

This Act may be cited as the “Chippewa Cree Tribe of The  
Rocky Boy's Reservation Indian Reserved Water Rights Settlement  
and Water Supply Enhancement Act of 1999”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in fulfillment of its trust responsibility to Indian tribes  
and to promote tribal sovereignty and economic self-sufficiency,  
it is the policy of the United States to settle the water rights  
claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a home-  
land for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the  
Rocky Boy's Reservation is important to a permanent, sustain-  
able, and sovereign homeland for the Tribe and its members;

(4) the sovereignty of the Chippewa Cree Tribe and the  
economy of the Reservation depend on the development of the  
water resources of the Reservation;

Montana.

(5) the planning, design, and construction of the facilities  
needed to utilize water supplies effectively are necessary to  
the development of a viable Reservation economy and to  
implementation of the Chippewa Cree-Montana Water Rights  
Compact;

(6) the Rocky Boy's Reservation is located in a water-  
short area of Montana and it is appropriate that the Act provide  
funding for the development of additional water supplies,  
including domestic water, to meet the needs of the Chippewa  
Cree Tribe;

(7) proceedings to determine the full extent of the water  
rights of the Chippewa Cree Tribe are currently pending before  
the Montana Water Court as a part of In the Matter of the  
Adjudication of All Rights to the Use of Water, Both Surface  
and Underground, within the State of Montana;

(8) recognizing that final resolution of the general stream  
adjudication will take many years and entail great expense  
to all parties, prolong uncertainty as to the availability of  
water supplies, and seriously impair the long-term economic  
planning and development of all parties, the Chippewa Cree

Tribe and the State of Montana entered into the Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Chippewa Cree Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the area and situation involved.

### SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States for the benefit of the Chippewa Cree Tribe.

(2) To approve, ratify, and confirm, as modified in this Act, the Chippewa Cree-Montana Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary for the implementation of the Compact.

(3) To authorize the Secretary of the Interior to execute and implement the Compact referred to in paragraph (2) and to take such other actions as are necessary to implement the Compact in a manner consistent with this Act.

(4) To authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation.

(5) To authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact.

(6) To authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to provide the Tribe with an allocation of water from Tiber Reservoir.

(7) To authorize the appropriation of funds necessary for the implementation of the Compact.

### SEC. 4. DEFINITIONS.

In this Act:

(1) ACT.—The term “Act” means the “Chippewa Cree Tribe of The Rocky Boy's Reservation Indian Reserved Water Rights Settlement and Water Supply Enhancement Act of 1999”.

(2) COMPACT.—The term “Compact” means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana contained in section 85-20-601 of the Montana Code Annotated (1997).

(3) FINAL.—The term “final” with reference to approval of the decree in section 101(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to section 85-2-235 of the Montana Code Annotated (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last.

(4) **FUND.**—The term “Fund” means the Chippewa Cree Indian Reserved Water Rights Settlement Fund established under section 104.

(5) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 101(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

(6) **MR&I FEASIBILITY STUDY.**—The term “MR&I feasibility study” means a municipal, rural, and industrial, domestic, and incidental drought relief feasibility study described in section 202.

(7) **MISSOURI RIVER SYSTEM.**—The term “Missouri River System” means the mainstem of the Missouri River and its tributaries, including the Marias River.

(8) **RECLAMATION LAW.**—The term “Reclamation Law” has the meaning given the term “reclamation law” in section 4 of the Act of December 5, 1924 (43 Stat. 701, chapter 4; 43 U.S.C. 371).

(9) **ROCKY BOY’S RESERVATION; RESERVATION.**—The term “Rocky Boy’s Reservation” or “Reservation” means the Rocky Boy’s Reservation of the Chippewa Cree Tribe in Montana.

(10) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, or his or her duly authorized representative.

(11) **TOWE PONDS.**—The term “Towe Ponds” means the reservoir or reservoirs referred to as “Stoneman Reservoir” in the Compact.

(12) **TRIBAL COMPACT ADMINISTRATION.**—The term “Tribal Compact Administration” means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact.

(13) **TRIBAL WATER CODE.**—The term “tribal water code” means a water code adopted by the Tribe, as provided in the Compact.

(14) **TRIBAL WATER RIGHT.**—

(A) **IN GENERAL.**—The term “Tribal Water Right” means the water right set forth in section 85-20-601 of the Montana Code Annotated (1997) and includes the water allocation set forth in title II of this Act.

(B) **RULE OF CONSTRUCTION.**—The definition of the term “Tribal Water Right” under this paragraph and the treatment of that right under this Act shall not be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future compacts between the United States and the State of Montana or any other State.

(15) **TRIBE.**—The term “Tribe” means the Chippewa Cree Tribe of the Rocky Boy’s Reservation and all officers, agents, and departments thereof.

(16) **WATER DEVELOPMENT.**—The term “water development” includes all activities that involve the use of water or modification of water courses or water bodies in any way.

#### **SEC. 5. MISCELLANEOUS PROVISIONS.**

(a) **NONEXERCISE OF TRIBE’S RIGHTS.**—Pursuant to Tribal Resolution No. 40-98, and in exchange for benefits under this Act, the Tribe shall not exercise the rights set forth in Article VII.A.3

of the Compact, except that in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the Tribe shall have the right to exercise the rights set forth in Article VII.A.3 of the Compact.

(b) **WAIVER OF SOVEREIGN IMMUNITY.**—Except to the extent provided in subsections (a), (b), and (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this Act may be construed to waive the sovereign immunity of the United States.

(c) **TRIBAL RELEASE OF CLAIMS AGAINST THE UNITED STATES.**—

(1) **IN GENERAL.**—Pursuant to Tribal Resolution No. 40-98, and in exchange for benefits under this Act, the Tribe shall, on the date of enactment of this Act, execute a waiver and release of the claims described in paragraph (2) against the United States, the validity of which are not recognized by the United States, except that—

Effective date.

(A) the waiver and release of claims shall not become effective until the appropriation of the funds authorized in section 105, the water allocation in section 201, and the appropriation of funds for the MR&I feasibility study authorized in section 204 have been completed and the decree has become final in accordance with the requirements of section 101(b); and

(B) in the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), the waiver and release of claims shall become null and void.

(2) **CLAIMS DESCRIBED.**—The claims referred to in paragraph (1) are as follows:

(A) Any and all claims to water rights (including water rights in surface water, ground water, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights, and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(B) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(3) **SETOFFS.**—In the event the waiver and release do not become effective as set forth in paragraph (1)—

(A) the United States shall be entitled to setoff against any claim for damages asserted by the Tribe against the United States, any funds transferred to the Tribe pursuant to section 104, and any interest accrued thereon up to the date of setoff; and

(B) the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) **OTHER TRIBES NOT ADVERSELY AFFECTED.**—Nothing in this Act shall be construed to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian tribe other than the Chippewa Cree Tribe.

(e) **ENVIRONMENTAL COMPLIANCE.**—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental Acts and regulations.

(f) **EXECUTION OF COMPACT.**—The execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing the Compact.

(g) **CONGRESSIONAL INTENT.**—Nothing in this Act shall be construed to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

(h) **ACT NOT PRECEDENTIAL.**—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement Acts.

## **TITLE I—CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION IN- DIAN RESERVED WATER RIGHTS SET- TLEMENT**

### **SEC. 101. RATIFICATION OF COMPACT AND ENTRY OF DECREE.**

(a) **WATER RIGHTS COMPACT APPROVED.**—Except as modified by this Act, and to the extent the Compact does not conflict with this Act—

(1) the Compact, entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified, and confirmed; and

(2) the Secretary shall—

(A) execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act; and

(B) take such other actions as are necessary to implement the Compact.

(b) **APPROVAL OF DECREE.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the decree agreed to by the United States, the Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe, and the State of Montana.

(2) **RESORT TO THE FEDERAL DISTRICT COURT.**—Under the circumstances set forth in Article VII.B.4 of the Compact, 1 or more parties may file an appropriate motion (as provided in that article) in the United States district court of appropriate jurisdiction.

(3) **EFFECT OF FAILURE OF APPROVAL TO BECOME FINAL.**—In the event the approval by the appropriate court, including any direct appeal, does not become final within 3 years after the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court—

Deadline.

(A) the approval, ratification, and confirmation of the Compact by the United States shall be null and void; and

(B) except as provided in subsections (a) and (c)(3) of section 5 and section 105(e)(1), this Act shall be of no further force and effect.

**SEC. 102. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.**

(a) **ADMINISTRATION AND ENFORCEMENT.**—As provided in the Compact, until the adoption and approval of a tribal water code by the Tribe, the Secretary shall administer and enforce the Tribal Water Right.

(b) **TRIBAL MEMBER ENTITLEMENT.**—

(1) **IN GENERAL.**—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions of the Compact.

(2) **ADMINISTRATION.**—An entitlement described in paragraph (1) shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2 of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) **TEMPORARY TRANSFER OF TRIBAL WATER RIGHT.**—The Tribe may, with the approval of the Secretary and the approval of the State of Montana pursuant to Article IV.A.4 of the Compact, transfer any portion of the Tribal Water Right for use off the Reservation by service contract, lease, exchange, or other agreement. No service contract, lease, exchange, or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right. The enactment of this subsection shall constitute a plenary exercise of the powers set forth in Article I, section 8(3) of the United States Constitution and is statutory law of the United States within the meaning of Article IV.A.4.b.(3) of the Compact.

**SEC. 103. ON-RESERVATION WATER RESOURCES DEVELOPMENT.**

(a) **WATER DEVELOPMENT PROJECTS.**—The Secretary, acting through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b), for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement.

(3) Brown's Dam Enlargement.

(4) Towe Ponds Enlargement.

(5) Such other water development projects as the Tribe shall from time to time consider appropriate.

(b) **IMPLEMENTATION AGREEMENT.**—The Secretary, at the request of the Tribe, shall enter into an agreement, or, if appropriate, renegotiate an existing agreement, with the Tribe to implement the provisions of this Act through the Tribe's annual funding agreement entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) **BUREAU OF RECLAMATION PROJECT ADMINISTRATION.**—



(1) **IN GENERAL.**—Congress finds that the Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.)—

(A) defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a);

(B) establishing the standards upon which the projects will be constructed; and

(C) for other purposes necessary to implement this section.

(2) **AGREEMENT.**—The agreement referred to in paragraph (1) shall become effective when the Tribe exercises its right under subsection (b).

**SEC. 104. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT TRUST FUND.**

(a) **ESTABLISHMENT OF TRUST FUND.**—

(1) **IN GENERAL.**—

(A) **ESTABLISHMENT.**—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund".

(B) **AVAILABILITY OF AMOUNTS IN FUND.**—

(i) **IN GENERAL.**—Amounts in the Fund shall be available to the Secretary for management and investment on behalf of the Tribe and distribution to the Tribe in accordance with this Act.

(ii) **AVAILABILITY.**—Funds made available from the Fund under this section shall be available without fiscal year limitation.

(2) **MANAGEMENT OF FUND.**—The Secretary shall deposit and manage the principal and interest in the Fund in a manner consistent with subsection (b) and other applicable provisions of this Act.

(3) **CONTENTS OF FUND.**—The Fund shall consist of the amounts authorized to be appropriated to the Fund under section 105(a) and such other amounts as may be transferred or credited to the Fund.

(4) **WITHDRAWAL.**—The Tribe, with the approval of the Secretary, may withdraw the Fund and deposit it in a mutually agreed upon private financial institution. That withdrawal shall be made pursuant to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(5) **ACCOUNTS.**—The Secretary of the Interior shall establish the following accounts in the Fund and shall allocate appropriations to the various accounts as required in this Act:

(A) The Tribal Compact Administration Account.

(B) The Economic Development Account.

(C) The Future Water Supply Facilities Account.

(b) **FUND MANAGEMENT.**—

(1) **IN GENERAL.**—

(A) **AMOUNTS IN FUND.**—The Fund shall consist of such amounts as are appropriated to the Fund and allocated to the accounts of the Fund by the Secretary as provided

for in this Act and in accordance with the authorizations for appropriations in paragraphs (1), (2), and (3) of section 105(a), together with all interest that accrues in the Fund.

(B) MANAGEMENT BY SECRETARY.—The Secretary shall manage the Fund, make investments from the Fund, and make available funds from the Fund for distribution to the Tribe in a manner consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) TRIBAL MANAGEMENT.—

(A) IN GENERAL.—If the Tribe exercises its right pursuant to subsection (a)(4) to withdraw the Fund and deposit it in a private financial institution, except as provided in the withdrawal plan, neither the Secretary nor the Secretary of the Treasury shall retain any oversight over or liability for the accounting, disbursement, or investment of the funds.

(B) WITHDRAWAL PLAN.—The withdrawal plan referred to in subparagraph (A) shall provide for—

(i) the creation of accounts and allocation to accounts in a fund established under the plan in a manner consistent with subsection (a); and

(ii) the appropriate terms and conditions, if any, on expenditures from the fund (in addition to the requirements of the plans set forth in paragraphs (2) and (3) of subsection (c)).

(c) USE OF FUND.—The Tribe shall use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for \$400,000 necessary for capital expenditures in connection with Tribal Compact Administration, only interest accrued on the Tribal Compact Administration Account referred to in subsection (a)(5)(A) shall be available to satisfy the Tribe's obligations for Tribal Compact Administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account referred to in subsection (a)(5)(B) shall be available to the Tribe for expenditure pursuant to an economic development plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account referred to in subsection (a)(5)(C) shall be available to the Tribe for expenditure pursuant to a water supply plan approved by the Secretary.

(d) INVESTMENT OF FUND.—

(1) IN GENERAL.—

(A) APPLICABLE LAWS.—The Secretary shall invest amounts in the Fund in accordance with—

(i) the Act of April 1, 1880 (21 Stat. 70, chapter 41; 25 U.S.C. 161);

(ii) the first section of the Act entitled “An Act to authorize the payment of interest of certain funds held in trust by the United States for Indian tribes”, approved February 12, 1929 (25 U.S.C. 161a); and

(iii) the first section of the Act entitled “An Act to authorize the deposit and investment of Indian funds”, approved June 24, 1938 (25 U.S.C. 162a).

(B) CREDITING OF AMOUNTS TO THE FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations of the United States held in the Fund shall be credited to and form part of the Fund. The Secretary of the Treasury shall credit to each of the accounts contained in the Fund a proportionate amount of that interest and proceeds.

(2) CERTAIN WITHDRAWN FUNDS.—

(A) IN GENERAL.—Amounts withdrawn from the Fund and deposited in a private financial institution pursuant to a withdrawal plan approved by the Secretary under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.) shall be invested by an appropriate official under that plan.

(B) DEPOSIT OF INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held under this paragraph shall be deposited in the private financial institution referred to in subparagraph (A) in the fund established pursuant to the withdrawal plan referred to in that subparagraph. The appropriate official shall credit to each of the accounts contained in that fund a proportionate amount of that interest and proceeds.

(e) AGREEMENT REGARDING FUND EXPENDITURES.—If the Tribe does not exercise its right under subsection (a)(4) to withdraw the funds in the Fund and transfer those funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in paragraphs (2) and (3) of subsection (c).

(f) PER CAPITA DISTRIBUTIONS PROHIBITED.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

#### SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

(a) CHIPPEWA CREE FUND.—There is authorized to be appropriated for the Fund, \$21,000,000 to be allocated by the Secretary as follows:

(1) TRIBAL COMPACT ADMINISTRATION ACCOUNT.—For Tribal Compact Administration assumed by the Tribe under the Compact and this Act, \$3,000,000 is authorized to be appropriated for fiscal year 2000.

(2) ECONOMIC DEVELOPMENT ACCOUNT.—For tribal economic development, \$3,000,000 is authorized to be appropriated for fiscal year 2000.

(3) FUTURE WATER SUPPLY FACILITIES ACCOUNT.—For the total Federal contribution to the planning, design, construction, operation, maintenance, and rehabilitation of a future water supply system for the Reservation, there are authorized to be appropriated—

(A) \$2,000,000 for fiscal year 2000;

(B) \$8,000,000 for fiscal year 2001; and

(C) \$5,000,000 for fiscal year 2002.

(b) ON-RESERVATION WATER DEVELOPMENT.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the construction of the on-Reservation water development projects authorized by section 103—

(A) \$13,000,000 for fiscal year 2000, for the planning, design, and construction of the Bonneau Dam Enlargement, for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact;

(B) \$8,000,000 for fiscal year 2001, for the planning, design, and construction of the East Fork Dam and Reservoir enlargement, of the Brown's Dam and Reservoir enlargement, and of the Towe Ponds enlargement of which—

(i) \$4,000,000 shall be used for the East Fork Dam and Reservoir enlargement;

(ii) \$2,000,000 shall be used for the Brown's Dam and Reservoir enlargement; and

(iii) \$2,000,000 shall be used for the Towe Ponds enlargement; and

(C) \$3,000,000 for fiscal year 2002, for the planning, design, and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may consider appropriate or for the completion of the 4 projects enumerated in subparagraphs (A) and (B) of paragraph (1).

(2) UNEXPENDED BALANCES.—Any unexpended balance in the funds authorized to be appropriated under subparagraph (A) or (B) of paragraph (1), after substantial completion of all of the projects enumerated in paragraphs (1) through (4) of section 103(a)—

(A) shall be available to the Tribe first for completion of the enumerated projects; and

(B) then for other water resource development projects on the Reservation.

(c) ADMINISTRATION COSTS.—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, \$1,000,000 for fiscal year 2000, for the costs of administration of the Bureau of Reclamation under this Act, except that—

(1) if those costs exceed \$1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (b) for costs; and

(2) the Bureau of Reclamation shall exercise its best efforts to minimize those costs to avoid expenditures for the costs of administration under this Act that exceed a total of \$1,000,000.

(d) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The amounts authorized to be appropriated to the Fund and allocated to its accounts pursuant to subsection (a) shall be deposited into the Fund and allocated immediately on appropriation.

(2) INVESTMENTS.—Investments may be made from the Fund pursuant to section 104(d).

(3) **AVAILABILITY OF CERTAIN MONEYS.**—The amounts authorized to be appropriated in subsection (a)(1) shall be available for use immediately upon appropriation in accordance with subsection 104(c)(1).

(4) **LIMITATION.**—Those moneys allocated by the Secretary to accounts in the Fund or in a fund established under section 104(a)(4) shall draw interest consistent with section 104(d), but the moneys authorized to be appropriated under subsection (b) and paragraphs (2) and (3) of subsection (a) shall not be available for expenditure until the requirements of section 101(b) have been met so that the decree has become final and the Tribe has executed the waiver and release required under section 5(c).

(e) **RETURN OF FUNDS TO THE TREASURY.**—

(1) **IN GENERAL.**—In the event that the approval, ratification, and confirmation of the Compact by the United States becomes null and void under section 101(b), all unexpended funds appropriated under the authority of this Act together with all interest earned on such funds, notwithstanding whether the funds are held by the Tribe, a private institution, or the Secretary, shall revert to the general fund of the Treasury 12 months after the expiration of the deadline established in section 101(b).

(2) **INCLUSION IN AGREEMENTS AND PLAN.**—The requirements in paragraph (1) shall be included in all annual funding agreements entered into under the self-governance program under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.), withdrawal plans, withdrawal agreements, or any other agreements for withdrawal or transfer of the funds to the Tribe or a private financial institution under this Act.

(f) **WITHOUT FISCAL YEAR LIMITATION.**—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

#### **SEC. 106. STATE CONTRIBUTIONS TO SETTLEMENT.**

Consistent with Articles VI.C.2 and C.3 of the Compact, the State contribution to settlement shall be as follows:

(1) The contribution of \$150,000 appropriated by Montana House Bill 6 of the 55th Legislative Session (1997) shall be used for the following purposes:

(A) Water quality discharge monitoring wells and monitoring program.

(B) A diversion structure on Big Sandy Creek.

(C) A conveyance structure on Box Elder Creek.

(D) The purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at \$400,000 for administration required by the Compact and for water quality sampling required by the Compact.

## **TITLE II—TIBER RESERVOIR ALLOCATION AND FEASIBILITY STUDIES AUTHORIZATION.**

### **SEC. 201. TIBER RESERVOIR.**

#### **(a) ALLOCATION OF WATER TO THE TRIBE.—**

(1) **IN GENERAL.**—The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall become effective when the decree referred to in section 101(b) has become final in accordance with that section. The allocation shall be part of the Tribal Water Right and subject to the terms of this Act.

(2) **AGREEMENT.**—The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) **PRIOR RESERVED WATER RIGHTS.**—The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or person claiming water through any Indian tribe.

#### **(b) USE AND TEMPORARY TRANSFER OF ALLOCATION.—**

(1) **IN GENERAL.**—Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this section to any use, including agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the Rocky Boy's Reservation.

(2) **CONTRACTS AND AGREEMENTS.**—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section, except that no such service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) **REMAINING STORAGE.**—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a).

(d) **WATER TRANSPORT OBLIGATION; DEVELOPMENT AND DELIVERY COSTS.**—The United States shall have no responsibility or obligation to provide any facility for the transport of the water allocated by this section to the Rocky Boy's Reservation or to any other location. Except for the contribution set forth in section 105(a)(3), the cost of developing and delivering the water allocated by this title or any other supplemental water to the Rocky Boy's Reservation shall not be borne by the United States.

(e) **SECTION NOT PRECEDENTIAL.**—The provisions of this section regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be construed as precedent in the litigation or settlement of any other Indian water right claims.

**SEC. 202. MUNICIPAL, RURAL, AND INDUSTRIAL FEASIBILITY STUDY.**

(a) **AUTHORIZATION.**—

(1) **IN GENERAL.**—

(A) **STUDY.**—The Secretary, acting through the Bureau of Reclamation, shall perform an MR&I feasibility study of water and related resources in North Central Montana to evaluate alternatives for a municipal, rural, and industrial supply for the Rocky Boy's Reservation.

(B) **USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.**—The authority under subparagraph (A) shall be deemed to apply to MR&I feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(2) **CONTENTS OF STUDY.**—The MR&I feasibility study shall include the feasibility of releasing the Tribe's Tiber allocation as provided for in section 201 into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation.

(3) **UTILIZATION OF EXISTING STUDIES.**—The MR&I feasibility study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa Cree Tribe.

(b) **ACCEPTANCE OR PARTICIPATION IN IDENTIFIED OFF-RESERVATION SYSTEM.**—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-Reservation water supply system identified in the MR&I feasibility study authorized in subsection (a).

**SEC. 203. REGIONAL FEASIBILITY STUDY.**

(a) **IN GENERAL.**—

(1) **STUDY.**—The Secretary, acting through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a regional feasibility study (referred to in this subsection as the "regional feasibility study") to evaluate water and related resources in North-Central Montana in order to determine the limitations of those resources and how those resources can best be managed and developed to serve the needs of the citizens of Montana.

(2) **USE OF FUNDS MADE AVAILABLE FOR FISCAL YEAR 1999.**—The authority under paragraph (1) shall be deemed to apply to regional feasibility study activities for which funds were made available by appropriations for fiscal year 1999.

(b) **CONTENTS OF STUDY.**—The regional feasibility study shall—

(1) evaluate existing and potential water supplies, uses, and management;

(2) identify major water-related issues, including environmental, water supply, and economic issues;

(3) evaluate opportunities to resolve the issues referred to in paragraph (2); and

(4) evaluate options for implementation of resolutions to the issues.

(c) **REQUIREMENTS.**—Because of the regional and international impact of the regional feasibility study, the study may not be segmented. The regional study shall—

- (1) utilize, to the maximum extent possible, existing information; and
- (2) be planned and conducted in consultation with all affected interests, including interests in Canada.

**SEC. 204. AUTHORIZATION OF APPROPRIATIONS FOR FEASIBILITY STUDIES.**

(a) **FISCAL YEAR 1999 APPROPRIATIONS.**—Of the amounts made available by appropriations for fiscal year 1999 for the Bureau of Reclamation, \$1,000,000 shall be used for the purpose of commencing the MR&I feasibility study under section 202 and the regional study under section 203, of which—

- (1) \$500,000 shall be used for the MR&I study under section 202; and
- (2) \$500,000 shall be used for the regional study under section 203.

(b) **FEASIBILITY STUDIES.**—There is authorized to be appropriated to the Department of the Interior, for the Bureau of Reclamation, for the purpose of conducting the MR&I feasibility study under section 202 and the regional study under section 203, \$3,000,000 for fiscal year 2000, of which—

- (1) \$500,000 shall be used for the MR&I feasibility study under section 202; and
- (2) \$2,500,000 shall be used for the regional study under section 203.

(c) **WITHOUT FISCAL YEAR LIMITATION.**—All money appropriated pursuant to authorizations under this title shall be available without fiscal year limitation.

(d) **AVAILABILITY OF CERTAIN MONEYS.**—The amounts made available for use under subsection (a) shall be deemed to have been available for use as of the date on which those funds were appropriated. The amounts authorized to be appropriated in subsection (b) shall be available for use immediately upon appropriation.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—S. 438:**

SENATE REPORTS: No. 106-200 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 4, considered and passed Senate.

Nov. 18, considered and passed House.





Public Law 106–164  
106th Congress

An Act

Dec. 9, 1999  
[S. 548]

To establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio.

Fallen Timbers  
Battlefield and  
Fort Miamis  
National Historic  
Site Act of 1999.  
16 USC 461 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999”.

**SEC. 2. DEFINITIONS.**

As used in this Act:

(1) The term “historic site” means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term “management plan” means the general management plan developed pursuant to section 5(d).

(3) The term “Secretary” means the Secretary of the Interior.

(4) The term “management entity” means the Metropolitan Park District of the Toledo Area.

(5) The term “technical assistance” means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

**SEC. 3. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne’s legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1

of 22 sites representing the “Advance of the Frontier, 1763–1830”.

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

#### **SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.**

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS-FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I-475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

#### **SEC. 5. ADMINISTRATION OF HISTORIC SITES.**

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation,

education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

Deadlines.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

Approved December 9, 1999.

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#### LEGISLATIVE HISTORY—S. 548:

SENATE REPORTS: No. 106-64 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 14, considered and passed Senate.

Nov. 18, considered and passed House.



Public Law 106–165  
106th Congress

An Act

To amend the Small Business Act with respect to the women’s business center program.

Dec. 9, 1999  
[S. 791]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Women’s Business Centers Sustainability Act of 1999”.

Women’s  
Business Centers  
Sustainability  
Act of 1999.  
15 USC 631 note.

**SEC. 2. PRIVATE NONPROFIT ORGANIZATIONS.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) the term ‘private nonprofit organization’ means an entity that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;”;

(2) in subsection (b), by inserting “nonprofit” after “private”.

**SEC. 3. INCREASED MANAGEMENT OVERSIGHT AND REVIEW OF WOMEN’S BUSINESS CENTERS.**

Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) by striking subsection (h) and inserting the following:

“(h) PROGRAM EXAMINATION.—

“(1) IN GENERAL.—The Administration shall—

“(A) develop and implement an annual programmatic and financial examination of each women’s business center established pursuant to this section, pursuant to which each such center shall provide to the Administration—

“(i) an itemized cost breakdown of actual expenditures for costs incurred during the preceding year; and

“(ii) documentation regarding the amount of matching assistance from non-Federal sources obtained and expended by the center during the preceding year in order to meet the requirements of subsection (c) and, with respect to any in-kind contributions described in subsection (c)(2) that were used to satisfy the requirements of subsection (c), verification of the existence and valuation of those contributions; and

“(B) analyze the results of each such examination and, based on that analysis, make a determination regarding the programmatic and financial viability of each women’s business center.

“(2) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to award a contract (as a sustainability grant) under subsection (l) or to renew a contract (either as a grant or cooperative agreement) under this section with a women’s business center, the Administration—

“(A) shall consider the results of the most recent examination of the center under paragraph (1); and

“(B) may withhold such award or renewal, if the Administration determines that—

“(i) the center has failed to provide any information required to be provided under clause (i) or (ii) of paragraph (1)(A), or the information provided by the center is inadequate; or

“(ii) the center has failed to provide any information required to be provided by the center for purposes of the report of the Administration under subsection (j), or the information provided by the center is inadequate.”; and

(2) by striking subsection (j) and inserting the following: “(j) MANAGEMENT REPORT.—

“(1) IN GENERAL.—The Administration shall prepare and submit to the Committees on Small Business of the House of Representatives and the Senate a report on the effectiveness of all projects conducted under this section.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include information concerning, with respect to each women’s business center established pursuant to this section—

“(A) the number of individuals receiving assistance;

“(B) the number of startup business concerns formed;

“(C) the gross receipts of assisted concerns;

“(D) the employment increases or decreases of assisted concerns;

“(E) to the maximum extent practicable, increases or decreases in profits of assisted concerns; and

“(F) the most recent analysis, as required under subsection (h)(1)(B), and the subsequent determination made by the Administration under that subsection.”.

#### **SEC. 4. WOMEN’S BUSINESS CENTERS SUSTAINABILITY PILOT PROGRAM.**

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(l) SUSTAINABILITY PILOT PROGRAM.—

“(1) IN GENERAL.—There is established a 4-year pilot program under which the Administration is authorized to award grants (referred to in this section as ‘sustainability grants’) on a competitive basis for an additional 5-year project under this section to any private nonprofit organization (or a division thereof)—

“(A) that has received financial assistance under this section pursuant to a grant, contract, or cooperative agreement; and

“(B) that—

Grants.

“(i) is in the final year of a 5-year project; or

“(ii) has completed a project financed under this section (or any predecessor to this section) and continues to provide assistance to women entrepreneurs.

“(2) CONDITIONS FOR PARTICIPATION.—In order to receive a sustainability grant, an organization described in paragraph (1) shall submit to the Administration an application, which shall include—

Application.

“(A) a certification that the applicant—

“(i) is a private nonprofit organization;

“(ii) employs a full-time executive director or program manager to manage the center; and

“(iii) as a condition of receiving a sustainability grant, agrees—

“(I) to a site visit as part of the final selection process and to an annual programmatic and financial examination; and

“(II) to the maximum extent practicable, to remedy any problems identified pursuant to that site visit or examination;

“(B) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center site for which a sustainability grant is sought, including the ability to fundraise;

“(C) information relating to assistance provided by the women’s business center site for which a sustainability grant is sought in the area in which the site is located, including—

“(i) the number of individuals assisted;

“(ii) the number of hours of counseling, training, and workshops provided; and

“(iii) the number of startup business concerns formed;

“(D) information demonstrating the effective experience of the applicant in—

“(i) conducting financial, management, and marketing assistance programs, as described in paragraphs (1), (2), and (3) of subsection (b), designed to impart or upgrade the business skills of women business owners or potential owners;

“(ii) providing training and services to a representative number of women who are both socially and economically disadvantaged;

“(iii) using resource partners of the Administration and other entities, such as universities;

“(iv) complying with the cooperative agreement of the applicant; and

“(v) the prudent management of finances and staffing, including the manner in which the performance of the applicant compared to the business plan of the applicant and the manner in which grant funds awarded under subsection (b) were used by the applicant; and

“(E) a 5-year plan that projects the ability of the women’s business center site for which a sustainability grant is sought—

“(i) to serve women business owners or potential owners in the future by improving fundraising and training activities; and

“(ii) to provide training and services to a representative number of women who are both socially and economically disadvantaged.

“(3) REVIEW OF APPLICATIONS.—

“(A) IN GENERAL.—The Administration shall—

“(i) review each application submitted under paragraph (2) based on the information provided in subparagraphs (D) and (E) of that paragraph, and the criteria set forth in subsection (f);

“(ii) as part of the final selection process, conduct a site visit at each women’s business center for which a sustainability grant is sought; and

“(iii) approve or disapprove applications for sustainability grants simultaneously with applications for grants under subsection (b).

“(B) DATA COLLECTION.—Consistent with the annual report to Congress under subsection (j), each women’s business center site that is awarded a sustainability grant shall, to the maximum extent practicable, collect information relating to—

“(i) the number of individuals assisted;

“(ii) the number of hours of counseling and training provided and workshops conducted;

“(iii) the number of startup business concerns formed;

“(iv) any available gross receipts of assisted concerns; and

“(v) the number of jobs created, maintained, or lost at assisted concerns.

“(C) RECORD RETENTION.—The Administration shall maintain a copy of each application submitted under this subsection for not less than 10 years.

“(4) NON-FEDERAL CONTRIBUTION.—

“(A) IN GENERAL.—Notwithstanding any other provision of this section, as a condition of receiving a sustainability grant, an organization described in paragraph (1) shall agree to obtain, after its application has been approved under paragraph (3) and notice of award has been issued, cash and in-kind contributions from non-Federal sources for each year of additional program participation in an amount equal to 1 non-Federal dollar for each Federal dollar.

“(B) FORM OF NON-FEDERAL CONTRIBUTIONS.—Not more than 50 percent of the non-Federal assistance obtained for purposes of subparagraph (A) may be in the form of in-kind contributions that are budget line items only, including office equipment and office space.

“(5) TIMING OF REQUESTS FOR PROPOSALS.—In carrying out this subsection, the Administration shall issue requests for proposals for women’s business centers applying for the pilot program under this subsection simultaneously with requests for proposals for grants under subsection (b).”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 29(k) of the Small Business Act (15 U.S.C. 656(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There is authorized to be appropriated, to remain available until the expiration of the pilot program under subsection (l)—

“(A) \$12,000,000 for fiscal year 2000;

“(B) \$12,800,000 for fiscal year 2001;

“(C) \$13,700,000 for fiscal year 2002; and

“(D) \$14,500,000 for fiscal year 2003.”;

(2) in paragraph (2)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTIONS.—Of the amount made available under this subsection for a fiscal year, the following amounts shall be available for selection panel costs, post-award conference costs, and costs related to monitoring and oversight:

“(i) For fiscal year 2000, 2 percent.

“(ii) For fiscal year 2001, 1.9 percent.

“(iii) For fiscal year 2002, 1.9 percent.

“(iv) For fiscal year 2003, 1.6 percent.”; and

(3) by adding at the end the following:

“(4) RESERVATION OF FUNDS FOR SUSTAINABILITY PILOT PROGRAM.—

“(A) IN GENERAL.—Subject to subparagraph (B), of the total amount made available under this subsection for a fiscal year, the following amounts shall be reserved for sustainability grants under subsection (l):

“(i) For fiscal year 2000, 17 percent.

“(ii) For fiscal year 2001, 18.8 percent.

“(iii) For fiscal year 2002, 30.2 percent.

“(iv) For fiscal year 2003, 30.2 percent.

“(B) USE OF UNAWARDED FUNDS FOR SUSTAINABILITY PILOT PROGRAM GRANTS.—If the amount reserved under subparagraph (A) for any fiscal year is not fully awarded to private nonprofit organizations described in subsection (l)(1)(B), the Administration is authorized to use the unawarded amount to fund additional women’s business center sites or to increase funding of existing women’s business center sites under subsection (b).”.

(c) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidelines to implement the amendments made by this section.

Deadline.  
15 USC 656 note.

#### **SEC. 5. SENSE OF THE SENATE REGARDING GOVERNMENT PROCUREMENT ACCESS FOR WOMEN-OWNED SMALL BUSINESSES.**

(a) FINDINGS.—The Senate finds that—

(1) women-owned small businesses are a powerful force in the economy;

(2) between 1987 and 1996—

(A) the number of women-owned small businesses in the United States increased by 78 percent, almost twice the rate of increase of all businesses in the United States;



(B) the number of women-owned small businesses increased in every State;

(C) total sales by women-owned small businesses in the United States increased by 236 percent;

(D) employment provided by women-owned small businesses in the United States increased by 183 percent; and

(E) the rates of growth for women-owned small businesses in the United States for the fastest growing industries were—

(i) 171 percent in construction;

(ii) 157 percent in wholesale trade;

(iii) 140 percent in transportation and communications;

(iv) 130 percent in agriculture; and

(v) 112 percent in manufacturing;

(3) approximately 8,000,000 women-owned small businesses in the United States provide jobs for 15,500,000 individuals and generate almost \$1,400,000,000,000 in sales each year;

(4) the participation of women-owned small businesses in the United States in the procurement market of the Federal Government is limited;

(5) the Federal Government is the largest purchaser of goods and services in the United States, spending more than \$200,000,000,000 each year;

(6) the majority of Federal Government purchases are for items that cost \$25,000 or less; and

(7) the rate of Federal procurement for women-owned small businesses is 2.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States should—

(1) conduct an audit of the Federal procurement system regarding Federal contracting involving women-owned small businesses for the 3 preceding fiscal years;

(2) solicit from Federal employees involved in the Federal procurement system any suggestions regarding how to increase the number of Federal contracts awarded to women-owned small businesses; and

(3) submit to Congress a report on the results of that audit, which report shall include—

(A) an analysis of any identified trends in Federal contracting with respect to women-owned small businesses;

(B) any recommended means to increase the number of Federal contracts awarded to women-owned small businesses that the Comptroller General considers to be appropriate, after taking into consideration any suggestions received pursuant to a solicitation described in paragraph (2), including any such means that incorporate the concepts of teaming or partnering; and

(C) a discussion of any barriers to the receipt of Federal contracts by women-owned small businesses and other small businesses that are created by legal or regulatory procurement requirements or practices.

**SEC. 6. EFFECTIVE DATE.**

15 USC 656 note.

This Act and the amendments made by this Act shall take effect on October 1, 1999.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—S. 791 (H.R. 1497):**

HOUSE REPORTS: No. 106–365 accompanying H.R. 1497 (Comm. on Small Business).

SENATE REPORTS: No. 106–214 (Comm. on Small Business).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 5, considered and passed Senate.

Nov. 18, considered and passed House.



Public Law 106–166  
106th Congress

An Act

Dec. 9, 1999  
[S. 1595]

To designate the United States courthouse at 401 West Washington Street in Phoenix, Arizona, as the “Sandra Day O’Connor United States Courthouse”.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF SANDRA DAY O’CONNOR UNITED STATES COURTHOUSE.**

The United States courthouse at 401 West Washington Street in Phoenix, Arizona, shall be known and designated as the “Sandra Day O’Connor United States Courthouse”.

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the “Sandra Day O’Connor United States Courthouse”.

Approved December 9, 1999.

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**LEGISLATIVE HISTORY—S. 1595:**

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 8, considered and passed Senate.

Nov. 18, considered and passed House.



Public Law 106–167  
106th Congress

An Act

To redesignate the Coastal Barrier Resources System as the “John H. Chafee Coastal Barrier Resources System”.

Dec. 9, 1999  
[S. 1866]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “John H. Chafee Coastal Barrier Resources System Act”.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) during the past 2 decades, Senator John H. Chafee was a leading voice for the protection of the environment and the conservation of the natural resources of the United States;

(2) Senator Chafee served on the Environment and Public Works Committee of the Senate for 22 years, influencing every major piece of environmental legislation enacted during that time;

(3) Senator Chafee led the fight for clean air, clean water, safe drinking water, and cleanup of toxic wastes, and for strengthening of the National Wildlife Refuge System and protections for endangered species and their habitats;

(4) millions of people of the United States breathe cleaner air, drink cleaner water, and enjoy more plentiful outdoor recreation opportunities because of the work of Senator Chafee;

(5) in 1982, Senator Chafee authored and succeeded in enacting into law the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.) to minimize loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf Coasts; and

(6) to reflect the invaluable national contributions made by Senator Chafee during his service in the Senate, the Coastal Barrier Resources System should be named in his honor.

John H. Chafee  
Coastal Barrier  
Resources  
System Act.  
16 USC 3501  
note.  
16 USC 3503  
note.

**SEC. 3. REDESIGNATION OF COASTAL BARRIER RESOURCES SYSTEM  
IN HONOR OF JOHN H. CHAFEE.**

16 USC 3503  
note.

(a) **IN GENERAL.**—The Coastal Barrier Resources System established by section 4(a) of the Coastal Barrier Resources Act (16 U.S.C. 3503(a)) is redesignated as the “John H. Chafee Coastal Barrier Resources System”.

16 USC 3503  
note.

(b) **REFERENCES.**—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Coastal Barrier Resources System shall be deemed to be a reference to the John H. Chafee Coastal Barrier Resources System.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 2(b) of the Coastal Barrier Resources Act (16 U.S.C. 3501(b)) is amended by striking “a Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(2) Section 3 of the Coastal Barrier Resources Act (16 U.S.C. 3502) is amended by striking “Coastal Barrier Resources System” each place it appears and inserting “John H. Chafee Coastal Barrier Resources System”.

(3) Section 4 of the Coastal Barrier Resources Act (16 U.S.C. 3503) is amended—

(A) in the section heading, by striking “**COASTAL BARRIER RESOURCES SYSTEM**” and inserting “**JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM**”; and

(B) in subsection (a), by striking “the Coastal Barrier Resources System” and inserting “the John H. Chafee Coastal Barrier Resources System”.

(4) Section 10(c)(2) of the Coastal Barrier Resources Act (16 U.S.C. 3509(c)(2)) is amended by striking “Coastal Barrier Resources System” and inserting “System”.

(5) Section 10(c)(2)(B)(i) of the Coastal Barrier Improvement Act of 1990 (12 U.S.C. 1441a-3(c)(2)(B)(i)) is amended by striking “Coastal Barrier Resources System” and inserting “John H. Chafee Coastal Barrier Resources System”.

(6) Section 12(5) of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591) is amended by striking “Coastal Barrier Resources System” and inserting “John H. Chafee Coastal Barrier Resources System”.

(7) Section 1321 of the National Flood Insurance Act of 1968 (42 U.S.C. 4028) is amended—

(A) by striking the section heading and inserting the following:

“JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM”;

and

(B) by striking “Coastal Barrier Resources System” each place it appears and inserting “John H. Chafee Coastal Barrier Resources System”.

Approved December 9, 1999.

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LEGISLATIVE HISTORY—S. 1866:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 4, considered and passed Senate.

Nov. 18, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 9, Presidential statement.



Public Law 106–168  
106th Congress

An Act

Dec. 12, 1999  
[S. 335]

To amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to sweepstakes, skill contests, facsimile checks, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

**TITLE I—DECEPTIVE MAIL PREVENTION AND ENFORCEMENT**

Sec. 101. Short title.

Sec. 102. Restrictions on mailings using misleading references to the United States Government.

Sec. 103. Restrictions on sweepstakes and deceptive mailings.

Sec. 104. Postal service orders to prohibit deceptive mailings.

Sec. 105. Temporary restraining order for deceptive mailings.

Sec. 106. Civil penalties and costs.

Sec. 107. Administrative subpoenas.

Sec. 108. Requirements of promoters of skill contests or sweepstakes mailings.

Sec. 109. State law not preempted.

Sec. 110. Technical and conforming amendments.

Sec. 111. Effective date.

**TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY**

Sec. 201. Short title.

Sec. 202. Portability of service credit.

Sec. 203. Certain transfers to be treated as a separation from service for purposes of the thrift savings plan.

Sec. 204. Clarifying amendments.

**TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND  
ADMINISTRATIVE SERVICES ACT OF 1949**

Sec. 301. Transfer of certain property to State and local governments.

**TITLE I—DECEPTIVE MAIL  
PREVENTION AND ENFORCEMENT**

Deceptive Mail  
Prevention and  
Enforcement Act.

39 USC 3001  
note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Deceptive Mail Prevention and Enforcement Act”.

**SEC. 102. RESTRICTIONS ON MAILINGS USING MISLEADING REFERENCES TO THE UNITED STATES GOVERNMENT.**

Section 3001 of title 39, United States Code, is amended—  
(1) in subsection (h)—

(A) in the first sentence by striking “contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement” and inserting the following: “which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government”; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking “or” at the end and inserting “and”; and

(iii) by inserting after subparagraph (B) the following:

“(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any purchase or nonpurchase; or”;

(2) in subsection (i) in the first sentence—

(A) in the first sentence by striking “contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement” and inserting the following: “which reasonably could be interpreted or construed as implying any Federal Government connection, approval, or endorsement through the use of a seal, insignia, reference to the Postmaster General, citation to a Federal statute, name of a Federal agency, department, commission, or program, trade or brand name, or any other term or symbol; or contains any reference to the Postmaster General or a citation to a Federal statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the Federal Government”; and

(B) in paragraph (2)—

(i) in subparagraph (A) by striking “and” at the end;

(ii) in subparagraph (B) by striking “or” at the end and inserting “and”; and

(iii) by inserting after subparagraph (B) the following:

“(C) such matter does not contain a false representation stating or implying that Federal Government benefits or services will be affected by any contribution or noncontribution; or”;

(3) by redesignating subsections (j) and (k) as subsections (m) and (n), respectively; and

(4) by inserting after subsection (i) the following:



“(j)(1) Any matter otherwise legally acceptable in the mails which is described in paragraph (2) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

“(2) Matter described in this paragraph is any matter that—

“(A) constitutes a solicitation for the purchase of or payment for any product or service that—

“(i) is provided by the Federal Government; and

“(ii) may be obtained without cost from the Federal Government; and

“(B) does not contain a clear and conspicuous statement giving notice of the information set forth in clauses (i) and (ii) of subparagraph (A).”.

#### **SEC. 103. RESTRICTIONS ON SWEEPSTAKES AND DECEPTIVE MAILINGS.**

Section 3001 of title 39, United States Code, is amended by inserting after subsection (j) (as added by section 102(4)) the following:

“(k)(1) In this subsection—

“(A) the term ‘clearly and conspicuously displayed’ means presented in a manner that is readily noticeable, readable, and understandable to the group to whom the applicable matter is disseminated;

“(B) the term ‘facsimile check’ means any matter that—

“(i) is designed to resemble a check or other negotiable instrument; but

“(ii) is not negotiable;

“(C) the term ‘skill contest’ means a puzzle, game, competition, or other contest in which—

“(i) a prize is awarded or offered;

“(ii) the outcome depends predominately on the skill of the contestant; and

“(iii) a purchase, payment, or donation is required or implied to be required to enter the contest; and

“(D) the term ‘sweepstakes’ means a game of chance for which no consideration is required to enter.

“(2) Except as provided in paragraph (4), any matter otherwise legally acceptable in the mails which is described in paragraph (3) is nonmailable matter, shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs.

“(3) Matter described in this paragraph is any matter that—

“(A)(i) includes entry materials for a sweepstakes or a promotion that purports to be a sweepstakes; and

“(ii)(I) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that no purchase is necessary to enter such sweepstakes;

“(II) does not contain a statement that discloses in the mailing, in the rules, and on the order or entry form, that a purchase will not improve an individual’s chances of winning with such entry;

“(III) does not state all terms and conditions of the sweepstakes promotion, including the rules and entry procedures for the sweepstakes;

“(IV) does not disclose the sponsor or mailer of such matter and the principal place of business or an address at which the sponsor or mailer may be contacted;

“(V) does not contain sweepstakes rules that state—

“(aa) the estimated odds of winning each prize;

“(bb) the quantity, estimated retail value, and nature of each prize; and

“(cc) the schedule of any payments made over time;

“(VI) represents that individuals not purchasing products or services may be disqualified from receiving future sweepstakes mailings;

“(VII) requires that a sweepstakes entry be accompanied by an order or payment for a product or service previously ordered;

“(VIII) represents that an individual is a winner of a prize unless that individual has won such prize; or

“(IX) contains a representation that contradicts, or is inconsistent with sweepstakes rules or any other disclosure required to be made under this subsection, including any statement qualifying, limiting, or explaining the rules or disclosures in a manner inconsistent with such rules or disclosures;

“(B)(i) includes entry materials for a skill contest or a promotion that purports to be a skill contest; and

“(ii)(I) does not state all terms and conditions of the skill contest, including the rules and entry procedures for the skill contest;

“(II) does not disclose the sponsor or mailer of the skill contest and the principal place of business or an address at which the sponsor or mailer may be contacted; or

“(III) does not contain skill contest rules that state, as applicable—

“(aa) the number of rounds or levels of the contest and the cost to enter each round or level;

“(bb) that subsequent rounds or levels will be more difficult to solve;

“(cc) the maximum cost to enter all rounds or levels;

“(dd) the estimated number or percentage of entrants who may correctly solve the skill contest or the approximate number or percentage of entrants correctly solving the past 3 skill contests conducted by the sponsor;

“(ee) the identity or description of the qualifications of the judges if the contest is judged by other than the sponsor;

“(ff) the method used in judging;

“(gg) the date by which the winner or winners will be determined and the date or process by which prizes will be awarded;

“(hh) the quantity, estimated retail value, and nature of each prize; and

“(ii) the schedule of any payments made over time;

or

“(C) includes any facsimile check that does not contain a statement on the check itself that such check is not a negotiable instrument and has no cash value.

“(4) Matter that appears in a magazine, newspaper, or other periodical shall be exempt from paragraph (2) if such matter—

“(A) is not directed to a named individual; or

“(B) does not include an opportunity to make a payment or order a product or service.

“(5) Any statement, notice, or disclaimer required under paragraph (3) shall be clearly and conspicuously displayed. Any statement, notice, or disclaimer required under subclause (I) or (II) of paragraph (3)(A)(ii) shall be displayed more conspicuously than would otherwise be required under the preceding sentence.

“(6) In the enforcement of paragraph (3), the Postal Service shall consider all of the materials included in the mailing and the material and language on and visible through the envelope or outside cover or wrapper in which those materials are mailed.

“(1)(1) Any person who uses the mails for any matter to which subsection (h), (i), (j), or (k) applies shall adopt reasonable practices and procedures to prevent the mailing of such matter to any person who, personally or through a conservator, guardian, or individual with power of attorney—

“(A) submits to the mailer of such matter a written request that such matter should not be mailed to such person; or

“(B)(i) submits such a written request to the attorney general of the appropriate State (or any State government officer who transmits the request to that attorney general); and

“(ii) that attorney general transmits such request to the mailer.

“(2) Any person who mails matter to which subsection (h), (i), (j), or (k) applies shall maintain or cause to be maintained a record of all requests made under paragraph (1). The records shall be maintained in a form to permit the suppression of an applicable name at the applicable address for a 5-year period beginning on the date the written request under paragraph (1) is submitted to the mailer.”.

#### **SEC. 104. POSTAL SERVICE ORDERS TO PROHIBIT DECEPTIVE MAILINGS.**

Section 3005(a) of title 39, United States Code, is amended—

(1) by striking “or” after “(h),” each place it appears; and

(2) by inserting “, (j), or (k)” after “(i)” each place it appears.

#### **SEC. 105. TEMPORARY RESTRAINING ORDER FOR DECEPTIVE MAILINGS.**

(a) IN GENERAL.—Section 3007 of title 39, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

“(a)(1) In preparation for or during the pendency of proceedings under section 3005, the Postal Service may, under the provisions of section 409(d), apply to the district court in any district in which mail is sent or received as part of the alleged scheme, device, lottery, gift enterprise, sweepstakes, skill contest, or facsimile check or in any district in which the defendant is found, for a temporary restraining order and preliminary injunction under the procedural requirements of rule 65 of the Federal Rules of Civil Procedure.

“(2)(A) Upon a proper showing, the court shall enter an order which shall—

“(i) remain in effect during the pendency of the statutory proceedings, any judicial review of such proceedings, or any action to enforce orders issued under the proceedings; and

“(ii) direct the detention by the postmaster, in any and all districts, of the defendant’s incoming mail and outgoing

mail, which is the subject of the proceedings under section 3005.

“(B) A proper showing under this paragraph shall require proof of a likelihood of success on the merits of the proceedings under section 3005.

“(3) Mail detained under paragraph (2) shall—

“(A) be made available at the post office of mailing or delivery for examination by the defendant in the presence of a postal employee; and

“(B) be delivered as addressed if such mail is not clearly shown to be the subject of proceedings under section 3005.

“(4) No finding of the defendant’s intent to make a false representation or to conduct a lottery is required to support the issuance of an order under this section.

“(b) If any order is issued under subsection (a) and the proceedings under section 3005 are concluded with the issuance of an order under that section, any judicial review of the matter shall be in the district in which the order under subsection (a) was issued.”

(b) REPEAL.—

(1) IN GENERAL.—Section 3006 of title 39, United States Code, and the item relating to such section in the table of sections for chapter 30 of such title are repealed.

(2) CONFORMING AMENDMENTS.—(A) Section 3005(c) of title 39, United States Code, is amended by striking “section and section 3006 of this title,” and inserting “section.”

(B) Section 3011(e) of title 39, United States Code, is amended by striking “3006, 3007,” and inserting “3007”.

#### SEC. 106. CIVIL PENALTIES AND COSTS.

Section 3012 of title 39, United States Code, is amended—

(1) in subsection (a) by striking “\$10,000 for each day that such person engages in conduct described by paragraph (1), (2), or (3) of this subsection.” and inserting “\$50,000 for each mailing of less than 50,000 pieces; \$100,000 for each mailing of 50,000 to 100,000 pieces; with an additional \$10,000 for each additional 10,000 pieces above 100,000, not to exceed \$2,000,000.”;

(2) in paragraphs (1) and (2) of subsection (b) by inserting after “of subsection (a)” the following: “; (c), or (d)”;

(3) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(4) by inserting after subsection (b) the following:

“(c)(1) In any proceeding in which the Postal Service may issue an order under section 3005(a), the Postal Service may in lieu of that order or as part of that order assess civil penalties in an amount not to exceed \$25,000 for each mailing of less than 50,000 pieces; \$50,000 for each mailing of 50,000 to 100,000 pieces; with an additional \$5,000 for each additional 10,000 pieces above 100,000, not to exceed \$1,000,000.

“(2) In any proceeding in which the Postal Service assesses penalties under this subsection the Postal Service shall determine the civil penalty taking into account the nature, circumstances, extent, and gravity of the violation or violations of section 3005(a), and with respect to the violator, the ability to pay the penalty, the effect of the penalty on the ability of the violator to conduct lawful business, any history of prior violations of such section,

the degree of culpability and other such matters as justice may require.

“(d) Any person who violates section 3001(l) shall be liable to the United States for a civil penalty not to exceed \$10,000 for each mailing to an individual.”.

**SEC. 107. ADMINISTRATIVE SUBPOENAS.**

(a) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

**“§ 3016. Administrative subpoenas**

“(a) SUBPOENA AUTHORITY.—

“(1) INVESTIGATIONS.—

“(A) IN GENERAL.—In any investigation conducted under section 3005(a), the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General considers relevant or material to such investigation.

“(B) CONDITION.—No subpoena shall be issued under this paragraph except in accordance with procedures, established by the Postal Service, requiring that—

“(i) a specific case, with an individual or entity identified as the subject, be opened before a subpoena is requested;

“(ii) appropriate supervisory and legal review of a subpoena request be performed; and

“(iii) delegation of subpoena approval authority be limited to the Postal Service’s General Counsel or a Deputy General Counsel.

“(2) STATUTORY PROCEEDINGS.—In any statutory proceeding conducted under section 3005(a), the Judicial Officer may require by subpoena the attendance and testimony of witnesses and the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Judicial Officer considers relevant or material to such proceeding.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be considered to apply in any circumstance to which paragraph (1) applies.

“(b) SERVICE.—

“(1) SERVICE WITHIN THE UNITED STATES.—A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

“(2) FOREIGN SERVICE.—Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

“(3) SERVICE ON BUSINESS PERSONS.—Service of any such subpoena may be made upon a partnership, corporation, association, or other legal entity by—

“(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

“(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

“(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

“(4) SERVICE ON NATURAL PERSONS.—Service of any subpoena may be made upon any natural person by—

“(A) delivering a duly executed copy to the person to be served; or

“(B) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

“(5) VERIFIED RETURN.—A verified return by the individual serving any such subpoena setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

“(2) JURISDICTION.—Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court may be punished as contempt.

“(d) DISCLOSURE.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5, United States Code.”.

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement the amendment made by subsection (a).

(c) SEMIANNUAL REPORTS.—Section 3013 of title 39, United States Code, is amended by striking “and” at the end of paragraph (4), by redesignating paragraph (5) as paragraph (6), and by inserting after paragraph (4) the following:

Deadline.  
39 USC 3016  
note.

“(5) the number of cases in which the authority described in section 3016 was used, and a comprehensive statement describing how that authority was used in each of those cases; and”.

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

“3016. Administrative subpoenas.”.

**SEC. 108. REQUIREMENTS OF PROMOTERS OF SKILL CONTESTS OR SWEEPSTAKES MAILINGS.**

(a) IN GENERAL.—Chapter 30 of title 39, United States Code (as amended by section 107) is amended by adding after section 3016 the following:

**“§ 3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings**

“(a) DEFINITIONS.—In this section—

“(1) the term ‘promoter’ means any person who—

“(A) originates and mails any skill contest or sweepstakes, except for any matter described in section 3001(k)(4); or

“(B) originates and causes to be mailed any skill contest or sweepstakes, except for any matter described in section 3001(k)(4);

“(2) the term ‘removal request’ means a request stating that an individual elects to have the name and address of such individual excluded from any list used by a promoter for mailing skill contests or sweepstakes;

“(3) the terms ‘skill contest’, ‘sweepstakes’, and ‘clearly and conspicuously displayed’ have the same meanings as given them in section 3001(k); and

“(4) the term ‘duly authorized person’, as used in connection with an individual, means a conservator or guardian of, or person granted power of attorney by, such individual.

“(b) NONMAILABLE MATTER.—

“(1) IN GENERAL.—Matter otherwise legally acceptable in the mails described in paragraph (2)—

“(A) is nonmailable matter;

“(B) shall not be carried or delivered by mail; and

“(C) shall be disposed of as the Postal Service directs.

“(2) NONMAILABLE MATTER DESCRIBED.—Matter described in this paragraph is any matter that—

“(A) is a skill contest or sweepstakes, except for any matter described in section 3001(k)(4); and

“(B)(i) is addressed to an individual who made an election to be excluded from lists under subsection (d); or

“(ii) does not comply with subsection (c)(1).

“(c) REQUIREMENTS OF PROMOTERS.—

“(1) NOTICE TO INDIVIDUALS.—Any promoter who mails a skill contest or sweepstakes shall provide with each mailing a statement that—

“(A) is clearly and conspicuously displayed;

“(B) includes the address or toll-free telephone number of the notification system established under paragraph (2); and

“(C) states that the notification system may be used to prohibit the mailing of all skill contests or sweepstakes by that promoter to such individual.

“(2) NOTIFICATION SYSTEM.—Any promoter that mails or causes to be mailed a skill contest or sweepstakes shall establish and maintain a notification system that provides for any individual (or other duly authorized person) to notify the system of the individual’s election to have the name and address of the individual excluded from all lists of names and addresses used by that promoter to mail any skill contest or sweepstakes.

“(d) ELECTION TO BE EXCLUDED FROM LISTS.—

“(1) IN GENERAL.—An individual (or other duly authorized person) may elect to exclude the name and address of that individual from all lists of names and addresses used by a promoter of skill contests or sweepstakes by submitting a removal request to the notification system established under subsection (c).

“(2) RESPONSE AFTER SUBMITTING REMOVAL REQUEST TO THE NOTIFICATION SYSTEM.—Not later than 60 calendar days after a promoter receives a removal request pursuant to an election under paragraph (1), the promoter shall exclude the individual’s name and address from all lists of names and addresses used by that promoter to select recipients for any skill contest or sweepstakes.

Deadline.

“(3) EFFECTIVENESS OF ELECTION.—An election under paragraph (1) shall remain in effect, unless an individual (or other duly authorized person) notifies the promoter in writing that such individual—

“(A) has changed the election; and

“(B) elects to receive skill contest or sweepstakes mailings from that promoter.

“(e) PRIVATE RIGHT OF ACTION.—

“(1) IN GENERAL.—An individual who receives one or more mailings in violation of subsection (d) may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

“(A) an action to enjoin such violation;

“(B) an action to recover for actual monetary loss from such a violation, or to receive \$500 in damages for each such violation, whichever is greater; or

“(C) both such actions.

It shall be an affirmative defense in any action brought under this subsection that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent mailings in violation of subsection (d). If the court finds that the defendant willfully or knowingly violated subsection (d), the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

“(2) ACTION ALLOWABLE BASED ON OTHER SUFFICIENT NOTICE.—A mailing sent in violation of section 3001(l) shall be actionable under this subsection, but only if such an action would not also be available under paragraph (1) (as a violation of subsection (d)) based on the same mailing.

“(f) PROMOTER NONLIABILITY.—A promoter shall not be subject to civil liability for the exclusion of an individual’s name or address



from any list maintained by that promoter for mailing skill contests or sweepstakes, if—

“(1) a removal request is received by the promoter’s notification system; and

“(2) the promoter has a good faith belief that the request is from—

“(A) the individual whose name and address is to be excluded; or

“(B) another duly authorized person.

“(g) PROHIBITION ON COMMERCIAL USE OF LISTS.—

“(1) IN GENERAL.—

“(A) PROHIBITION.—No person may provide any information (including the sale or rental of any name or address) derived from a list described in subparagraph (B) to another person for commercial use.

“(B) LISTS.—A list referred to under subparagraph (A) is any list of names and addresses (or other related information) compiled from individuals who exercise an election under subsection (d).

“(2) CIVIL PENALTY.—Any person who violates paragraph (1) shall be assessed a civil penalty by the Postal Service not to exceed \$2,000,000 per violation.

“(h) CIVIL PENALTIES.—

“(1) IN GENERAL.—Any promoter—

“(A) who recklessly mails nonmailable matter in violation of subsection (b) shall be liable to the United States in an amount of \$10,000 per violation for each mailing to an individual of nonmailable matter; or

“(B) who fails to comply with the requirements of subsection (c)(2) shall be liable to the United States.

“(2) ENFORCEMENT.—The Postal Service shall, in accordance with the same procedures as set forth in section 3012(b), provide for the assessment of civil penalties under this section.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding after the item relating to section 3016 the following:

“3017. Nonmailable skill contests or sweepstakes matter; notification to prohibit mailings.”.

39 USC 3017  
note.

(c) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

39 USC 3001  
note.

#### **SEC. 109. STATE LAW NOT PREEMPTED.**

(a) IN GENERAL.—Nothing in the provisions of this title (including the amendments made by this title) or in the regulations promulgated under such provisions shall be construed to preempt any provision of State or local law that imposes more restrictive requirements, regulations, damages, costs, or penalties. No determination by the Postal Service that any particular piece of mail or class of mail is in compliance with such provisions of this title shall be construed to preempt any provision of State or local law.

(b) EFFECT ON STATE COURT PROCEEDINGS.—Nothing contained in this section shall be construed to prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any general civil or criminal statute of such State or any specific civil or criminal statute of such State.

**SEC. 110. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) REFERENCES TO REPEALED PROVISIONS.—Section 3001(a) of title 39, United States Code, is amended by striking “1714,” and “1718,”.

(b) CONFORMANCE WITH INSPECTOR GENERAL ACT OF 1978.—

(1) IN GENERAL.—Section 3013 of title 39, United States Code, is amended—

(A) by striking “Board” each place it appears and inserting “Inspector General”;

(B) in the third sentence by striking “Each such report shall be submitted within sixty days after the close of the reporting period involved” and inserting “Each such report shall be submitted within 1 month (or such shorter length of time as the Inspector General may specify) after the close of the reporting period involved”; and

(C) by striking the last sentence and inserting the following:

“The information in a report submitted under this section to the Inspector General with respect to a reporting period shall be included as part of the semiannual report prepared by the Inspector General under section 5 of the Inspector General Act of 1978 for the same reporting period. Nothing in this section shall be considered to permit or require that any report by the Postmaster General under this section include any information relating to activities of the Inspector General.”.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of the enactment of this Act, and the amendments made by this subsection shall apply with respect to semiannual reporting periods beginning on or after such date of enactment.

(3) SAVINGS PROVISION.—For purposes of any semiannual reporting period preceding the first semiannual reporting period referred to in paragraph (2), the provisions of title 39, United States Code, shall continue to apply as if the amendments made by this subsection had not been enacted.

39 USC 3013  
note.

39 USC 3013  
note.

**SEC. 111. EFFECTIVE DATE.**

Except as provided in section 108 or 110(b), this title shall take effect 120 days after the date of the enactment of this Act.

39 USC 3001  
note.

## **TITLE II—FEDERAL RESERVE BOARD RETIREMENT PORTABILITY**

Federal Reserve  
Board  
Retirement  
Portability Act.

**SEC. 201. SHORT TITLE.**

This title may be cited as the “Federal Reserve Board Retirement Portability Act”.

5 USC 8401 note.

**SEC. 202. PORTABILITY OF SERVICE CREDIT.**

(a) CREDITABLE SERVICE.—

(1) IN GENERAL.—Section 8411(b) of title 5, United States Code, is amended—

(A) by striking “and” at the end of paragraph (3);

(B) in paragraph (4)—

(i) by striking “of the preceding provisions” and inserting “other paragraph”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(5) a period of service (other than any service under any other paragraph of this subsection, any military service, and any service performed in the employ of a Federal Reserve Bank) that was creditable under the Bank Plan (as defined in subsection (i)), if the employee waives credit for such service under the Bank Plan and makes a payment to the Fund equal to the amount that would have been deducted from pay under section 8422(a) had the employee been subject to this chapter during such period of service (together with interest on such amount computed under paragraphs (2) and (3) of section 8334(e)).

Paragraph (5) shall not apply in the case of any employee as to whom subsection (g) (or, to the extent subchapter III of chapter 83 is involved, section 8332(n)) otherwise applies.”.

(2) BANK PLAN DEFINED.—Section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(i) For purposes of subsection (b)(5), the term ‘Bank Plan’ means the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter).”.

(b) EXCLUSION FROM CHAPTER 84.—

(1) IN GENERAL.—Paragraph (2) of section 8402(b) of title 5, United States Code, is amended by striking the matter before subparagraph (B) and inserting the following:

“(2)(A) any employee or Member who has separated from the service after—

“(i) having been subject to—

“(I) subchapter III of chapter 83 of this title;

“(II) subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

“(III) the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act; and

“(ii) having completed—

“(I) at least 5 years of civilian service creditable under subchapter III of chapter 83 of this title;

“(II) at least 5 years of civilian service creditable under subchapter I of chapter 8 of title I of the Foreign Service Act of 1980; or

“(III) at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act,

determined without regard to any deposit or redeposit requirement under either such subchapter or under such benefit structure, or any requirement that the individual become subject to either such subchapter or to such benefit structure after performing the service involved; or”.

(2) EXCEPTION.—Subsection (d) of section 8402 of title 5, United States Code, is amended to read as follows:

“(d) Paragraph (2) of subsection (b) shall not apply to an individual who—

“(1) becomes subject to—

“(A) subchapter II of chapter 8 of title I of the Foreign Service Act of 1980 (relating to the Foreign Service Pension System) pursuant to an election; or

“(B) the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of this chapter); and

“(2) subsequently enters a position in which, but for paragraph (2) of subsection (b), such individual would be subject to this chapter.”.

(c) PROVISIONS RELATING TO CERTAIN FORMER EMPLOYEES.— A former employee of the Board of Governors of the Federal Reserve System who—

5 USC 8402 note.

(1) has at least 5 years of civilian service (other than any service performed in the employ of a Federal Reserve Bank) creditable under the benefit structure for employees of the Board of Governors of the Federal Reserve System appointed before January 1, 1984, that is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act;

(2) was subsequently employed subject to the benefit structure in which employees of the Board of Governors of the Federal Reserve System appointed on or after January 1, 1984, participate, which benefit structure is a component of the Retirement Plan for Employees of the Federal Reserve System, established under section 10 of the Federal Reserve Act (and any redesignated or successor version of such benefit structure, if so identified in writing by the Board of Governors of the Federal Reserve System for purposes of chapter 84 of title 5, United States Code); and

(3) after service described in paragraph (2), becomes subject to and thereafter entitled to benefits under chapter 84 of title 5, United States Code,

shall, for purposes of section 302 of the Federal Employees' Retirement System Act of 1986 (100 Stat. 601; 5 U.S.C. 8331 note) be considered to have become subject to chapter 84 of title 5, United States Code, pursuant to an election under section 301 of such Act.

(d) EFFECTIVE DATE.—

5 USC 8402 note.

(1) IN GENERAL.—Subject to succeeding provisions of this subsection, this section and the amendments made by this

section shall take effect on the date of the enactment of this Act.

(2) PROVISIONS RELATING TO CREDITABILITY AND CERTAIN FORMER EMPLOYEES.—The amendments made by subsection (a) and the provisions of subsection (c) shall apply only to individuals who separate from service subject to chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

(3) PROVISIONS RELATING TO EXCLUSION FROM CHAPTER.—The amendments made by subsection (b) shall not apply to any former employee of the Board of Governors of the Federal Reserve System who, subsequent to his or her last period of service as an employee of the Board of Governors of the Federal Reserve System and prior to the date of the enactment of this Act, became subject to subchapter III of chapter 83 or chapter 84 of title 5, United States Code, under the law in effect at the time of the individual's appointment.

**SEC. 203. CERTAIN TRANSFERS TO BE TREATED AS A SEPARATION FROM SERVICE FOR PURPOSES OF THE THRIFT SAVINGS PLAN.**

(a) AMENDMENTS TO CHAPTER 84 OF TITLE 5, UNITED STATES CODE.—

(1) IN GENERAL.—Subchapter III of chapter 84 of title 5, United States Code, is amended by inserting before section 8432 the following:

**“§ 8431. Certain transfers to be treated as a separation**

“(a) For purposes of this subchapter, separation from Government employment includes a transfer from a position that is subject to one of the retirement systems described in subsection (b) to a position that is not subject to any of them.

“(b) The retirement systems described in this subsection are—

“(1) the retirement system under this chapter;

“(2) the retirement system under subchapter III of chapter 83; and

“(3) any other retirement system under which individuals may contribute to the Thrift Savings Fund through withholdings from pay.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting before the item relating to section 8432 the following:

“8431. Certain transfers to be treated as a separation.”.

(b) CONFORMING AMENDMENTS.—Subsection (b) of section 8351 of title 5, United States Code, is amended by redesignating paragraph (11) as paragraph (8), and by adding at the end the following:

“(9) For the purpose of this section, separation from Government employment includes a transfer described in section 8431.”.

5 USC 8431 note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to transfers occurring before, on, or after the date of the enactment of this Act, except that, for purposes of applying such amendments with respect to any transfer occurring before such date of enactment, the date of such transfer shall be considered to be the date of the enactment of this Act. The Executive Director (within the meaning of section 8401(13) of title

5, United States Code) may prescribe any regulations necessary to carry out this subsection.

**SEC. 204. CLARIFYING AMENDMENTS.**

(a) **IN GENERAL.**—Subsection (f) of section 3304 of title 5, United States Code, as added by section 2 of Public Law 105–339, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(3) by inserting after paragraph (1) the following:

“(2) If selected, a preference eligible or veteran described in paragraph (1) shall acquire competitive status and shall receive a career or career-conditional appointment, as appropriate.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect as if enacted on October 31, 1998.

**TITLE III—AMENDMENT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949**

**SEC. 301. TRANSFER OF CERTAIN PROPERTY TO STATE AND LOCAL GOVERNMENTS.**

Section 203(p)(1)(B)(ii) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)(B)(ii)) is amended by striking “December 31, 1999.” and inserting “July 31, 2000. During the period beginning January 1, 2000, and ending July 31, 2000, the Administrator may not convey any property under subparagraph (A), but may accept, consider, and approve applications for transfer of property under that subparagraph.”.

Approved December 12, 1999.

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**LEGISLATIVE HISTORY—S. 335 (H.R. 170):**

**HOUSE REPORTS:** No. 106–431 accompanying H.R. 170 (Comm. on Government Reform).

**SENATE REPORTS:** No. 106–102 (Comm. on Governmental Affairs).

**CONGRESSIONAL RECORD,** Vol. 145 (1999):

Aug. 2, considered and passed Senate.

Nov. 9, considered and passed House, amended.

Nov. 19, Senate concurred in House amendment.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS,** Vol. 35 (1999):

Dec. 12, Presidential statement.



Public Law 106–169  
106th Congress

An Act

Dec. 14, 1999  
[H.R. 3443]

Foster Care  
Independence Act  
of 1999.  
42 USC 1305  
note.

To amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Foster Care Independence Act of 1999”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM**

**Subtitle A—Improved Independent Living Program**

Sec. 101. Improved independent living program.

**Subtitle B—Related Foster Care Provision**

Sec. 111. Increase in amount of assets allowable for children in foster care.

Sec. 112. Preparation of foster parents to provide for the needs of children in State care.

**Subtitle C—Medicaid Amendments**

Sec. 121. State option of Medicaid coverage for adolescents leaving foster care.

**Subtitle D—Adoption Incentive Payments**

Sec. 131. Increased funding for adoption incentive payments.

**TITLE II—SSI FRAUD PREVENTION**

**Subtitle A—Fraud Prevention and Related Provisions**

Sec. 201. Liability of representative payees for overpayments to deceased recipients.

Sec. 202. Recovery of overpayments of SSI benefits from lump sum SSI benefit payments.

Sec. 203. Additional debt collection practices.

Sec. 204. Requirement to provide State prisoner information to Federal and federally assisted benefit programs.

Sec. 205. Treatment of assets held in trust under the SSI program.

Sec. 206. Disposal of resources for less than fair market value under the SSI program.

Sec. 207. Administrative procedure for imposing penalties for false or misleading statements.

Sec. 208. Exclusion of representatives and health care providers convicted of violations from participation in social security programs.

Sec. 209. State data exchanges.

Sec. 210. Study on possible measures to improve fraud prevention and administrative processing.

Sec. 211. Annual report on amounts necessary to combat fraud.

- Sec. 212. Computer matches with Medicare and Medicaid institutionalization data.  
Sec. 213. Access to information held by financial institutions.

Subtitle B—Benefits For Certain World War II Veterans

- Sec. 251. Establishment of program of special benefits for certain World War II veterans.

Subtitle C—Study

- Sec. 261. Study of denial of SSI benefits for family farmers.

TITLE III—CHILD SUPPORT

- Sec. 301. Narrowing of hold-harmless provision for State share of distribution of collected child support.

TITLE IV—TECHNICAL CORRECTIONS

- Sec. 401. Technical corrections relating to amendments made by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

## **TITLE I—IMPROVED INDEPENDENT LIVING PROGRAM**

### **Subtitle A—Improved Independent Living Program**

#### **SEC. 101. IMPROVED INDEPENDENT LIVING PROGRAM.**

42 USC 677 note.

(a) FINDINGS.—The Congress finds the following:

(1) States are required to make reasonable efforts to find adoptive families for all children, including older children, for whom reunification with their biological family is not in the best interests of the child. However, some older children will continue to live in foster care. These children should be enrolled in an Independent Living program designed and conducted by State and local government to help prepare them for employment, postsecondary education, and successful management of adult responsibilities.

(2) Older children who continue to be in foster care as adolescents may become eligible for Independent Living programs. These Independent Living programs are not an alternative to adoption for these children. Enrollment in Independent Living programs can occur concurrent with continued efforts to locate and achieve placement in adoptive families for older children in foster care.

(3) About 20,000 adolescents leave the Nation's foster care system each year because they have reached 18 years of age and are expected to support themselves.

(4) Congress has received extensive information that adolescents leaving foster care have significant difficulty making a successful transition to adulthood; this information shows that children aging out of foster care show high rates of homelessness, non-marital childbearing, poverty, and delinquent or criminal behavior; they are also frequently the target of crime and physical assaults.

(5) The Nation's State and local governments, with financial support from the Federal Government, should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care, with participation in such program beginning several years before high school



graduation and continuing, as needed, until the young adults emancipated from foster care establish independence or reach 21 years of age.

(b) IMPROVED INDEPENDENT LIVING PROGRAM.—Section 477 of the Social Security Act (42 U.S.C. 677) is amended to read as follows:

**“SEC. 477. JOHN H. CHAFEE FOSTER CARE INDEPENDENCE PROGRAM.**

“(a) PURPOSE.—The purpose of this section is to provide States with flexible funding that will enable programs to be designed and conducted—

“(1) to identify children who are likely to remain in foster care until 18 years of age and to help these children make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention, and preventive health activities (including smoking avoidance, nutrition education, and pregnancy prevention);

“(2) to help children who are likely to remain in foster care until 18 years of age receive the education, training, and services necessary to obtain employment;

“(3) to help children who are likely to remain in foster care until 18 years of age prepare for and enter postsecondary training and education institutions;

“(4) to provide personal and emotional support to children aging out of foster care, through mentors and the promotion of interactions with dedicated adults; and

“(5) to provide financial, housing, counseling, employment, education, and other appropriate support and services to former foster care recipients between 18 and 21 years of age to complement their own efforts to achieve self-sufficiency and to assure that program participants recognize and accept their personal responsibility for preparing for and then making the transition from adolescence to adulthood.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—A State may apply for funds from its allotment under subsection (c) for a period of five consecutive fiscal years by submitting to the Secretary, in writing, a plan that meets the requirements of paragraph (2) and the certifications required by paragraph (3) with respect to the plan.

“(2) STATE PLAN.—A plan meets the requirements of this paragraph if the plan specifies which State agency or agencies will administer, supervise, or oversee the programs carried out under the plan, and describes how the State intends to do the following:

“(A) Design and deliver programs to achieve the purposes of this section.

“(B) Ensure that all political subdivisions in the State are served by the program, though not necessarily in a uniform manner.

“(C) Ensure that the programs serve children of various ages and at various stages of achieving independence.

“(D) Involve the public and private sectors in helping adolescents in foster care achieve independence.

“(E) Use objective criteria for determining eligibility for benefits and services under the programs, and for ensuring fair and equitable treatment of benefit recipients.

“(F) Cooperate in national evaluations of the effects of the programs in achieving the purposes of this section.

“(3) CERTIFICATIONS.—The certifications required by this paragraph with respect to a plan are the following:

“(A) A certification by the chief executive officer of the State that the State will provide assistance and services to children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

“(B) A certification by the chief executive officer of the State that not more than 30 percent of the amounts paid to the State from its allotment under subsection (c) for a fiscal year will be expended for room or board for children who have left foster care because they have attained 18 years of age, and who have not attained 21 years of age.

“(C) A certification by the chief executive officer of the State that none of the amounts paid to the State from its allotment under subsection (c) will be expended for room or board for any child who has not attained 18 years of age.

“(D) A certification by the chief executive officer of the State that the State will use training funds provided under the program of Federal payments for foster care and adoption assistance to provide training to help foster parents, adoptive parents, workers in group homes, and case managers understand and address the issues confronting adolescents preparing for independent living, and will, to the extent possible, coordinate such training with the independent living program conducted for adolescents.

“(E) A certification by the chief executive officer of the State that the State has consulted widely with public and private organizations in developing the plan and that the State has given all interested members of the public at least 30 days to submit comments on the plan.

“(F) A certification by the chief executive officer of the State that the State will make every effort to coordinate the State programs receiving funds provided from an allotment made to the State under subsection (c) with other Federal and State programs for youth (especially transitional living youth projects funded under part B of title III of the Juvenile Justice and Delinquency Prevention Act of 1974), abstinence education programs, local housing programs, programs for disabled youth (especially sheltered workshops), and school-to-work programs offered by high schools or local workforce agencies.

“(G) A certification by the chief executive officer of the State that each Indian tribe in the State has been consulted about the programs to be carried out under the plan; that there have been efforts to coordinate the programs with such tribes; and that benefits and services under the programs will be made available to Indian children in the State on the same basis as to other children in the State.

“(H) A certification by the chief executive officer of the State that the State will ensure that adolescents participating in the program under this section participate directly in designing their own program activities that prepare them for independent living and that the adolescents accept personal responsibility for living up to their part of the program.

“(I) A certification by the chief executive officer of the State that the State has established and will enforce standards and procedures to prevent fraud and abuse in the programs carried out under the plan.

“(4) APPROVAL.—The Secretary shall approve an application submitted by a State pursuant to paragraph (1) for a period if—

“(A) the application is submitted on or before June 30 of the calendar year in which such period begins; and

“(B) the Secretary finds that the application contains the material required by paragraph (1).

“(5) AUTHORITY TO IMPLEMENT CERTAIN AMENDMENTS; NOTIFICATION.—A State with an application approved under paragraph (4) may implement any amendment to the plan contained in the application if the application, incorporating the amendment, would be approvable under paragraph (4). Within 30 days after a State implements any such amendment, the State shall notify the Secretary of the amendment.

“(6) AVAILABILITY.—The State shall make available to the public any application submitted by the State pursuant to paragraph (1), and a brief summary of the plan contained in the application.

“(c) ALLOTMENTS TO STATES.—

“(1) IN GENERAL.—From the amount specified in subsection (h) that remains after applying subsection (g)(2) for a fiscal year, the Secretary shall allot to each State with an application approved under subsection (b) for the fiscal year the amount which bears the same ratio to such remaining amount as the number of children in foster care under a program of the State in the most recent fiscal year for which such information is available bears to the total number of children in foster care in all States for such most recent fiscal year, as adjusted in accordance with paragraph (2).

“(2) HOLD HARMLESS PROVISION.—

“(A) IN GENERAL.—The Secretary shall allot to each State whose allotment for a fiscal year under paragraph (1) is less than the greater of \$500,000 or the amount payable to the State under this section for fiscal year 1998, an additional amount equal to the difference between such allotment and such greater amount.

“(B) RATABLE REDUCTION OF CERTAIN ALLOTMENTS.—In the case of a State not described in subparagraph (A) of this paragraph for a fiscal year, the Secretary shall reduce the amount allotted to the State for the fiscal year under paragraph (1) by the amount that bears the same ratio to the sum of the differences determined under subparagraph (A) of this paragraph for the fiscal year as the excess of the amount so allotted over the greater of \$500,000 or the amount payable to the State under

Deadline.

this section for fiscal year 1998 bears to the sum of such excess amounts determined for all such States.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—A State to which an amount is paid from its allotment under subsection (c) may use the amount in any manner that is reasonably calculated to accomplish the purposes of this section.

“(2) NO SUPPLANTATION OF OTHER FUNDS AVAILABLE FOR SAME GENERAL PURPOSES.—The amounts paid to a State from its allotment under subsection (c) shall be used to supplement and not supplant any other funds which are available for the same general purposes in the State.

“(3) TWO-YEAR AVAILABILITY OF FUNDS.—Payments made to a State under this section for a fiscal year shall be expended by the State in the fiscal year or in the succeeding fiscal year.

“(e) PENALTIES.—

“(1) USE OF GRANT IN VIOLATION OF THIS PART.—If the Secretary is made aware, by an audit conducted under chapter 75 of title 31, United States Code, or by any other means, that a program receiving funds from an allotment made to a State under subsection (c) has been operated in a manner that is inconsistent with, or not disclosed in the State application approved under subsection (b), the Secretary shall assess a penalty against the State in an amount equal to not less than 1 percent and not more than 5 percent of the amount of the allotment.

“(2) FAILURE TO COMPLY WITH DATA REPORTING REQUIREMENT.—The Secretary shall assess a penalty against a State that fails during a fiscal year to comply with an information collection plan implemented under subsection (f) in an amount equal to not less than 1 percent and not more than 5 percent of the amount allotted to the State for the fiscal year.

“(3) PENALTIES BASED ON DEGREE OF NONCOMPLIANCE.—The Secretary shall assess penalties under this subsection based on the degree of noncompliance.

“(f) DATA COLLECTION AND PERFORMANCE MEASUREMENT.—

“(1) IN GENERAL.—The Secretary, in consultation with State and local public officials responsible for administering independent living and other child welfare programs, child welfare advocates, Members of Congress, youth service providers, and researchers, shall—

“(A) develop outcome measures (including measures of educational attainment, high school diploma, employment, avoidance of dependency, homelessness, nonmarital childbirth, incarceration, and high-risk behaviors) that can be used to assess the performance of States in operating independent living programs;

“(B) identify data elements needed to track—

“(i) the number and characteristics of children receiving services under this section;

“(ii) the type and quantity of services being provided; and

“(iii) State performance on the outcome measures; and

Deadline.

“(C) develop and implement a plan to collect the needed information beginning with the second fiscal year beginning after the date of the enactment of this section.

“(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this section, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report detailing the plans and timetable for collecting from the States the information described in paragraph (1) and a proposal to impose penalties consistent with paragraph (e)(2) on States that do not report data.

“(g) EVALUATIONS.—

“(1) IN GENERAL.—The Secretary shall conduct evaluations of such State programs funded under this section as the Secretary deems to be innovative or of potential national significance. The evaluation of any such program shall include information on the effects of the program on education, employment, and personal development. To the maximum extent practicable, the evaluations shall be based on rigorous scientific standards including random assignment to treatment and control groups. The Secretary is encouraged to work directly with State and local governments to design methods for conducting the evaluations, directly or by grant, contract, or cooperative agreement.

“(2) FUNDING OF EVALUATIONS.—The Secretary shall reserve 1.5 percent of the amount specified in subsection (h) for a fiscal year to carry out, during the fiscal year, evaluation, technical assistance, performance measurement, and data collection activities related to this section, directly or through grants, contracts, or cooperative agreements with appropriate entities.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section and for payments to States under section 474(a)(4), there are authorized to be appropriated to the Secretary \$140,000,000 for each fiscal year.”.

(c) PAYMENTS TO STATES.—Section 474(a)(4) of such Act (42 U.S.C. 674(a)(4)) is amended to read as follows:

“(4) the lesser of—

“(A) 80 percent of the amount (if any) by which—

“(i) the total amount expended by the State during the fiscal year in which the quarter occurs to carry out programs in accordance with the State application approved under section 477(b) for the period in which the quarter occurs (including any amendment that meets the requirements of section 477(b)(5)); exceeds

“(ii) the total amount of any penalties assessed against the State under section 477(e) during the fiscal year in which the quarter occurs; or

“(B) the amount allotted to the State under section 477 for the fiscal year in which the quarter occurs, reduced by the total of the amounts payable to the State under this paragraph for all prior quarters in the fiscal year.”.

Deadline.

42 USC 677 note.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue such regulations as may be necessary to carry out the amendments made by this section.

(e) SENSE OF THE CONGRESS.—It is the sense of the Congress that States should provide medical assistance under the State plan approved under title XIX of the Social Security Act to 18-, 19-, and 20-year-olds who have been emancipated from foster care.

## Subtitle B—Related Foster Care Provision

### SEC. 111. INCREASE IN AMOUNT OF ASSETS ALLOWABLE FOR CHILDREN IN FOSTER CARE.

Section 472(a) of the Social Security Act (42 U.S.C. 672(a)) is amended by adding at the end the following: “In determining whether a child would have received aid under a State plan approved under section 402 (as in effect on July 16, 1996), a child whose resources (determined pursuant to section 402(a)(7)(B), as so in effect) have a combined value of not more than \$10,000 shall be considered to be a child whose resources have a combined value of not more than \$1,000 (or such lower amount as the State may determine for purposes of such section 402(a)(7)(B)).”.

### SEC. 112. PREPARATION OF FOSTER PARENTS TO PROVIDE FOR THE NEEDS OF CHILDREN IN STATE CARE.

(a) STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

- (1) by striking “and” at the end of paragraph (22);
- (2) by striking the period at the end of paragraph (23) and inserting “; and”; and
- (3) by adding at the end the following:

“(24) include a certification that, before a child in foster care under the responsibility of the State is placed with prospective foster parents, the prospective foster parents will be prepared adequately with the appropriate knowledge and skills to provide for the needs of the child, and that such preparation will be continued, as necessary, after the placement of the child.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999. 42 USC 671 note.

## Subtitle C—Medicaid Amendments

### SEC. 121. STATE OPTION OF MEDICAID COVERAGE FOR ADOLESCENTS LEAVING FOSTER CARE.

(a) IN GENERAL.—Subject to subsection (c), title XIX of the Social Security Act, is amended—

- (1) in section 1902(a)(10)(A)(ii) (42 U.S.C. 1396a(a)(10)(A)(ii))—

- (A) by striking “or” at the end of subclause (XIII);
- (B) by adding “or” at the end of subclause (XIV); and
- (C) by adding at the end the following new subclause:
 

“(XV) who are independent foster care adolescents (as defined in section 1905(v)(1)), or who are within any reasonable categories of such adolescents specified by the State;”;

- (2) by adding at the end of section 1905 (42 U.S.C. 1396d) the following new subsection:

“(v)(1) For purposes of this title, the term ‘independent foster care adolescent’ means an individual—

“(A) who is under 21 years of age;

“(B) who, on the individual’s 18th birthday, was in foster care under the responsibility of a State; and

“(C) whose assets, resources, and income do not exceed such levels (if any) as the State may establish consistent with paragraph (2).

“(2) The levels established by a State under paragraph (1)(C) may not be less than the corresponding levels applied by the State under section 1931(b).

“(3) A State may limit the eligibility of independent foster care adolescents under section 1902(a)(10)(A)(ii)(XV) to those individuals with respect to whom foster care maintenance payments or independent living services were furnished under a program funded under part E of title IV before the date the individuals attained 18 years of age.”.

Applicability.  
42 USC 1396a  
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance for items and services furnished on or after October 1, 1999.

42 USC 1396a  
note.

(c) CONTINGENCY IN ENACTMENT.—If the Ticket to Work and Work Incentives Improvement Act of 1999 is enacted (whether before, on, or after the date of the enactment of this Act)—

(1) the amendments made by that Act shall be executed as if this Act had been enacted after the enactment of such other Act;

(2) with respect to subsection (a)(1)(A) of this section, any reference to subclause (XIII) is deemed a reference to subclause (XV);

(3) with respect to subsection (a)(1)(B) of this section, any reference to subclause (XIV) is deemed a reference to subclause (XVI);

42 USC 1396a.

(4) the subclause (XV) added by subsection (a)(1)(C) of this section—

(A) is redesignated as subclause (XVII); and

(B) is amended by striking “section 1905(v)(1)” and inserting “section 1905(w)(1)”; and

42 USC 1396d.

(5) the subsection (v) added by subsection (a)(2) of this section—

(A) is redesignated as subsection (w); and

(B) is amended by striking “1902(a)(10)(A)(ii)(XV)” and inserting “1902(a)(10)(A)(ii)(XVII)”.

## Subtitle D—Adoption Incentive Payments

### SEC. 131. INCREASED FUNDING FOR ADOPTION INCENTIVE PAYMENTS.

(a) SUPPLEMENTAL GRANTS.—Section 473A of the Social Security Act (42 U.S.C. 673b) is amended by adding at the end the following:

“(j) SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—Subject to the availability of such amounts as may be provided in advance in appropriations Acts, in addition to any amount otherwise payable under this section to any State that is an incentive-eligible State for fiscal year 1998, the Secretary shall make a grant to the State in an amount equal to the lesser of—

“(A) the amount by which—

“(i) the amount that would have been payable to the State under this section during fiscal year 1999 (on the basis of adoptions in fiscal year 1998) in the absence of subsection (d)(2) if sufficient funds had been available for the payment; exceeds

“(ii) the amount that, before the enactment of this subsection, was payable to the State under this section during fiscal year 1999 (on such basis); or

“(B) the amount that bears the same ratio to the dollar amount specified in paragraph (2) as the amount described by subparagraph (A) for the State bears to the aggregate of the amounts described by subparagraph (A) for all States that are incentive-eligible States for fiscal year 1998.

“(2) FUNDING.—\$23,000,000 of the amounts appropriated under subsection (h)(1) for fiscal year 2000 may be used for grants under paragraph (1) of this subsection.”.

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—Section 473A(h)(1) of the Social Security Act (42 U.S.C. 673b(h)(1)) is amended to read as follows:

“(1) IN GENERAL.—For grants under subsection (a), there are authorized to be appropriated to the Secretary—

“(A) \$20,000,000 for fiscal year 1999;

“(B) \$43,000,000 for fiscal year 2000; and

“(C) \$20,000,000 for each of fiscal years 2001 through 2003.”.

## TITLE II—SSI FRAUD PREVENTION

### Subtitle A—Fraud Prevention and Related Provisions

#### SEC. 201. LIABILITY OF REPRESENTATIVE PAYEES FOR OVERPAYMENTS TO DECEASED RECIPIENTS.

Records.

(a) AMENDMENT TO TITLE II.—Section 204(a)(2) of the Social Security Act (42 U.S.C. 404(a)(2)) is amended by adding at the end the following new sentence: “If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.”.

(b) AMENDMENT TO TITLE XVI.—Section 1631(b)(2) of such Act (42 U.S.C. 1383(b)(2)) is amended by adding at the end the following new sentence: “If any payment of more than the correct amount is made to a representative payee on behalf of an individual after the individual’s death, the representative payee shall be liable for the repayment of the overpayment, and the Commissioner of Social Security shall establish an overpayment control record under the social security account number of the representative payee.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to overpayments made 12 months or more after the date of the enactment of this Act.

Applicability.  
42 USC 404 note.



**SEC. 202. RECOVERY OF OVERPAYMENTS OF SSI BENEFITS FROM LUMP SUM SSI BENEFIT PAYMENTS.**

(a) **IN GENERAL.**—Section 1631(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1383(b)(1)(B)(ii)) is amended—

- (1) by inserting “monthly” before “benefit payments”; and
- (2) by inserting “and in the case of an individual or eligible spouse to whom a lump sum is payable under this title (including under section 1616(a) of this Act or under an agreement entered into under section 212(a) of Public Law 93-66) shall, as at least one means of recovering such overpayment, make the adjustment or recovery from the lump sum payment in an amount equal to not less than the lesser of the amount of the overpayment or 50 percent of the lump sum payment,” before “unless fraud”.

Applicability.  
42 USC 1383  
note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 12 months after the date of the enactment of this Act and shall apply to amounts incorrectly paid which remain outstanding on or after such date.

**SEC. 203. ADDITIONAL DEBT COLLECTION PRACTICES.**

(a) **IN GENERAL.**—Section 1631(b) of the Social Security Act (42 U.S.C. 1383(b)) is amended—

- (1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and
- (2) by inserting after paragraph (3) the following:

“(4)(A) With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code, and in section 5514 of title 5, United States Code, all as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996.

“(B) For purposes of subparagraph (A), the term ‘delinquent amount’ means an amount—

- “(i) in excess of the correct amount of payment under this title;
- “(ii) paid to a person after such person has attained 18 years of age; and
- “(iii) determined by the Commissioner of Social Security, under regulations, to be otherwise unrecoverable under this section after such person ceases to be a beneficiary under this title.”.

(b) **CONFORMING AMENDMENTS.**—Section 3701(d)(2) of title 31, United States Code, is amended by striking “section 204(f)” and inserting “sections 204(f) and 1631(b)(4)”.

(c) **TECHNICAL AMENDMENTS.**—Section 204(f) of the Social Security Act (42 U.S.C. 404(f)) is amended—

- (1) by striking “3711(e)” and inserting “3711(f)”; and
- (2) by inserting “all” before “as in effect”.

Applicability.  
31 USC 3701  
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to debt outstanding on or after the date of the enactment of this Act.

**SEC. 204. REQUIREMENT TO PROVIDE STATE PRISONER INFORMATION  
TO FEDERAL AND FEDERALLY ASSISTED BENEFIT PRO-  
GRAMS.**

Section 1611(e)(1)(I)(ii)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking “is authorized to” and inserting “shall”.

**SEC. 205. TREATMENT OF ASSETS HELD IN TRUST UNDER THE SSI  
PROGRAM.**

(a) TREATMENT AS RESOURCE.—Section 1613 of the Social Security Act (42 U.S.C. 1382b) is amended by adding at the end the following:

“Trusts

“(e)(1) In determining the resources of an individual, paragraph (3) shall apply to a trust (other than a trust described in paragraph (5)) established by the individual. Applicability.

“(2)(A) For purposes of this subsection, an individual shall be considered to have established a trust if any assets of the individual (or of the individual’s spouse) are transferred to the trust other than by will.

“(B) In the case of an irrevocable trust to which are transferred the assets of an individual (or of the individual’s spouse) and the assets of any other person, this subsection shall apply to the portion of the trust attributable to the assets of the individual (or of the individual’s spouse).

“(C) This subsection shall apply to a trust without regard to—

“(i) the purposes for which the trust is established;

“(ii) whether the trustees have or exercise any discretion under the trust;

“(iii) any restrictions on when or whether distributions may be made from the trust; or

“(iv) any restrictions on the use of distributions from the trust.

“(3)(A) In the case of a revocable trust established by an individual, the corpus of the trust shall be considered a resource available to the individual.

“(B) In the case of an irrevocable trust established by an individual, if there are any circumstances under which payment from the trust could be made to or for the benefit of the individual (or of the individual’s spouse), the portion of the corpus from which payment to or for the benefit of the individual (or of the individual’s spouse) could be made shall be considered a resource available to the individual.

“(4) The Commissioner of Social Security may waive the application of this subsection with respect to an individual if the Commissioner determines that such application would work an undue hardship (as determined on the basis of criteria established by the Commissioner) on the individual.

“(5) This subsection shall not apply to a trust described in subparagraph (A) or (C) of section 1917(d)(4).

“(6) For purposes of this subsection—

“(A) the term ‘trust’ includes any legal instrument or device that is similar to a trust;

“(B) the term ‘corpus’ means, with respect to a trust, all property and other interests held by the trust, including accumulated earnings and any other addition to the trust after its establishment (except that such term does not include any such earnings or addition in the month in which the earnings or addition is credited or otherwise transferred to the trust); and

“(C) the term ‘asset’ includes any income or resource of the individual (or of the individual’s spouse), including—

“(i) any income excluded by section 1612(b);

“(ii) any resource otherwise excluded by this section;

and

“(iii) any other payment or property to which the individual (or of the individual’s spouse) is entitled but does not receive or have access to because of action by—

“(I) the individual or spouse;

“(II) a person or entity (including a court) with legal authority to act in place of, or on behalf of, the individual or spouse; or

“(III) a person or entity (including a court) acting at the direction of, or on the request of, the individual or spouse.”.

(b) TREATMENT AS INCOME.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting “; and”; and

(3) by adding at the end the following:

“(G) any earnings of, and additions to, the corpus of a trust established by an individual (within the meaning of section 1613(e)), of which the individual is a beneficiary, to which section 1613(e) applies, and, in the case of an irrevocable trust, with respect to which circumstances exist under which a payment from the earnings or additions could be made to or for the benefit of the individual.”.

(c) CONFORMING AMENDMENTS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended—

(1) by striking “and” at the end of subparagraph (E);

(2) by adding “and” at the end of subparagraph (F); and

(3) by inserting after subparagraph (F) the following:

“(G) that, in applying eligibility criteria of the supplemental security income program under title XVI for purposes of determining eligibility for medical assistance under the State plan of an individual who is not receiving supplemental security income, the State will disregard the provisions of section 1613(e);”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2000, and shall apply to trusts established on or after such date.

Applicability.  
42 USC 1382a  
note.

#### **SEC. 206. DISPOSAL OF RESOURCES FOR LESS THAN FAIR MARKET VALUE UNDER THE SSI PROGRAM.**

(a) IN GENERAL.—Section 1613(c) of the Social Security Act (42 U.S.C. 1382b(c)) is amended—

(1) in the caption, by striking “Notification of Medicaid Policy Restricting Eligibility of Institutionalized Individuals for Benefits Based on”;

(2) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “paragraph (1) and” after “provisions of”;

(ii) by striking “title XIX” the first place it appears and inserting “this title and title XIX, respectively,”;

(iii) by striking “subparagraph (B)” and inserting “clause (ii)”;

(iv) by striking “paragraph (2)” and inserting “subparagraph (B)”;

(B) in subparagraph (B)—

(i) by striking “by the State agency”; and

(ii) by striking “section 1917(c)” and all that follows and inserting “paragraph (1) or section 1917(c).”; and

(C) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) in paragraph (2)—

(A) by striking “(2)” and inserting “(B)”; and

(B) by striking “paragraph (1)(B)” and inserting “subparagraph (A)(ii)”;

(4) by striking “(c)(1)” and inserting “(2)(A)”; and

(5) by inserting before paragraph (2) (as so redesignated by paragraph (4) of this subsection) the following:

“(c)(1)(A)(i) If an individual or the spouse of an individual disposes of resources for less than fair market value on or after the look-back date described in clause (ii)(I), the individual is ineligible for benefits under this title for months during the period beginning on the date described in clause (iii) and equal to the number of months calculated as provided in clause (iv).

“(ii)(I) The look-back date described in this subclause is a date that is 36 months before the date described in subclause (II).

“(II) The date described in this subclause is the date on which the individual applies for benefits under this title or, if later, the date on which the individual (or the spouse of the individual) disposes of resources for less than fair market value.

“(iii) The date described in this clause is the first day of the first month in or after which resources were disposed of for less than fair market value and which does not occur in any other period of ineligibility under this paragraph.

“(iv) The number of months calculated under this clause shall be equal to—

“(I) the total, cumulative uncompensated value of all resources so disposed of by the individual (or the spouse of the individual) on or after the look-back date described in clause (ii)(I); divided by

“(II) the amount of the maximum monthly benefit payable under section 1611(b), plus the amount (if any) of the maximum State supplementary payment corresponding to the State’s payment level applicable to the individual’s living arrangement and eligibility category that would otherwise be payable to the individual by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66, for the month in which occurs the date described in clause (ii)(II),

rounded, in the case of any fraction, to the nearest whole number, but shall not in any case exceed 36 months.

“(B)(i) Notwithstanding subparagraph (A), this subsection shall not apply to a transfer of a resource to a trust if the portion of the trust attributable to the resource is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)).

“(ii) In the case of a trust established by an individual or an individual’s spouse (within the meaning of subsection (e)), if from such portion of the trust, if any, that is considered a resource available to the individual pursuant to subsection (e)(3) (or would be so considered but for the application of subsection (e)(4)) or the residue of the portion on the termination of the trust—

“(I) there is made a payment other than to or for the benefit of the individual; or

“(II) no payment could under any circumstance be made to the individual,

then, for purposes of this subsection, the payment described in clause (I) or the foreclosure of payment described in clause (II) shall be considered a transfer of resources by the individual or the individual’s spouse as of the date of the payment or foreclosure, as the case may be.

“(C) An individual shall not be ineligible for benefits under this title by reason of the application of this paragraph to a disposal of resources by the individual or the spouse of the individual, to the extent that—

“(i) the resources are a home and title to the home was transferred to—

“(I) the spouse of the transferor;

“(II) a child of the transferor who has not attained 21 years of age, or is blind or disabled;

“(III) a sibling of the transferor who has an equity interest in such home and who was residing in the transferor’s home for a period of at least 1 year immediately before the date the transferor becomes an institutionalized individual; or

“(IV) a son or daughter of the transferor (other than a child described in subclause (II)) who was residing in the transferor’s home for a period of at least 2 years immediately before the date the transferor becomes an institutionalized individual, and who provided care to the transferor which permitted the transferor to reside at home rather than in such an institution or facility;

“(ii) the resources—

“(I) were transferred to the transferor’s spouse or to another for the sole benefit of the transferor’s spouse;

“(II) were transferred from the transferor’s spouse to another for the sole benefit of the transferor’s spouse;

“(III) were transferred to, or to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of, the transferor’s child who is blind or disabled; or

“(IV) were transferred to a trust (including a trust described in section 1917(d)(4)) established solely for the benefit of an individual who has not attained 65 years of age and who is disabled;

“(iii) a satisfactory showing is made to the Commissioner of Social Security (in accordance with regulations promulgated by the Commissioner) that—

“(I) the individual who disposed of the resources intended to dispose of the resources either at fair market value, or for other valuable consideration;

“(II) the resources were transferred exclusively for a purpose other than to qualify for benefits under this title; or

“(III) all resources transferred for less than fair market value have been returned to the transferor; or

“(iv) the Commissioner determines, under procedures established by the Commissioner, that the denial of eligibility would work an undue hardship as determined on the basis of criteria established by the Commissioner.

“(D) For purposes of this subsection, in the case of a resource held by an individual in common with another person or persons in a joint tenancy, tenancy in common, or similar arrangement, the resource (or the affected portion of such resource) shall be considered to be disposed of by the individual when any action is taken, either by the individual or by any other person, that reduces or eliminates the individual’s ownership or control of such resource.

“(E) In the case of a transfer by the spouse of an individual that results in a period of ineligibility for the individual under this subsection, the Commissioner shall apportion the period (or any portion of the period) among the individual and the individual’s spouse if the spouse becomes eligible for benefits under this title.

“(F) For purposes of this paragraph—

“(i) the term ‘benefits under this title’ includes payments of the type described in section 1616(a) of this Act and of the type described in section 212(b) of Public Law 93-66;

“(ii) the term ‘institutionalized individual’ has the meaning given such term in section 1917(e)(3); and

“(iii) the term ‘trust’ has the meaning given such term in subsection (e)(6)(A) of this section.”.

(b) CONFORMING AMENDMENT.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)), as amended by section 205(c) of this Act, is amended by striking “section 1613(e)” and inserting “subsections (c) and (e) of section 1613”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to disposals made on or after the date of the enactment of this Act.

42 USC 1382b  
note.

**SEC. 207. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.**

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1129 the following:

**“SEC. 1129A. ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES FOR FALSE OR MISLEADING STATEMENTS.**

42 USC 1320a-  
8a.

“(a) IN GENERAL.—Any person who makes, or causes to be made, a statement or representation of a material fact for use in determining any initial or continuing right to or the amount of—

“(1) monthly insurance benefits under title II; or

“(2) benefits or payments under title XVI,

that the person knows or should know is false or misleading or knows or should know omits a material fact or who makes such a statement with knowing disregard for the truth shall be subject

to, in addition to any other penalties that may be prescribed by law, a penalty described in subsection (b) to be imposed by the Commissioner of Social Security.

“(b) PENALTY.—The penalty described in this subsection is—

“(1) nonpayment of benefits under title II that would otherwise be payable to the person; and

“(2) ineligibility for cash benefits under title XVI,

for each month that begins during the applicable period described in subsection (c).

“(c) DURATION OF PENALTY.—The duration of the applicable period, with respect to a determination by the Commissioner under subsection (a) that a person has engaged in conduct described in subsection (a), shall be—

“(1) six consecutive months, in the case of the first such determination with respect to the person;

“(2) twelve consecutive months, in the case of the second such determination with respect to the person; and

“(3) twenty-four consecutive months, in the case of the third or subsequent such determination with respect to the person.

“(d) EFFECT ON OTHER ASSISTANCE.—A person subject to a period of nonpayment of benefits under title II or ineligibility for title XVI benefits by reason of this section nevertheless shall be considered to be eligible for and receiving such benefits, to the extent that the person would be receiving or eligible for such benefits but for the imposition of the penalty, for purposes of—

“(1) determination of the eligibility of the person for benefits under titles XVIII and XIX; and

“(2) determination of the eligibility or amount of benefits payable under title II or XVI to another person.

“(e) DEFINITION.—In this section, the term ‘benefits under title XVI’ includes State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.

“(f) CONSULTATIONS.—The Commissioner of Social Security shall consult with the Inspector General of the Social Security Administration regarding initiating actions under this section.”.

(b) CONFORMING AMENDMENT PRECLUDING DELAYED RETIREMENT CREDIT FOR ANY MONTH TO WHICH A NONPAYMENT OF BENEFITS PENALTY APPLIES.—Section 202(w)(2)(B) of such Act (42 U.S.C. 402(w)(2)(B)) is amended—

(1) by striking “and” at the end of clause (i);

(2) by striking the period at the end of clause (ii) and inserting “, and”; and

(3) by adding at the end the following:

“(iii) such individual was not subject to a penalty imposed under section 1129A.”.

(c) ELIMINATION OF REDUNDANT PROVISION.—Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended—

(1) by striking paragraph (4);

(2) in paragraph (6)(A)(i), by striking “(5)” and inserting “(4)”; and

(3) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(d) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Commissioner of Social Security shall develop regulations that prescribe the administrative process for making

determinations under section 1129A of the Social Security Act (including when the applicable period in subsection (c) of such section shall commence), and shall provide guidance on the exercise of discretion as to whether the penalty should be imposed in particular cases.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to statements and representations made on or after the date of the enactment of this Act.

Applicability.  
42 USC 402 note.

**SEC. 208. EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS.**

(a) **IN GENERAL.**—Part A of title XI of the Social Security Act is amended by inserting before section 1137 (42 U.S.C. 1320b-7) the following:

“EXCLUSION OF REPRESENTATIVES AND HEALTH CARE PROVIDERS  
CONVICTED OF VIOLATIONS FROM PARTICIPATION IN SOCIAL SECURITY PROGRAMS

“SEC. 1136. (a) **IN GENERAL.**—The Commissioner of Social Security shall exclude from participation in the social security programs any representative or health care provider—

42 USC 1320b-6.

“(1) who is convicted of a violation of section 208 or 1632 of this Act;

“(2) who is convicted of any violation under title 18, United States Code, relating to an initial application for or continuing entitlement to, or amount of, benefits under title II of this Act, or an initial application for or continuing eligibility for, or amount of, benefits under title XVI of this Act; or

“(3) who the Commissioner determines has committed an offense described in section 1129(a)(1) of this Act.

“(b) **NOTICE, EFFECTIVE DATE, AND PERIOD OF EXCLUSION.**—  
(1) An exclusion under this section shall be effective at such time, for such period, and upon such reasonable notice to the public and to the individual excluded as may be specified in regulations consistent with paragraph (2).

“(2) Such an exclusion shall be effective with respect to services furnished to any individual on or after the effective date of the exclusion. Nothing in this section may be construed to preclude, in determining disability under title II or title XVI, consideration of any medical evidence derived from services provided by a health care provider before the effective date of the exclusion of the health care provider under this section.

“(3)(A) The Commissioner shall specify, in the notice of exclusion under paragraph (1), the period of the exclusion.

“(B) Subject to subparagraph (C), in the case of an exclusion under subsection (a), the minimum period of exclusion shall be 5 years, except that the Commissioner may waive the exclusion in the case of an individual who is the sole source of essential services in a community. The Commissioner’s decision whether to waive the exclusion shall not be reviewable.

“(C) In the case of an exclusion of an individual under subsection (a) based on a conviction or a determination described in subsection (a)(3) occurring on or after the date of the enactment of this section, if the individual has (before, on, or after such date of the enactment) been convicted, or if such a determination has been made with respect to the individual—



“(i) on one previous occasion of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be not less than 10 years; or

“(ii) on two or more previous occasions of one or more offenses for which an exclusion may be effected under such subsection, the period of the exclusion shall be permanent.

“(c) NOTICE TO STATE AGENCIES.—The Commissioner shall promptly notify each appropriate State agency employed for the purpose of making disability determinations under section 221 or 1633(a)—

“(1) of the fact and circumstances of each exclusion effected against an individual under this section; and

“(2) of the period (described in subsection (b)(3)) for which the State agency is directed to exclude the individual from participation in the activities of the State agency in the course of its employment.

“(d) NOTICE TO STATE LICENSING AGENCIES.—The Commissioner shall—

“(1) promptly notify the appropriate State or local agency or authority having responsibility for the licensing or certification of an individual excluded from participation under this section of the fact and circumstances of the exclusion;

“(2) request that appropriate investigations be made and sanctions invoked in accordance with applicable State law and policy; and

“(3) request that the State or local agency or authority keep the Commissioner and the Inspector General of the Social Security Administration fully and currently informed with respect to any actions taken in response to the request.

“(e) NOTICE, HEARING, AND JUDICIAL REVIEW.—(1) Any individual who is excluded (or directed to be excluded) from participation under this section is entitled to reasonable notice and opportunity for a hearing thereon by the Commissioner to the same extent as is provided in section 205(b), and to judicial review of the Commissioner’s final decision after such hearing as is provided in section 205(g).

Applicability.

“(2) The provisions of section 205(h) shall apply with respect to this section to the same extent as it is applicable with respect to title II.

“(f) APPLICATION FOR TERMINATION OF EXCLUSION.—(1) An individual excluded from participation under this section may apply to the Commissioner, in the manner specified by the Commissioner in regulations and at the end of the minimum period of exclusion provided under subsection (b)(3) and at such other times as the Commissioner may provide, for termination of the exclusion effected under this section.

“(2) The Commissioner may terminate the exclusion if the Commissioner determines, on the basis of the conduct of the applicant which occurred after the date of the notice of exclusion or which was unknown to the Commissioner at the time of the exclusion, that—

“(A) there is no basis under subsection (a) for a continuation of the exclusion; and

“(B) there are reasonable assurances that the types of actions which formed the basis for the original exclusion have not recurred and will not recur.

“(3) The Commissioner shall promptly notify each State agency employed for the purpose of making disability determinations under section 221 or 1633(a) of the fact and circumstances of each termination of exclusion made under this subsection. Notification.

“(g) AVAILABILITY OF RECORDS OF EXCLUDED REPRESENTATIVES AND HEALTH CARE PROVIDERS.—Nothing in this section shall be construed to have the effect of limiting access by any applicant or beneficiary under title II or XVI, any State agency acting under section 221 or 1633(a), or the Commissioner to records maintained by any representative or health care provider in connection with services provided to the applicant or beneficiary prior to the exclusion of such representative or health care provider under this section.

“(h) REPORTING REQUIREMENT.—Any representative or health care provider participating in, or seeking to participate in, a social security program shall inform the Commissioner, in such form and manner as the Commissioner shall prescribe by regulation, whether such representative or health care provider has been convicted of a violation described in subsection (a). Regulations.

“(i) DELEGATION OF AUTHORITY.—The Commissioner may delegate authority granted by this section to the Inspector General.

“(j) DEFINITIONS.—For purposes of this section:

“(1) EXCLUDE.—The term ‘exclude’ from participation means—

“(A) in connection with a representative, to prohibit from engaging in representation of an applicant for, or recipient of, benefits, as a representative payee under section 205(j) or section 1631(a)(2)(A)(ii), or otherwise as a representative, in any hearing or other proceeding relating to entitlement to benefits; and

“(B) in connection with a health care provider, to prohibit from providing items or services to an applicant for, or recipient of, benefits for the purpose of assisting such applicant or recipient in demonstrating disability.

“(2) SOCIAL SECURITY PROGRAM.—The term ‘social security programs’ means the program providing for monthly insurance benefits under title II, and the program providing for monthly supplemental security income benefits to individuals under title XVI (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66).

“(3) CONVICTED.—An individual is considered to have been ‘convicted’ of a violation—

“(A) when a judgment of conviction has been entered against the individual by a Federal, State, or local court, except if the judgment of conviction has been set aside or expunged;

“(B) when there has been a finding of guilt against the individual by a Federal, State, or local court;

“(C) when a plea of guilty or nolo contendere by the individual has been accepted by a Federal, State, or local court; or

“(D) when the individual has entered into participation in a first offender, deferred adjudication, or other arrangement or program where judgment of conviction has been withheld.”.

Applicability.  
42 USC 1320b-6  
note.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to convictions of violations described in paragraphs (1) and (2) of section 1136(a) of the Social Security Act and determinations described in paragraph (3) of such section occurring on or after the date of the enactment of this Act.

42 USC 1306b.

**SEC. 209. STATE DATA EXCHANGES.**

Whenever the Commissioner of Social Security requests information from a State for the purpose of ascertaining an individual's eligibility for benefits (or the correct amount of such benefits) under title II or XVI of the Social Security Act, the standards of the Commissioner promulgated pursuant to section 1106 of such Act or any other Federal law for the use, safeguarding, and disclosure of information are deemed to meet any standards of the State that would otherwise apply to the disclosure of information by the State to the Commissioner.

42 USC 1320a-8  
note.

**SEC. 210. STUDY ON POSSIBLE MEASURES TO IMPROVE FRAUD PREVENTION AND ADMINISTRATIVE PROCESSING.**

(a) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Commissioner of Social Security, in consultation with the Inspector General of the Social Security Administration and the Attorney General, shall conduct a study of possible measures to improve—

(1) prevention of fraud on the part of individuals entitled to disability benefits under section 223 of the Social Security Act or benefits under section 202 of such Act based on the beneficiary's disability, individuals eligible for supplemental security income benefits under title XVI of such Act, and applicants for any such benefits; and

(2) timely processing of reported income changes by individuals receiving such benefits.

Deadline.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report that contains the results of the Commissioner's study under subsection (a). The report shall contain such recommendations for legislative and administrative changes as the Commissioner considers appropriate.

**SEC. 211. ANNUAL REPORT ON AMOUNTS NECESSARY TO COMBAT FRAUD.**

(a) **IN GENERAL.**—Section 704(b)(1) of the Social Security Act (42 U.S.C. 904(b)(1)) is amended—

(1) by inserting “(A)” after “(b)(1)”; and

(2) by adding at the end the following new subparagraph:

“(B) The Commissioner shall include in the annual budget prepared pursuant to subparagraph (A) an itemization of the amount of funds required by the Social Security Administration for the fiscal year covered by the budget to support efforts to combat fraud committed by applicants and beneficiaries.”.

Applicability.  
42 USC 904 note.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annual budgets prepared for fiscal years after fiscal year 1999.

**SEC. 212. COMPUTER MATCHES WITH MEDICARE AND MEDICAID INSTITUTIONALIZATION DATA.**

(a) IN GENERAL.—Section 1611(e)(1) of the Social Security Act (42 U.S.C. 1382(e)(1)) is amended by adding at the end the following:

“(J) For the purpose of carrying out this paragraph, the Commissioner of Social Security shall conduct periodic computer matches with data maintained by the Secretary of Health and Human Services under title XVIII or XIX. The Secretary shall furnish to the Commissioner, in such form and manner and under such terms as the Commissioner and the Secretary shall mutually agree, such information as the Commissioner may request for this purpose. Information obtained pursuant to such a match may be substituted for the physician’s certification otherwise required under subparagraph (G)(i).”.

(b) CONFORMING AMENDMENT.—Section 1611(e)(1)(G) of such Act (42 U.S.C. 1382(e)(1)(G)) is amended by striking “subparagraph (H)” and inserting “subparagraph (H) or (J)”.

**SEC. 213. ACCESS TO INFORMATION HELD BY FINANCIAL INSTITUTIONS.**

Section 1631(e)(1)(B) of the Social Security Act (42 U.S.C. 1383(e)(1)(B)) is amended—

(1) by striking “(B) The” and inserting “(B)(i) The”; and

(2) by adding at the end the following new clause:

“(ii)(I) The Commissioner of Social Security may require each applicant for, or recipient of, benefits under this title to provide authorization by the applicant or recipient (or by any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient for such benefits) for the Commissioner to obtain (subject to the cost reimbursement requirements of section 1115(a) of the Right to Financial Privacy Act) from any financial institution (within the meaning of section 1101(1) of such Act) any financial record (within the meaning of section 1101(2) of such Act) held by the institution with respect to the applicant or recipient (or any such other person) whenever the Commissioner determines the record is needed in connection with a determination with respect to such eligibility or the amount of such benefits.

“(II) Notwithstanding section 1104(a)(1) of the Right to Financial Privacy Act, an authorization provided by an applicant or recipient (or any other person whose income or resources are material to the determination of the eligibility of the applicant or recipient) pursuant to subclause (I) of this clause shall remain effective until the earliest of—

“(aa) the rendering of a final adverse decision on the applicant’s application for eligibility for benefits under this title;

“(bb) the cessation of the recipient’s eligibility for benefits under this title; or

“(cc) the express revocation by the applicant or recipient (or such other person referred to in subclause (I)) of the authorization, in a written notification to the Commissioner.

“(III)(aa) An authorization obtained by the Commissioner of Social Security pursuant to this clause shall be considered to meet the requirements of the Right to Financial Privacy Act for purposes of section 1103(a) of such Act, and need not be furnished to the financial institution, notwithstanding section 1104(a) of such Act.

“(bb) The certification requirements of section 1103(b) of the Right to Financial Privacy Act shall not apply to requests by the Commissioner of Social Security pursuant to an authorization provided under this clause.

“(cc) A request by the Commissioner pursuant to an authorization provided under this clause is deemed to meet the requirements of section 1104(a)(3) of the Right to Financial Privacy Act and the flush language of section 1102 of such Act.

“(IV) The Commissioner shall inform any person who provides authorization pursuant to this clause of the duration and scope of the authorization.

“(V) If an applicant for, or recipient of, benefits under this title (or any such other person referred to in subclause (I)) refuses to provide, or revokes, any authorization made by the applicant or recipient for the Commissioner of Social Security to obtain from any financial institution any financial record, the Commissioner may, on that basis, determine that the applicant or recipient is ineligible for benefits under this title.”.

## **Subtitle B—Benefits For Certain World War II Veterans**

### **SEC. 251. ESTABLISHMENT OF PROGRAM OF SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS.**

(a) IN GENERAL.—The Social Security Act is amended by inserting after title VII the following new title:

## **“TITLE VIII—SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS**

### **“TABLE OF CONTENTS**

“Sec. 801. Basic entitlement to benefits.  
 “Sec. 802. Qualified individuals.  
 “Sec. 803. Residence outside the United States.  
 “Sec. 804. Disqualifications.  
 “Sec. 805. Benefit amount.  
 “Sec. 806. Applications and furnishing of information.  
 “Sec. 807. Representative payees.  
 “Sec. 808. Overpayments and underpayments.  
 “Sec. 809. Hearings and review.  
 “Sec. 810. Other administrative provisions.  
 “Sec. 811. Penalties for fraud.  
 “Sec. 812. Definitions.  
 “Sec. 813. Appropriations.

42 USC 1001.

### **“SEC. 801. BASIC ENTITLEMENT TO BENEFITS.**

“Every individual who is a qualified individual under section 802 shall, in accordance with and subject to the provisions of this title, be entitled to a monthly benefit paid by the Commissioner of Social Security for each month after September 2000 (or such earlier month, if the Commissioner determines is administratively feasible) the individual resides outside the United States.

42 USC 1002.

### **“SEC. 802. QUALIFIED INDIVIDUALS.**

“Except as otherwise provided in this title, an individual—

“(1) who has attained the age of 65 on or before the date of the enactment of this title;

“(2) who is a World War II veteran;

“(3) who is eligible for a supplemental security income benefit under title XVI for—

“(A) the month in which this title is enacted; and

“(B) the month in which the individual files an application for benefits under this title;

“(4) whose total benefit income is less than 75 percent of the Federal benefit rate under title XVI;

“(5) who has filed an application for benefits under this title; and

“(6) who is in compliance with all requirements imposed by the Commissioner of Social Security under this title, shall be a qualified individual for purposes of this title.

**“SEC. 803. RESIDENCE OUTSIDE THE UNITED STATES.**

42 USC 1003.

“For purposes of section 801, with respect to any month, an individual shall be regarded as residing outside the United States if, on the first day of the month, the individual so resides outside the United States.

**“SEC. 804. DISQUALIFICATIONS.**

42 USC 1004.

“(a) IN GENERAL.—Notwithstanding section 802, an individual may not be a qualified individual for any month—

“(1) that begins after the month in which the Commissioner of Social Security is notified by the Attorney General that the individual has been removed from the United States pursuant to section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act and before the month in which the individual is lawfully admitted to the United States for permanent residence;

“(2) during any part of which the individual is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the United States or the jurisdiction within the United States from which the person has fled, for a crime, or an attempt to commit a crime, that is a felony under the laws of the place from which the individual has fled, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of such State;

“(3) during any part of which the individual violates a condition of probation or parole imposed under Federal or State law; or

“(4) during which the individual resides in a foreign country and is not a citizen or national of the United States if payments for such month to individuals residing in such country are withheld by the Treasury Department under section 3329 of title 31, United States Code.

“(b) REQUIREMENT FOR ATTORNEY GENERAL.—For the purpose of carrying out subsection (a)(1), the Attorney General shall notify the Commissioner of Social Security as soon as practicable after the removal of any individual under section 237(a) or 212(a)(6)(A) of the Immigration and Nationality Act.

Notification.

**“SEC. 805. BENEFIT AMOUNT.**

42 USC 1005.

“The benefit under this title payable to a qualified individual for any month shall be in an amount equal to 75 percent of the Federal benefit rate under title XVI for the month, reduced by the amount of the qualified individual’s benefit income for the month.

42 USC 1006.

**“SEC. 806. APPLICATIONS AND FURNISHING OF INFORMATION.**

“(a) IN GENERAL.—The Commissioner of Social Security shall, subject to subsection (b), prescribe such requirements with respect to the filing of applications, the furnishing of information and other material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this title.

“(b) VERIFICATION REQUIREMENT.—The requirements prescribed by the Commissioner of Social Security under subsection (a) shall preclude any determination of entitlement to benefits under this title solely on the basis of declarations by the individual concerning qualifications or other material facts, and shall provide for verification of material information from independent or collateral sources, and the procurement of additional information as necessary in order to ensure that the benefits are provided only to qualified individuals (or their representative payees) in correct amounts.

42 USC 1007.

**“SEC. 807. REPRESENTATIVE PAYEES.**

“(a) IN GENERAL.—If the Commissioner of Social Security determines that the interest of any qualified individual under this title would be served thereby, payment of the qualified individual’s benefit under this title may be made, regardless of the legal competency or incompetency of the qualified individual, either directly to the qualified individual, or for his or her benefit, to another person (the meaning of which term, for purposes of this section, includes an organization) with respect to whom the requirements of subsection (b) have been met (in this section referred to as the qualified individual’s ‘representative payee’). If the Commissioner of Social Security determines that a representative payee has misused any benefit paid to the representative payee pursuant to this section, section 205(j), or section 1631(a)(2), the Commissioner of Social Security shall promptly revoke the person’s designation as the qualified individual’s representative payee under this subsection, and shall make payment to an alternative representative payee or, if the interest of the qualified individual under this title would be served thereby, to the qualified individual.

**“(b) EXAMINATION OF FITNESS OF PROSPECTIVE REPRESENTATIVE PAYEE.—**

“(1) Any determination under subsection (a) to pay the benefits of a qualified individual to a representative payee shall be made on the basis of—

“(A) an investigation by the Commissioner of Social Security of the person to serve as representative payee, which shall be conducted in advance of the determination and shall, to the extent practicable, include a face-to-face interview with the person (or, in the case of an organization, a representative of the organization); and

“(B) adequate evidence that the arrangement is in the interest of the qualified individual.

“(2) As part of the investigation referred to in paragraph (1), the Commissioner of Social Security shall—

“(A) require the person being investigated to submit documented proof of the identity of the person;

“(B) in the case of a person who has a social security account number issued for purposes of the program under title II or an employer identification number issued for

purposes of the Internal Revenue Code of 1986, verify the number;

“(C) determine whether the person has been convicted of a violation of section 208, 811, or 1632; and

“(D) determine whether payment of benefits to the person in the capacity as representative payee has been revoked or terminated pursuant to this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively.

“(c) REQUIREMENT FOR MAINTAINING LISTS OF UNDESIRABLE PAYEES.—The Commissioner of Social Security shall establish and maintain lists which shall be updated periodically and which shall be in a form that renders such lists available to the servicing offices of the Social Security Administration. The lists shall consist of—

“(1) the names and (if issued) social security account numbers or employer identification numbers of all persons with respect to whom, in the capacity of representative payee, the payment of benefits has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(iii) by reason of misuse of funds paid as benefits under this title, title II, or XVI, respectively; and

“(2) the names and (if issued) social security account numbers or employer identification numbers of all persons who have been convicted of a violation of section 208, 811, or 1632.

“(d) PERSONS INELIGIBLE TO SERVE AS REPRESENTATIVE PAYEES.—

“(1) IN GENERAL.—The benefits of a qualified individual may not be paid to any other person pursuant to this section if—

“(A) the person has been convicted of a violation of section 208, 811, or 1632;

“(B) except as provided in paragraph (2), payment of benefits to the person in the capacity of representative payee has been revoked or terminated under this section, section 205(j), or section 1631(a)(2)(A)(ii) by reason of misuse of funds paid as benefits under this title, title II, or title XVI, respectively; or

“(C) except as provided in paragraph (2)(B), the person is a creditor of the qualified individual and provides the qualified individual with goods or services for consideration.

“(2) EXEMPTIONS.—

“(A) The Commissioner of Social Security may prescribe circumstances under which the Commissioner of Social Security may grant an exemption from paragraph (1) to any person on a case-by-case basis if the exemption is in the best interest of the qualified individual whose benefits would be paid to the person pursuant to this section.

“(B) Paragraph (1)(C) shall not apply with respect to any person who is a creditor referred to in such paragraph if the creditor is—

“(i) a relative of the qualified individual and the relative resides in the same household as the qualified individual;

“(ii) a legal guardian or legal representative of the individual;



“(iii) a facility that is licensed or certified as a care facility under the law of the political jurisdiction in which the qualified individual resides;

“(iv) a person who is an administrator, owner, or employee of a facility referred to in clause (iii), if the qualified individual resides in the facility, and the payment to the facility or the person is made only after the Commissioner of Social Security has made a good faith effort to locate an alternative representative payee to whom payment would serve the best interests of the qualified individual; or

“(v) a person who is determined by the Commissioner of Social Security, on the basis of written findings and pursuant to procedures prescribed by the Commissioner of Social Security, to be acceptable to serve as a representative payee.

“(C) The procedures referred to in subparagraph (B)(v) shall require the person who will serve as representative payee to establish, to the satisfaction of the Commissioner of Social Security, that—

“(i) the person poses no risk to the qualified individual;

“(ii) the financial relationship of the person to the qualified individual poses no substantial conflict of interest; and

“(iii) no other more suitable representative payee can be found.

“(e) DEFERRAL OF PAYMENT PENDING APPOINTMENT OF REPRESENTATIVE PAYEE.—

“(1) IN GENERAL.—Subject to paragraph (2), if the Commissioner of Social Security makes a determination described in the first sentence of subsection (a) with respect to any qualified individual’s benefit and determines that direct payment of the benefit to the qualified individual would cause substantial harm to the qualified individual, the Commissioner of Social Security may defer (in the case of initial entitlement) or suspend (in the case of existing entitlement) direct payment of the benefit to the qualified individual, until such time as the selection of a representative payee is made pursuant to this section.

“(2) TIME LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), any deferral or suspension of direct payment of a benefit pursuant to paragraph (1) shall be for a period of not more than 1 month.

“(B) EXCEPTION IN THE CASE OF INCOMPETENCY.—Subparagraph (A) shall not apply in any case in which the qualified individual is, as of the date of the Commissioner of Social Security’s determination, legally incompetent under the laws of the jurisdiction in which the individual resides.

“(3) PAYMENT OF RETROACTIVE BENEFITS.—Payment of any benefits which are deferred or suspended pending the selection of a representative payee shall be made to the qualified individual or the representative payee as a single sum or over such period of time as the Commissioner of Social Security determines is in the best interest of the qualified individual.

“(f) HEARING.—Any qualified individual who is dissatisfied with a determination by the Commissioner of Social Security to make payment of the qualified individual’s benefit to a representative payee under subsection (a) of this section or with the designation of a particular person to serve as representative payee shall be entitled to a hearing by the Commissioner of Social Security to the same extent as is provided in section 809(a), and to judicial review of the Commissioner of Social Security’s final decision as is provided in section 809(b).

“(g) NOTICE REQUIREMENTS.—

“(1) IN GENERAL.—In advance, to the extent practicable, of the payment of a qualified individual’s benefit to a representative payee under subsection (a), the Commissioner of Social Security shall provide written notice of the Commissioner’s initial determination to so make the payment. The notice shall be provided to the qualified individual, except that, if the qualified individual is legally incompetent, then the notice shall be provided solely to the legal guardian or legal representative of the qualified individual.

“(2) SPECIFIC REQUIREMENTS.—Any notice required by paragraph (1) shall be clearly written in language that is easily understandable to the reader, shall identify the person to be designated as the qualified individual’s representative payee, and shall explain to the reader the right under subsection (f) of the qualified individual or of the qualified individual’s legal guardian or legal representative—

“(A) to appeal a determination that a representative payee is necessary for the qualified individual;

“(B) to appeal the designation of a particular person to serve as the representative payee of the qualified individual; and

“(C) to review the evidence upon which the designation is based and to submit additional evidence.

“(h) ACCOUNTABILITY MONITORING.—

“(1) IN GENERAL.—In any case where payment under this title is made to a person other than the qualified individual entitled to the payment, the Commissioner of Social Security shall establish a system of accountability monitoring under which the person shall report not less often than annually with respect to the use of the payments. The Commissioner of Social Security shall establish and implement statistically valid procedures for reviewing the reports in order to identify instances in which persons are not properly using the payments.

Reports.

“(2) SPECIAL REPORTS.—Notwithstanding paragraph (1), the Commissioner of Social Security may require a report at any time from any person receiving payments on behalf of a qualified individual, if the Commissioner of Social Security has reason to believe that the person receiving the payments is misusing the payments.

“(3) MAINTAINING LISTS OF PAYEES.—The Commissioner of Social Security shall maintain lists which shall be updated periodically of—

“(A) the name, address, and (if issued) the social security account number or employer identification number of each representative payee who is receiving benefit payments pursuant to this section, section 205(j), or section 1631(a)(2); and

“(B) the name, address, and social security account number of each individual for whom each representative payee is reported to be providing services as representative payee pursuant to this section, section 205(j), or section 1631(a)(2).

“(4) MAINTAINING LISTS OF AGENCIES.—The Commissioner of Social Security shall maintain lists, which shall be updated periodically, of public agencies and community-based nonprofit social service agencies which are qualified to serve as representative payees pursuant to this section and which are located in the jurisdiction in which any qualified individual resides.

“(i) RESTITUTION.—In any case where the negligent failure of the Commissioner of Social Security to investigate or monitor a representative payee results in misuse of benefits by the representative payee, the Commissioner of Social Security shall make payment to the qualified individual or the individual’s alternative representative payee of an amount equal to the misused benefits. The Commissioner of Social Security shall make a good faith effort to obtain restitution from the terminated representative payee.

42 USC 1008.

**“SEC. 808. OVERPAYMENTS AND UNDERPAYMENTS.**

“(a) IN GENERAL.—Whenever the Commissioner of Social Security finds that more or less than the correct amount of payment has been made to any person under this title, proper adjustment or recovery shall be made, as follows:

“(1) With respect to payment to a person of more than the correct amount, the Commissioner of Social Security shall decrease any payment—

“(A) under this title to which the overpaid person (if a qualified individual) is entitled, or shall require the overpaid person or his or her estate to refund the amount in excess of the correct amount, or, if recovery is not obtained under these two methods, shall seek or pursue recovery by means of reduction in tax refunds based on notice to the Secretary of the Treasury, as authorized under section 3720A of title 31, United States Code; or

“(B) under title II to recover the amount in excess of the correct amount, if the person is not currently eligible for payment under this title.

“(2) With respect to payment of less than the correct amount to a qualified individual who, at the time the Commissioner of Social Security is prepared to take action with respect to the underpayment—

“(A) is living, the Commissioner of Social Security shall make payment to the qualified individual (or the qualified individual’s representative payee designated under section 807) of the balance of the amount due the underpaid qualified individual; or

“(B) is deceased, the balance of the amount due shall revert to the general fund of the Treasury.

“(b) NO EFFECT ON TITLE VIII ELIGIBILITY OR BENEFIT AMOUNT.—In any case in which the Commissioner of Social Security takes action in accordance with subsection (a)(1)(B) to recover an amount incorrectly paid to an individual, that individual shall not, as a result of such action—

“(1) become qualified for benefits under this title; or

“(2) if such individual is otherwise so qualified, become qualified for increased benefits under this title.

“(c) WAIVER OF RECOVERY OF OVERPAYMENT.—In any case in which more than the correct amount of payment has been made, there shall be no adjustment of payments to, or recovery by the United States from, any person who is without fault if the Commissioner of Social Security determines that the adjustment or recovery would defeat the purpose of this title or would be against equity and good conscience.

“(d) LIMITED IMMUNITY FOR DISBURSING OFFICERS.—A disbursing officer may not be held liable for any amount paid by the officer if the adjustment or recovery of the amount is waived under subsection (b), or adjustment under subsection (a) is not completed before the death of the qualified individual against whose benefits deductions are authorized.

“(e) AUTHORIZED COLLECTION PRACTICES.—

“(1) IN GENERAL.—With respect to any delinquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(e), 3716, and 3718 of title 31, United States Code, as in effect on October 1, 1994.

“(2) DEFINITION.—For purposes of paragraph (1), the term ‘delinquent amount’ means an amount—

“(A) in excess of the correct amount of the payment under this title; and

“(B) determined by the Commissioner of Social Security to be otherwise unrecoverable under this section from a person who is not a qualified individual under this title.

**“SEC. 809. HEARINGS AND REVIEW.**

42 USC 1009.

“(a) HEARINGS.—

“(1) IN GENERAL.—The Commissioner of Social Security shall make findings of fact and decisions as to the rights of any individual applying for payment under this title. The Commissioner of Social Security shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be a qualified individual and is in disagreement with any determination under this title with respect to entitlement to, or the amount of, benefits under this title, if the individual requests a hearing on the matter in disagreement within 60 days after notice of the determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse the Commissioner of Social Security’s findings of fact and the decision. The Commissioner of Social Security may, on the Commissioner of Social Security’s own motion, hold such hearings and conduct such investigations and other proceedings as the Commissioner of Social Security deems necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, the Commissioner may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Commissioner of Social Security even though inadmissible under the rules of evidence applicable to court procedure. The Commissioner of Social Security shall specifically take into account any physical, mental, educational, or linguistic limitation of the individual (including any lack of facility with the English language) in determining, with respect to the entitlement of the individual

Notice.

for benefits under this title, whether the individual acted in good faith or was at fault, and in determining fraud, deception, or intent.

“(2) EFFECT OF FAILURE TO TIMELY REQUEST REVIEW.—A failure to timely request review of an initial adverse determination with respect to an application for any payment under this title or an adverse determination on reconsideration of such an initial determination shall not serve as a basis for denial of a subsequent application for any payment under this title if the applicant demonstrates that the applicant failed to so request such a review acting in good faith reliance upon incorrect, incomplete, or misleading information, relating to the consequences of reapplying for payments in lieu of seeking review of an adverse determination, provided by any officer or employee of the Social Security Administration.

“(3) NOTICE REQUIREMENTS.—In any notice of an adverse determination with respect to which a review may be requested under paragraph (1), the Commissioner of Social Security shall describe in clear and specific language the effect on possible entitlement to benefits under this title of choosing to reapply in lieu of requesting review of the determination.

“(b) JUDICIAL REVIEW.—The final determination of the Commissioner of Social Security after a hearing under subsection (a)(1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Commissioner of Social Security’s final determinations under section 205.

42 USC 1010.

**“SEC. 810. OTHER ADMINISTRATIVE PROVISIONS.**

“(a) REGULATIONS AND ADMINISTRATIVE ARRANGEMENTS.—The Commissioner of Social Security may prescribe such regulations, and make such administrative and other arrangements, as may be necessary or appropriate to carry out this title.

“(b) PAYMENT OF BENEFITS.—Benefits under this title shall be paid at such time or times and in such installments as the Commissioner of Social Security determines are in the interests of economy and efficiency.

“(c) ENTITLEMENT REDETERMINATIONS.—An individual’s entitlement to benefits under this title, and the amount of the benefits, may be redetermined at such time or times as the Commissioner of Social Security determines to be appropriate.

“(d) SUSPENSION AND TERMINATION OF BENEFITS.—Regulations prescribed by the Commissioner of Social Security under subsection (a) may provide for the suspension and termination of entitlement to benefits under this title as the Commissioner determines is appropriate.

42 USC 1011.

**“SEC. 811. PENALTIES FOR FRAUD.**

“(a) IN GENERAL.—Whoever—

“(1) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title;

“(2) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact for use in determining any right to the benefits;

“(3) having knowledge of the occurrence of any event affecting—

“(A) his or her initial or continued right to the benefits;

or

“(B) the initial or continued right to the benefits of any other individual in whose behalf he or she has applied for or is receiving the benefit, conceals or fails to disclose the event with an intent fraudulently to secure the benefit either in a greater amount or quantity than is due or when no such benefit is authorized; or

“(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts the benefit or any part thereof to a use other than for the use and benefit of the other individual,

shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.

“(b) RESTITUTION BY REPRESENTATIVE PAYEE.—If a person or organization violates subsection (a) in the person’s or organization’s role as, or in applying to become, a representative payee under section 807 on behalf of a qualified individual, and the violation includes a willful misuse of funds by the person or entity, the court may also require that full or partial restitution of funds be made to the qualified individual.

**“SEC. 812. DEFINITIONS.**

42 USC 1012.

“In this title:

“(1) WORLD WAR II VETERAN.—The term ‘World War II veteran’ means a person who—

“(A) served during World War II—

“(i) in the active military, naval, or air service of the United States during World War II; or

“(ii) in the organized military forces of the Government of the Commonwealth of the Philippines, while the forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among the military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, in any case in which the service was rendered before December 31, 1946; and

“(B) was discharged or released therefrom under conditions other than dishonorable—

“(i) after service of 90 days or more; or

“(ii) because of a disability or injury incurred or aggravated in the line of active duty.

“(2) WORLD WAR II.—The term ‘World War II’ means the period beginning on September 16, 1940, and ending on July 24, 1947.

“(3) SUPPLEMENTAL SECURITY INCOME BENEFIT UNDER TITLE XVI.—The term ‘supplemental security income benefit under title XVI’, except as otherwise provided, includes State supplementary payments which are paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.

“(4) FEDERAL BENEFIT RATE UNDER TITLE XVI.—The term ‘Federal benefit rate under title XVI’ means, with respect to any month, the amount of the supplemental security income

cash benefit (not including any State supplementary payment which is paid by the Commissioner of Social Security pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66) payable under title XVI for the month to an eligible individual with no income.

“(5) UNITED STATES.—The term ‘United States’ means, notwithstanding section 1101(a)(1), only the 50 States, the District of Columbia, and the Commonwealth of the Northern Mariana Islands.

“(6) BENEFIT INCOME.—The term ‘benefit income’ means any recurring payment received by a qualified individual as an annuity, pension, retirement, or disability benefit (including any veterans’ compensation or pension, workmen’s compensation payment, old-age, survivors, or disability insurance benefit, railroad retirement annuity or pension, and unemployment insurance benefit), but only if a similar payment was received by the individual from the same (or a related) source during the 12-month period preceding the month in which the individual files an application for benefits under this title.

42 USC 1013.

**“SEC. 813. APPROPRIATIONS.**

“There are hereby appropriated for fiscal year 2000 and subsequent fiscal years, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this title.”.

(b) CONFORMING AMENDMENTS.—

(1) SOCIAL SECURITY TRUST FUNDS LAE ACCOUNT.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(A) in the fourth sentence of paragraph (1)(A), by inserting after “this title,” the following: “title VIII,”;

(B) in paragraph (1)(B)(i)(I), by inserting after “this title,” the following: “title VIII,”; and

(C) in paragraph (1)(C)(i), by inserting after “this title,” the following: “title VIII,”.

(2) REPRESENTATIVE PAYEE PROVISIONS OF TITLE II.—Section 205(j) of such Act (42 U.S.C. 405(j)) is amended—

(A) in paragraph (1)(A), by inserting “807 or” before “1631(a)(2)”;

(B) in paragraph (2)(B)(i)(I), by inserting “, title VIII,” before “or title XVI”;

(C) in paragraph (2)(B)(i)(III), by inserting “, 811,” before “or 1632”;

(D) in paragraph (2)(B)(i)(IV)—

(i) by inserting “, the designation of such person as a representative payee has been revoked pursuant to section 807(a),” before “or payment of benefits”; and

(ii) by inserting “, title VIII,” before “or title XVI”;

(E) in paragraph (2)(B)(ii)(I)—

(i) by inserting “whose designation as a representative payee has been revoked pursuant to section 807(a),” before “or with respect to whom”; and

(ii) by inserting “, title VIII,” before “or title XVI”;

(F) in paragraph (2)(B)(ii)(II), by inserting “, 811,” before “or 1632”;

(G) in paragraph (2)(C)(i)(II), by inserting “, the designation of such person as a representative payee has been

revoked pursuant to section 807(a),” before “or payment of benefits”;

(H) in each of clauses (i) and (ii) of paragraph (3)(E), by inserting “, section 807,” before “or section 1631(a)(2)”;

(I) in paragraph (3)(F), by inserting “807 or” before “1631(a)(2)”;

(J) in paragraph (4)(B)(i), by inserting “807 or” before “1631(a)(2)”.

(3) WITHHOLDING FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS.—Section 459(h)(1)(A) of such Act (42 U.S.C. 659(h)(1)(A)) is amended—

(A) at the end of clause (iii), by striking “and”;

(B) at the end of clause (iv), by striking “but” and inserting “and”; and

(C) by adding at the end a new clause as follows:

“(v) special benefits for certain World War II veterans payable under title VIII; but”.

(4) SOCIAL SECURITY ADVISORY BOARD.—Section 703(b) of such Act (42 U.S.C. 903(b)) is amended by striking “title II” and inserting “title II, the program of special benefits for certain World War II veterans under title VIII,”.

(5) DELIVERY OF CHECKS.—Section 708 of such Act (42 U.S.C. 908) is amended—

42 USC 909.

(A) in subsection (a), by striking “title II” and inserting “title II, title VIII,”; and

(B) in subsection (b), by striking “title II” and inserting “title II, title VIII,”.

(6) CIVIL MONETARY PENALTIES.—Section 1129 of such Act (42 U.S.C. 1320a-8) is amended—

(A) in the title, by striking “II” and inserting “II, VIII”;

(B) in subsection (a)(1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following new subparagraph:

“(B) benefits or payments under title VIII, or”;

(C) in subsection (a)(2), by inserting “or title VIII,” after “title II”;

(D) in subsection (e)(1)(C)—

(i) by striking “or” at the end of clause (i);

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following new clause:

“(ii) by decrease of any payment under title VIII to which the person is entitled, or”;

(E) in subsection (e)(2)(B), by striking “title XVI” and inserting “title VIII or XVI”; and

(F) in subsection (l), by striking “title XVI” and inserting “title VIII or XVI”.

(7) RECOVERY OF SSI OVERPAYMENTS.—Section 1147 of such Act (42 U.S.C. 1320b-17) is amended—

(A) in subsection (a)(1)—

(i) by inserting “or VIII” after “title II” the first place it appears; and



(ii) by striking “title II” the second place it appears and inserting “such title”; and

(B) in the heading, by striking “SOCIAL SECURITY” and inserting “OTHER”.

(8) RECOVERY OF SOCIAL SECURITY OVERPAYMENTS.—Part A of title XI of the Social Security Act is amended by inserting after section 1147 (42 U.S.C. 1320b-17) the following new section:

“RECOVERY OF SOCIAL SECURITY BENEFIT OVERPAYMENTS FROM  
TITLE VIII BENEFITS

42 USC 1320b-18.

“SEC. 1147A. Whenever the Commissioner of Social Security determines that more than the correct amount of any payment has been made under title II to an individual who is not currently receiving benefits under that title but who is receiving benefits under title VIII, the Commissioner may recover the amount incorrectly paid under title II by decreasing any amount which is payable to the individual under title VIII.”.

(9) REPRESENTATIVE PAYEE PROVISIONS OF TITLE XVI.—Section 1631(a)(2) of such Act (42 U.S.C. 1383(a)(2)) is amended—

(A) in subparagraph (A)(iii), by inserting “or 807” after “205(j)(1)”;

(B) in subparagraph (B)(ii)(I), by inserting “, title VIII,” before “or this title”;

(C) in subparagraph (B)(ii)(III), by inserting “, 811,” before “or 1632”;

(D) in subparagraph (B)(ii)(IV)—

(i) by inserting “whether the designation of such person as a representative payee has been revoked pursuant to section 807(a),” before “and whether certification”; and

(ii) by inserting “, title VIII,” before “or this title”;

(E) in subparagraph (B)(iii)(II), by inserting “the designation of such person as a representative payee has been revoked pursuant to section 807(a),” before “or certification”; and

(F) in subparagraph (D)(ii)(II)(aa), by inserting “or 807” after “205(j)(4)”.

(10) ADMINISTRATIVE OFFSET.—Section 3716(c)(3)(C) of title 31, United States Code, is amended—

(A) by striking “sections 205(b)(1)” and inserting “sections 205(b)(1), 809(a)(1),”; and

(B) by striking “either title II” and inserting “title II, VIII,”.

## Subtitle C—Study

42 USC 1382 note.

### SEC. 261. STUDY OF DENIAL OF SSI BENEFITS FOR FAMILY FARMERS.

(a) IN GENERAL.—The Commissioner of Social Security shall conduct a study of the reasons why family farmers with resources of less than \$100,000 are denied supplemental security income benefits under title XVI of the Social Security Act, including whether the deeming process unduly burdens and discriminates against family farmers who do not institutionalize a disabled dependent, and shall determine the number of such farmers who

have been denied such benefits during each of the preceding 10 years.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that contains the results of the study, and the determination, required by subsection (a). Deadline.

### **TITLE III—CHILD SUPPORT**

#### **SEC. 301. NARROWING OF HOLD-HARMLESS PROVISION FOR STATE SHARE OF DISTRIBUTION OF COLLECTED CHILD SUPPORT.**

(a) IN GENERAL.—Section 457(d) of the Social Security Act (42 U.S.C. 657(d)) is amended to read as follows:

“(d) HOLD-HARMLESS PROVISION.—If—

“(1) the State share of amounts collected in the fiscal year which could be retained to reimburse the State for amounts paid to families as assistance by the State is less than the State share of such amounts collected in fiscal year 1995 (determined in accordance with section 457 as in effect on August 21, 1996); and

“(2)(A) the State has distributed to families that include an adult receiving assistance under the program under part A at least 80 percent of the current support payments collected during the preceding fiscal year on behalf of such families, and the amounts distributed were disregarded in determining the amount or type of assistance provided under the program under part A; or

“(B) the State has distributed to families that formerly received assistance under the program under part A the State share of the amounts collected pursuant to section 464 that could have been retained as reimbursement for assistance paid to such families,

then the State share otherwise determined for the fiscal year shall be increased by an amount equal to one-half of the amount (if any) by which the State share for fiscal year 1995 exceeds the State share for the fiscal year (determined without regard to this subsection).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective with respect to calendar quarters occurring during the period that begins on October 1, 1998, and ends on September 30, 2001. 42 USC 657 note.

(c) REPEAL.—Effective October 1, 2001, section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), by striking “subsections (e) and (f)” and inserting “subsections (d) and (e)”;

(2) by striking subsection (d);

(3) in subsection (e), by striking the second sentence; and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

## TITLE IV—TECHNICAL CORRECTIONS

### SEC. 401. TECHNICAL CORRECTIONS RELATING TO AMENDMENTS MADE BY THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Section 402(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 602(a)(1)(B)(iv)) is amended by striking “Act” and inserting “section”.

(b) Section 409(a)(7)(B)(i)(II) of the Social Security Act (42 U.S.C. 609(a)(7)(B)(i)(II)) is amended by striking “part” and inserting “section”.

(c) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking “Act” and inserting “section”.

(d) Section 416 of the Social Security Act (42 U.S.C. 616) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act” each place such term appears.

(e) Section 431(a)(6) of the Social Security Act (42 U.S.C. 629a(a)(6))) is amended—

(1) by inserting “, as in effect before August 22, 1986” after “482(i)(5)”; and

(2) by inserting “, as so in effect” after “482(i)(7)(A)”.

(f) Sections 452(a)(7) and 466(c)(2)(A)(i) of the Social Security Act (42 U.S.C. 652(a)(7) and 666(c)(2)(A)(i)) are each amended by striking “Social Security” and inserting “social security”.

(g) Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) by striking “, or” at the end of each of paragraphs (6)(E)(i) and (19)(B)(i) and inserting “; or”;

(2) in paragraph (9), by striking the comma at the end of each of subparagraphs (A), (B), and (C) and inserting a semicolon; and

(3) by striking “, and” at the end of each of paragraphs (19)(A) and (24)(A) and inserting “; and”.

(h) Section 454(24)(B) of the Social Security Act (42 U.S.C. 654(24)(B)) is amended by striking “Opportunity Act” and inserting “Opportunity Reconciliation Act”.

(i) Section 344(b)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2236) is amended to read as follows:

“(A) in paragraph (1), by striking subparagraph (B) and inserting the following:

“(B) equal to the percent specified in paragraph (3) of the sums expended during such quarter that are attributable to the planning, design, development, installation or enhancement of an automatic data processing and information retrieval system (including in such sums the full cost of the hardware components of such system); and”.

(j) Section 457(a)(2)(B)(i)(I) of the Social Security Act (42 U.S.C. 657(a)(2)(B)(i)(I)) is amended by striking “Act Reconciliation” and inserting “Reconciliation Act”.

(k) Section 457 of the Social Security Act (42 U.S.C. 657) is amended by striking “Opportunity Act” each place it appears and inserting “Opportunity Reconciliation Act”.

(l) Effective on the date of the enactment of this Act, section 404(e) of the Social Security Act (42 U.S.C. 604(e)) is amended

42 USC 655.

Effective date.

by inserting “or tribe” after “State” the first and second places it appears, and by inserting “or tribal” after “State” the third place it appears.

(m) Section 466(a)(7)(A) of the Social Security Act (42 U.S.C. 666(a)(7)(A)) is amended by striking “1681a(f)” and inserting “1681a(f))”.

(n) Section 466(b)(6)(A) of the Social Security Act (42 U.S.C. 666(b)(6)(A)) is amended by striking “state” and inserting “State”.

(o) Section 471(a)(8) of the Social Security Act (42 U.S.C. 671(a)(8)) is amended by striking “(including activities under part F)”.

(p) Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by striking “453A(a)(2)(B)(iii)” and inserting “453A(a)(2)(B)(ii))”.

(q) Except as provided in subsection (l), the amendments made by this section shall take effect as if included in the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105). 42 USC 602 note.

Approved December 14, 1999.

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LEGISLATIVE HISTORY—H.R. 3443:

CONGRESSIONAL RECORD, Vol. 145 (1999):

Nov. 18, considered and passed House.

Nov. 19, considered and passed Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Nov. 14, Presidential remarks.



Public Law 106–170  
106th Congress

An Act

Dec. 17, 1999  
[H.R. 1180]

Ticket to Work  
and Work  
Incentives  
Improvement Act  
of 1999.  
42 USC 1305  
note.

To amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Ticket to Work and Work Incentives Improvement Act of 1999”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

**TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS**

**Subtitle A—Ticket to Work and Self-Sufficiency**

Sec. 101. Establishment of the Ticket to Work and Self-Sufficiency Program.

**Subtitle B—Elimination of Work Disincentives**

Sec. 111. Work activity standard as a basis for review of an individual’s disabled status.

Sec. 112. Expedited reinstatement of disability benefits.

**Subtitle C—Work Incentives Planning, Assistance, and Outreach**

Sec. 121. Work incentives outreach program.

Sec. 122. State grants for work incentives assistance to disabled beneficiaries.

**TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES**

Sec. 201. Expanding State options under the medicaid program for workers with disabilities.

Sec. 202. Extending medicare coverage for OASDI disability benefit recipients.

Sec. 203. Grants to develop and establish State infrastructures to support working individuals with disabilities.

Sec. 204. Demonstration of coverage under the medicaid program of workers with potentially severe disabilities.

Sec. 205. Election by disabled beneficiaries to suspend medigap insurance when covered under a group health plan.

**TITLE III—DEMONSTRATION PROJECTS AND STUDIES**

Sec. 301. Extension of disability insurance program demonstration project authority.

Sec. 302. Demonstration projects providing for reductions in disability insurance benefits based on earnings.

Sec. 303. Studies and reports.

**TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS**

Sec. 401. Technical amendments relating to drug addicts and alcoholics.

Sec. 402. Treatment of prisoners.

- Sec. 403. Revocation by members of the clergy of exemption from social security coverage.
- Sec. 404. Additional technical amendment relating to cooperative research or demonstration projects under titles II and XVI.
- Sec. 405. Authorization for State to permit annual wage reports.
- Sec. 406. Assessment on attorneys who receive their fees via the Social Security Administration.
- Sec. 407. Extension of authority of State medicaid fraud control units.
- Sec. 408. Climate database modernization.
- Sec. 409. Special allowance adjustment for student loans.
- Sec. 410. Schedule for payments under SSI state supplementation agreements.
- Sec. 411. Bonus commodities.
- Sec. 412. Simplification of definition of foster child under EIC.
- Sec. 413. Delay of effective date of organ procurement and transplantation network final rule.

## TITLE V—TAX RELIEF EXTENSION ACT OF 1999

- Sec. 500. Short title of title.

## Subtitle A—Extensions

- Sec. 501. Allowance of nonrefundable personal credits against regular and minimum tax liability.
- Sec. 502. Research credit.
- Sec. 503. Subpart F exemption for active financing income.
- Sec. 504. Taxable income limit on percentage depletion for marginal production.
- Sec. 505. Work opportunity credit and welfare-to-work credit.
- Sec. 506. Employer-provided educational assistance.
- Sec. 507. Extension and modification of credit for producing electricity from certain renewable resources.
- Sec. 508. Extension of duty-free treatment under Generalized System of Preferences.
- Sec. 509. Extension of credit for holders of qualified zone academy bonds.
- Sec. 510. Extension of first-time homebuyer credit for District of Columbia.
- Sec. 511. Extension of expensing of environmental remediation costs.
- Sec. 512. Temporary increase in amount of rum excise tax covered over to Puerto Rico and Virgin Islands.

## Subtitle B—Other Time-Sensitive Provisions

- Sec. 521. Advance pricing agreements treated as confidential taxpayer information.
- Sec. 522. Authority to postpone certain tax-related deadlines by reason of Y2K failures.
- Sec. 523. Inclusion of certain vaccines against streptococcus pneumoniae to list of taxable vaccines.
- Sec. 524. Delay in effective date of requirement for approved diesel or kerosene terminals.
- Sec. 525. Production flexibility contract payments.

## Subtitle C—Revenue Offsets

## PART I—GENERAL PROVISIONS

- Sec. 531. Modification of estimated tax safe harbor.
- Sec. 532. Clarification of tax treatment of income and loss on derivatives.
- Sec. 533. Expansion of reporting of cancellation of indebtedness income.
- Sec. 534. Limitation on conversion of character of income from constructive ownership transactions.
- Sec. 535. Treatment of excess pension assets used for retiree health benefits.
- Sec. 536. Modification of installment method and repeal of installment method for accrual method taxpayers.
- Sec. 537. Denial of charitable contribution deduction for transfers associated with split-dollar insurance arrangements.
- Sec. 538. Distributions by a partnership to a corporate partner of stock in another corporation.

## PART II—PROVISIONS RELATING TO REAL ESTATE INVESTMENT TRUSTS

## SUBPART A—TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT

## SUBSIDIARIES

- Sec. 541. Modifications to asset diversification test.
- Sec. 542. Treatment of income and services provided by taxable REIT subsidiaries.
- Sec. 543. Taxable REIT subsidiary.
- Sec. 544. Limitation on earnings stripping.

- Sec. 545. 100 percent tax on improperly allocated amounts.  
 Sec. 546. Effective date.  
 Sec. 547. Study relating to taxable REIT subsidiaries.

## SUBPART B—HEALTH CARE REITS

- Sec. 551. Health care REITs.

## SUBPART C—CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES

- Sec. 556. Conformity with regulated investment company rules.

## SUBPART D—CLARIFICATION OF EXCEPTION FROM IMPERMISSIBLE TENANT SERVICE INCOME

- Sec. 561. Clarification of exception for independent operators.

## SUBPART E—MODIFICATION OF EARNINGS AND PROFITS RULES

- Sec. 566. Modification of earnings and profits rules.

## SUBPART F—MODIFICATION OF ESTIMATED TAX RULES

- Sec. 571. Modification of estimated tax rules for closely held real estate investment trusts.

42 USC 1320b-19 note.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) It is the policy of the United States to provide assistance to individuals with disabilities to lead productive work lives.

(2) Health care is important to all Americans.

(3) Health care is particularly important to individuals with disabilities and special health care needs who often cannot afford the insurance available to them through the private market, are uninsurable by the plans available in the private sector, and are at great risk of incurring very high and economically devastating health care costs.

(4) Americans with significant disabilities often are unable to obtain health care insurance that provides coverage of the services and supports that enable them to live independently and enter or rejoin the workforce. Personal assistance services (such as attendant services, personal assistance with transportation to and from work, reader services, job coaches, and related assistance) remove many of the barriers between significant disability and work. Coverage for such services, as well as for prescription drugs, durable medical equipment, and basic health care are powerful and proven tools for individuals with significant disabilities to obtain and retain employment.

(5) For individuals with disabilities, the fear of losing health care and related services is one of the greatest barriers keeping the individuals from maximizing their employment, earning potential, and independence.

(6) Social Security Disability Insurance and Supplemental Security Income beneficiaries risk losing medicare or medicaid coverage that is linked to their cash benefits, a risk that is an equal, or greater, work disincentive than the loss of cash benefits associated with working.

(7) Individuals with disabilities have greater opportunities for employment than ever before, aided by important public policy initiatives such as the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), advancements in public understanding of disability, and innovations in assistive technology, medical treatment, and rehabilitation.

(8) Despite such historic opportunities and the desire of millions of disability recipients to work and support themselves, fewer than one-half of one percent of Social Security Disability

Insurance and Supplemental Security Income beneficiaries leave the disability rolls and return to work.

(9) In addition to the fear of loss of health care coverage, beneficiaries cite financial disincentives to work and earn income and lack of adequate employment training and placement services as barriers to employment.

(10) Eliminating such barriers to work by creating financial incentives to work and by providing individuals with disabilities real choice in obtaining the services and technology they need to find, enter, and maintain employment can greatly improve their short and long-term financial independence and personal well-being.

(11) In addition to the enormous advantages such changes promise for individuals with disabilities, redesigning government programs to help individuals with disabilities return to work may result in significant savings and extend the life of the Social Security Disability Insurance Trust Fund.

(12) If only an additional one-half of one percent of the current Social Security Disability Insurance and Supplemental Security Income recipients were to cease receiving benefits as a result of employment, the savings to the Social Security Trust Funds and to the Treasury in cash assistance would total \$3,500,000,000 over the worklife of such individuals, far exceeding the cost of providing incentives and services needed to assist them in entering work and achieving financial independence to the best of their abilities.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide health care and employment preparation and placement services to individuals with disabilities that will enable those individuals to reduce their dependency on cash benefit programs.

(2) To encourage States to adopt the option of allowing individuals with disabilities to purchase medicaid coverage that is necessary to enable such individuals to maintain employment.

(3) To provide individuals with disabilities the option of maintaining medicare coverage while working.

(4) To establish a return to work ticket program that will allow individuals with disabilities to seek the services necessary to obtain and retain employment and reduce their dependency on cash benefit programs.

## **TITLE I—TICKET TO WORK AND SELF-SUFFICIENCY AND RELATED PROVISIONS**

### **Subtitle A—Ticket to Work and Self-Sufficiency**

#### **SEC. 101. ESTABLISHMENT OF THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM.**

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:



## “THE TICKET TO WORK AND SELF-SUFFICIENCY PROGRAM

Establishment.  
42 USC 1320b-  
19.

“SEC. 1148. (a) IN GENERAL.—The Commissioner shall establish a Ticket to Work and Self-Sufficiency Program, under which a disabled beneficiary may use a ticket to work and self-sufficiency issued by the Commissioner in accordance with this section to obtain employment services, vocational rehabilitation services, or other support services from an employment network which is of the beneficiary’s choice and which is willing to provide such services to such beneficiary.

## “ (b) TICKET SYSTEM.—

“(1) DISTRIBUTION OF TICKETS.—The Commissioner may issue a ticket to work and self-sufficiency to disabled beneficiaries for participation in the Program.

“(2) ASSIGNMENT OF TICKETS.—A disabled beneficiary holding a ticket to work and self-sufficiency may assign the ticket to any employment network of the beneficiary’s choice which is serving under the Program and is willing to accept the assignment.

“(3) TICKET TERMS.—A ticket issued under paragraph (1) shall consist of a document which evidences the Commissioner’s agreement to pay (as provided in paragraph (4)) an employment network, which is serving under the Program and to which such ticket is assigned by the beneficiary, for such employment services, vocational rehabilitation services, and other support services as the employment network may provide to the beneficiary.

“(4) PAYMENTS TO EMPLOYMENT NETWORKS.—The Commissioner shall pay an employment network under the Program in accordance with the outcome payment system under subsection (h)(2) or under the outcome-milestone payment system under subsection (h)(3) (whichever is elected pursuant to subsection (h)(1)). An employment network may not request or receive compensation for such services from the beneficiary.

## “ (c) STATE PARTICIPATION.—

“(1) IN GENERAL.—Each State agency administering or supervising the administration of the State plan approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.) may elect to participate in the Program as an employment network with respect to a disabled beneficiary. If the State agency does elect to participate in the Program, the State agency also shall elect to be paid under the outcome payment system or the outcome-milestone payment system in accordance with subsection (h)(1). With respect to a disabled beneficiary that the State agency does not elect to have participate in the Program, the State agency shall be paid for services provided to that beneficiary under the system for payment applicable under section 222(d) and subsections (d) and (e) of section 1615. The Commissioner shall provide for periodic opportunities for exercising such elections.

## “(2) EFFECT OF PARTICIPATION BY STATE AGENCY.—

“(A) STATE AGENCIES PARTICIPATING.—In any case in which a State agency described in paragraph (1) elects under that paragraph to participate in the Program, the employment services, vocational rehabilitation services, and other support services which, upon assignment of tickets

to work and self-sufficiency, are provided to disabled beneficiaries by the State agency acting as an employment network shall be governed by plans for vocational rehabilitation services approved under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.).

“(B) STATE AGENCIES ADMINISTERING MATERNAL AND CHILD HEALTH SERVICES PROGRAMS.—Subparagraph (A) shall not apply with respect to any State agency administering a program under title V of this Act.

“(3) AGREEMENTS BETWEEN STATE AGENCIES AND EMPLOYMENT NETWORKS.—State agencies and employment networks shall enter into agreements regarding the conditions under which services will be provided when an individual is referred by an employment network to a State agency for services. The Commissioner shall establish by regulations the timeframe within which such agreements must be entered into and the mechanisms for dispute resolution between State agencies and employment networks with respect to such agreements.

“(d) RESPONSIBILITIES OF THE COMMISSIONER.—

“(1) SELECTION AND QUALIFICATIONS OF PROGRAM MANAGERS.—The Commissioner shall enter into agreements with 1 or more organizations in the private or public sector for service as a program manager to assist the Commissioner in administering the Program. Any such program manager shall be selected by means of a competitive bidding process, from among organizations in the private or public sector with available expertise and experience in the field of vocational rehabilitation or employment services.

“(2) TENURE, RENEWAL, AND EARLY TERMINATION.—Each agreement entered into under paragraph (1) shall provide for early termination upon failure to meet performance standards which shall be specified in the agreement and which shall be weighted to take into account any performance in prior terms. Such performance standards shall include—

“(A) measures for ease of access by beneficiaries to services; and

“(B) measures for determining the extent to which failures in obtaining services for beneficiaries fall within acceptable parameters, as determined by the Commissioner.

“(3) PRECLUSION FROM DIRECT PARTICIPATION IN DELIVERY OF SERVICES IN OWN SERVICE AREA.—Agreements under paragraph (1) shall preclude—

“(A) direct participation by a program manager in the delivery of employment services, vocational rehabilitation services, or other support services to beneficiaries in the service area covered by the program manager’s agreement; and

“(B) the holding by a program manager of a financial interest in an employment network or service provider which provides services in a geographic area covered under the program manager’s agreement.

“(4) SELECTION OF EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Commissioner shall select and enter into agreements with employment networks for service under the Program. Such employment networks

shall be in addition to State agencies serving as employment networks pursuant to elections under subsection (c).

“(B) ALTERNATE PARTICIPANTS.—In any State where the Program is being implemented, the Commissioner shall enter into an agreement with any alternate participant that is operating under the authority of section 222(d)(2) in the State as of the date of the enactment of this section and chooses to serve as an employment network under the Program.

“(5) TERMINATION OF AGREEMENTS WITH EMPLOYMENT NETWORKS.—The Commissioner shall terminate agreements with employment networks for inadequate performance, as determined by the Commissioner.

“(6) QUALITY ASSURANCE.—The Commissioner shall provide for such periodic reviews as are necessary to provide for effective quality assurance in the provision of services by employment networks. The Commissioner shall solicit and consider the views of consumers and the program manager under which the employment networks serve and shall consult with providers of services to develop performance measurements. The Commissioner shall ensure that the results of the periodic reviews are made available to beneficiaries who are prospective service recipients as they select employment networks. The Commissioner shall ensure that the periodic surveys of beneficiaries receiving services under the Program are designed to measure customer service satisfaction.

“(7) DISPUTE RESOLUTION.—The Commissioner shall provide for a mechanism for resolving disputes between beneficiaries and employment networks, between program managers and employment networks, and between program managers and providers of services. The Commissioner shall afford a party to such a dispute a reasonable opportunity for a full and fair review of the matter in dispute.

“(e) PROGRAM MANAGERS.—

“(1) IN GENERAL.—A program manager shall conduct tasks appropriate to assist the Commissioner in carrying out the Commissioner’s duties in administering the Program.

“(2) RECRUITMENT OF EMPLOYMENT NETWORKS.—A program manager shall recruit, and recommend for selection by the Commissioner, employment networks for service under the Program. The program manager shall carry out such recruitment and provide such recommendations, and shall monitor all employment networks serving in the Program in the geographic area covered under the program manager’s agreement, to the extent necessary and appropriate to ensure that adequate choices of services are made available to beneficiaries. Employment networks may serve under the Program only pursuant to an agreement entered into with the Commissioner under the Program incorporating the applicable provisions of this section and regulations thereunder, and the program manager shall provide and maintain assurances to the Commissioner that payment by the Commissioner to employment networks pursuant to this section is warranted based on compliance by such employment networks with the terms of such agreement and this section. The program manager shall not impose numerical limits on the number of employment networks to be recommended pursuant to this paragraph.

“(3) FACILITATION OF ACCESS BY BENEFICIARIES TO EMPLOYMENT NETWORKS.—A program manager shall facilitate access by beneficiaries to employment networks. The program manager shall ensure that each beneficiary is allowed changes in employment networks without being deemed to have rejected services under the Program. When such a change occurs, the program manager shall reassign the ticket based on the choice of the beneficiary. Upon the request of the employment network, the program manager shall make a determination of the allocation of the outcome or milestone-outcome payments based on the services provided by each employment network. The program manager shall establish and maintain lists of employment networks available to beneficiaries and shall make such lists generally available to the public. The program manager shall ensure that all information provided to disabled beneficiaries pursuant to this paragraph is provided in accessible formats.

“(4) ENSURING AVAILABILITY OF ADEQUATE SERVICES.—The program manager shall ensure that employment services, vocational rehabilitation services, and other support services are provided to beneficiaries throughout the geographic area covered under the program manager’s agreement, including rural areas.

“(5) REASONABLE ACCESS TO SERVICES.—The program manager shall take such measures as are necessary to ensure that sufficient employment networks are available and that each beneficiary receiving services under the Program has reasonable access to employment services, vocational rehabilitation services, and other support services. Services provided under the Program may include case management, work incentives planning, supported employment, career planning, career plan development, vocational assessment, job training, placement, follow-up services, and such other services as may be specified by the Commissioner under the Program. The program manager shall ensure that such services are available in each service area.

“(f) EMPLOYMENT NETWORKS.—

“(1) QUALIFICATIONS FOR EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—Each employment network serving under the Program shall consist of an agency or instrumentality of a State (or a political subdivision thereof) or a private entity, that assumes responsibility for the coordination and delivery of services under the Program to individuals assigning to the employment network tickets to work and self-sufficiency issued under subsection (b).

“(B) ONE-STOP DELIVERY SYSTEMS.—An employment network serving under the Program may consist of a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.).

“(C) COMPLIANCE WITH SELECTION CRITERIA.—No employment network may serve under the Program unless it meets and maintains compliance with both general selection criteria (such as professional and educational qualifications, where applicable) and specific selection criteria (such as substantial expertise and experience in providing relevant employment services and supports).

“(D) SINGLE OR ASSOCIATED PROVIDERS ALLOWED.—An employment network shall consist of either a single provider of such services or of an association of such providers organized so as to combine their resources into a single entity. An employment network may meet the requirements of subsection (e)(4) by providing services directly, or by entering into agreements with other individuals or entities providing appropriate employment services, vocational rehabilitation services, or other support services.

“(2) REQUIREMENTS RELATING TO PROVISION OF SERVICES.—Each employment network serving under the Program shall be required under the terms of its agreement with the Commissioner to—

“(A) serve prescribed service areas; and

“(B) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subsection (g).

“(3) ANNUAL FINANCIAL REPORTING.—Each employment network shall meet financial reporting requirements as prescribed by the Commissioner.

“(4) PERIODIC OUTCOMES REPORTING.—Each employment network shall prepare periodic reports, on at least an annual basis, itemizing for the covered period specific outcomes achieved with respect to specific services provided by the employment network. Such reports shall conform to a national model prescribed under this section. Each employment network shall provide a copy of the latest report issued by the employment network pursuant to this paragraph to each beneficiary upon enrollment under the Program for services to be received through such employment network. Upon issuance of each report to each beneficiary, a copy of the report shall be maintained in the files of the employment network. The program manager shall ensure that copies of all such reports issued under this paragraph are made available to the public under reasonable terms.

“(g) INDIVIDUAL WORK PLANS.—

“(1) REQUIREMENTS.—Each employment network shall—

“(A) take such measures as are necessary to ensure that employment services, vocational rehabilitation services, and other support services provided under the Program by, or under agreements entered into with, the employment network are provided under appropriate individual work plans that meet the requirements of subparagraph (C);

“(B) develop and implement each such individual work plan, in partnership with each beneficiary receiving such services, in a manner that affords such beneficiary the opportunity to exercise informed choice in selecting an employment goal and specific services needed to achieve that employment goal;

“(C) ensure that each individual work plan includes at least—

“(i) a statement of the vocational goal developed with the beneficiary, including, as appropriate, goals for earnings and job advancement;

“(ii) a statement of the services and supports that have been deemed necessary for the beneficiary to accomplish that goal;

“(iii) a statement of any terms and conditions related to the provision of such services and supports; and

“(iv) a statement of understanding regarding the beneficiary’s rights under the Program (such as the right to retrieve the ticket to work and self-sufficiency if the beneficiary is dissatisfied with the services being provided by the employment network) and remedies available to the individual, including information on the availability of advocacy services and assistance in resolving disputes through the State grant program authorized under section 1150;

“(D) provide a beneficiary the opportunity to amend the individual work plan if a change in circumstances necessitates a change in the plan; and

“(E) make each beneficiary’s individual work plan available to the beneficiary in, as appropriate, an accessible format chosen by the beneficiary.

“(2) EFFECTIVE UPON WRITTEN APPROVAL.—A beneficiary’s individual work plan shall take effect upon written approval by the beneficiary or a representative of the beneficiary and a representative of the employment network that, in providing such written approval, acknowledges assignment of the beneficiary’s ticket to work and self-sufficiency.

“(h) EMPLOYMENT NETWORK PAYMENT SYSTEMS.—

“(1) ELECTION OF PAYMENT SYSTEM BY EMPLOYMENT NETWORKS.—

“(A) IN GENERAL.—The Program shall provide for payment authorized by the Commissioner to employment networks under either an outcome payment system or an outcome-milestone payment system. Each employment network shall elect which payment system will be utilized by the employment network, and, for such period of time as such election remains in effect, the payment system so elected shall be utilized exclusively in connection with such employment network (except as provided in subparagraph (B)).

“(B) NO CHANGE IN METHOD OF PAYMENT FOR BENEFICIARIES WITH TICKETS ALREADY ASSIGNED TO THE EMPLOYMENT NETWORKS.—Any election of a payment system by an employment network that would result in a change in the method of payment to the employment network for services provided to a beneficiary who is receiving services from the employment network at the time of the election shall not be effective with respect to payment for services provided to that beneficiary and the method of payment previously selected shall continue to apply with respect to such services.

“(2) OUTCOME PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) PAYMENTS MADE DURING OUTCOME PAYMENT PERIOD.—The outcome payment system shall provide for a schedule of payments to an employment network, in connection with each individual who is a beneficiary, for each month, during the individual’s outcome payment period, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual because of work or earnings.

“(C) COMPUTATION OF PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome payment system shall be designed so that—

“(i) the payment for each month during the outcome payment period for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable is equal to a fixed percentage of the payment calculation base for the calendar year in which such month occurs; and

“(ii) such fixed percentage is set at a percentage which does not exceed 40 percent.

“(3) OUTCOME-MILESTONE PAYMENT SYSTEM.—

“(A) IN GENERAL.—The outcome-milestone payment system shall consist of a payment structure governing employment networks electing such system under paragraph (1)(A) which meets the requirements of this paragraph.

“(B) EARLY PAYMENTS UPON ATTAINMENT OF MILESTONES IN ADVANCE OF OUTCOME PAYMENT PERIODS.—The outcome-milestone payment system shall provide for 1 or more milestones, with respect to beneficiaries receiving services from an employment network under the Program, that are directed toward the goal of permanent employment. Such milestones shall form a part of a payment structure that provides, in addition to payments made during outcome payment periods, payments made prior to outcome payment periods in amounts based on the attainment of such milestones.

“(C) LIMITATION ON TOTAL PAYMENTS TO EMPLOYMENT NETWORK.—The payment schedule of the outcome milestone payment system shall be designed so that the total of the payments to the employment network with respect to each beneficiary is less than, on a net present value basis (using an interest rate determined by the Commissioner that appropriately reflects the cost of funds faced by providers), the total amount to which payments to the employment network with respect to the beneficiary would be limited if the employment network were paid under the outcome payment system.

“(4) DEFINITIONS.—In this subsection:

“(A) PAYMENT CALCULATION BASE.—The term ‘payment calculation base’ means, for any calendar year—

“(i) in connection with a title II disability beneficiary, the average disability insurance benefit payable

under section 223 for all beneficiaries for months during the preceding calendar year; and

“(ii) in connection with a title XVI disability beneficiary (who is not concurrently a title II disability beneficiary), the average payment of supplemental security income benefits based on disability payable under title XVI (excluding State supplementation) for months during the preceding calendar year to all beneficiaries who have attained 18 years of age but have not attained 65 years of age.

“(B) OUTCOME PAYMENT PERIOD.—The term ‘outcome payment period’ means, in connection with any individual who had assigned a ticket to work and self-sufficiency to an employment network under the Program, a period—

“(i) beginning with the first month, ending after the date on which such ticket was assigned to the employment network, for which benefits (described in paragraphs (3) and (4) of subsection (k)) are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity; and

“(ii) ending with the 60th month (consecutive or otherwise), ending after such date, for which such benefits are not payable to such individual by reason of engagement in substantial gainful activity or by reason of earnings from work activity.

“(5) PERIODIC REVIEW AND ALTERATIONS OF PRESCRIBED SCHEDULES.—

“(A) PERCENTAGES AND PERIODS.—The Commissioner shall periodically review the percentage specified in paragraph (2)(C), the total payments permissible under paragraph (3)(C), and the period of time specified in paragraph (4)(B) to determine whether such percentages, such permissible payments, and such period provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, while providing for appropriate economies. The Commissioner may alter such percentage, such total permissible payments, or such period of time to the extent that the Commissioner determines, on the basis of the Commissioner’s review under this paragraph, that such an alteration would better provide the incentive and economies described in the preceding sentence.

“(B) NUMBER AND AMOUNTS OF MILESTONE PAYMENTS.—The Commissioner shall periodically review the number and amounts of milestone payments established by the Commissioner pursuant to this section to determine whether they provide an adequate incentive for employment networks to assist beneficiaries to enter the workforce, taking into account information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, and other reliable sources. The Commissioner may from time to time alter the number and amounts of milestone payments initially established by the Commissioner pursuant to this section to the extent that the Commissioner determines that such an alteration



would allow an adequate incentive for employment networks to assist beneficiaries to enter the workforce. Such alteration shall be based on information provided to the Commissioner by program managers, the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, or other reliable sources.

Deadline.

“(C) REPORT ON THE ADEQUACY OF INCENTIVES.—The Commissioner shall submit to the Congress not later than 36 months after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999 a report with recommendations for a method or methods to adjust payment rates under subparagraphs (A) and (B), that would ensure adequate incentives for the provision of services by employment networks of—

“(i) individuals with a need for ongoing support and services;

“(ii) individuals with a need for high-cost accommodations;

“(iii) individuals who earn a subminimum wage; and

“(iv) individuals who work and receive partial cash benefits.

The Commissioner shall consult with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 during the development and evaluation of the study. The Commissioner shall implement the necessary adjusted payment rates prior to full implementation of the Ticket to Work and Self-Sufficiency Program.

“(i) SUSPENSION OF DISABILITY REVIEWS.—During any period for which an individual is using, as defined by the Commissioner, a ticket to work and self-sufficiency issued under this section, the Commissioner (and any applicable State agency) may not initiate a continuing disability review or other review under section 221 of whether the individual is or is not under a disability or a review under title XVI similar to any such review under section 221.

“(j) AUTHORIZATIONS.—

“(1) PAYMENTS TO EMPLOYMENT NETWORKS.—

“(A) TITLE II DISABILITY BENEFICIARIES.—There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund each fiscal year such sums as may be necessary to make payments to employment networks under this section. Money paid from the Trust Funds under this section with respect to title II disability beneficiaries who are entitled to benefits under section 223 or who are entitled to benefits under section 202(d) on the basis of the wages and self-employment income of such beneficiaries, shall be charged to the Federal Disability Insurance Trust Fund, and all other money paid from the Trust Funds under this section shall be charged to the Federal Old-Age and Survivors Insurance Trust Fund.

“(B) TITLE XVI DISABILITY BENEFICIARIES.—Amounts authorized to be appropriated to the Social Security

Administration under section 1601 (as in effect pursuant to the amendments made by section 301 of the Social Security Amendments of 1972) shall include amounts necessary to carry out the provisions of this section with respect to title XVI disability beneficiaries.

“(2) ADMINISTRATIVE EXPENSES.—The costs of administering this section (other than payments to employment networks) shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among such amounts as appropriate.

“(k) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ means a title II disability beneficiary or a title XVI disability beneficiary.

“(3) TITLE II DISABILITY BENEFICIARY.—The term ‘title II disability beneficiary’ means an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual’s disability (as defined in section 223(d)). An individual is a title II disability beneficiary for each month for which such individual is entitled to such benefits.

“(4) TITLE XVI DISABILITY BENEFICIARY.—The term ‘title XVI disability beneficiary’ means an individual eligible for supplemental security income benefits under title XVI on the basis of blindness (within the meaning of section 1614(a)(2)) or disability (within the meaning of section 1614(a)(3)). An individual is a title XVI disability beneficiary for each month for which such individual is eligible for such benefits.

“(5) SUPPLEMENTAL SECURITY INCOME BENEFIT.—The term ‘supplemental security income benefit under title XVI’ means a cash benefit under section 1611 or 1619(a), and does not include a State supplementary payment, administered federally or otherwise.

“(l) REGULATIONS.—Not later than 1 year after the date of the enactment of the Ticket to Work and Work Incentives Improvement Act of 1999, the Commissioner shall prescribe such regulations as are necessary to carry out the provisions of this section.”. Deadline.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO TITLE II.—

(A) Section 221(i) of the Social Security Act (42 U.S.C. 421(i)) is amended by adding at the end the following new paragraph:

“(5) For suspension of reviews under this subsection in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).”.

(B) Section 222(a) of such Act (42 U.S.C. 422(a)) is repealed.

(C) Section 222(b) of such Act (42 U.S.C. 422(b)) is repealed.

(D) Section 225(b)(1) of such Act (42 U.S.C. 425(b)(1)) is amended by striking “a program of vocational rehabilitation services” and inserting “a program consisting of the Ticket to Work and Self-Sufficiency Program under section

1148 or another program of vocational rehabilitation services, employment services, or other support services”.

(2) AMENDMENTS TO TITLE XVI.—

(A) Section 1615(a) of such Act (42 U.S.C. 1382d(a)) is amended to read as follows:

“SEC. 1615. (a) In the case of any blind or disabled individual who—

“(1) has not attained age 16; and

“(2) with respect to whom benefits are paid under this title,

the Commissioner of Social Security shall make provision for referral of such individual to the appropriate State agency administering the State program under title V.”.

(B) Section 1615(c) of such Act (42 U.S.C. 1382d(c)) is repealed.

(C) Section 1631(a)(6)(A) of such Act (42 U.S.C. 1383(a)(6)(A)) is amended by striking “a program of vocational rehabilitation services” and inserting “a program consisting of the Ticket to Work and Self-Sufficiency Program under section 1148 or another program of vocational rehabilitation services, employment services, or other support services”.

(D) Section 1633(c) of such Act (42 U.S.C. 1383b(c)) is amended—

(i) by inserting “(1)” after “(c)”; and

(ii) by adding at the end the following new paragraph:

“(2) For suspension of continuing disability reviews and other reviews under this title similar to reviews under section 221 in the case of an individual using a ticket to work and self-sufficiency, see section 1148(i).”.

42 USC 1320b-19 note.

(c) EFFECTIVE DATE.—Subject to subsection (d), the amendments made by subsections (a) and (b) shall take effect with the first month following 1 year after the date of the enactment of this Act.

42 USC 1320b-19 note.  
Deadline.

(d) GRADUATED IMPLEMENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner of Social Security shall commence implementation of the amendments made by this section (other than paragraphs (1)(C) and (2)(B) of subsection (b)) in graduated phases at phase-in sites selected by the Commissioner. Such phase-in sites shall be selected so as to ensure, prior to full implementation of the Ticket to Work and Self-Sufficiency Program, the development and refinement of referral processes, payment systems, computer linkages, management information systems, and administrative processes necessary to provide for full implementation of such amendments. Subsection (c) shall apply with respect to paragraphs (1)(C) and (2)(B) of subsection (b) without regard to this subsection.

(2) REQUIREMENTS.—Implementation of the Program at each phase-in site shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration, so as to ensure that the most efficacious methods are determined and in place for full implementation of the Program on a timely basis.

(3) **FULL IMPLEMENTATION.**—The Commissioner shall ensure that ability to provide tickets and services to individuals under the Program exists in every State as soon as practicable on or after the effective date specified in subsection (c) but not later than 3 years after such date.

(4) **ONGOING EVALUATION OF PROGRAM.**—

(A) **IN GENERAL.**—The Commissioner shall provide for independent evaluations to assess the effectiveness of the activities carried out under this section and the amendments made thereby. Such evaluations shall address the cost-effectiveness of such activities, as well as the effects of this section and the amendments made thereby on work outcomes for beneficiaries receiving tickets to work and self-sufficiency under the Program.

(B) **CONSULTATION.**—Evaluations shall be conducted under this paragraph after receiving relevant advice from experts in the fields of disability, vocational rehabilitation, and program evaluation and individuals using tickets to work and self-sufficiency under the Program and in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of this Act, the Comptroller General of the United States, other agencies of the Federal Government, and private organizations with appropriate expertise.

(C) **METHODOLOGY.**—

(i) **IMPLEMENTATION.**—The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of this Act, shall ensure that plans for evaluations and data collection methods under the Program are appropriately designed to obtain detailed employment information.

(ii) **SPECIFIC MATTERS TO BE ADDRESSED.**—Each such evaluation shall address (but is not limited to)—

(I) the annual cost (including net cost) of the Program and the annual cost (including net cost) that would have been incurred in the absence of the Program;

(II) the determinants of return to work, including the characteristics of beneficiaries in receipt of tickets under the Program;

(III) the types of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and to those who do not return to work;

(IV) the duration of employment services, vocational rehabilitation services, and other support services furnished to beneficiaries in receipt of tickets under the Program who return to work and the duration of such services furnished to those who do not return to work and the cost to employment networks of furnishing such services;

(V) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work after receiving

tickets under the Program and those who return to work without receiving such tickets;

(VI) the characteristics of individuals in possession of tickets under the Program who are not accepted for services and, to the extent reasonably determinable, the reasons for which such beneficiaries were not accepted for services;

(VII) the characteristics of providers whose services are provided within an employment network under the Program;

(VIII) the extent (if any) to which employment networks display a greater willingness to provide services to beneficiaries with a range of disabilities;

(IX) the characteristics (including employment outcomes) of those beneficiaries who receive services under the outcome payment system and of those beneficiaries who receive services under the outcome-milestone payment system;

(X) measures of satisfaction among beneficiaries in receipt of tickets under the Program; and

(XI) reasons for (including comments solicited from beneficiaries regarding) their choice not to use their tickets or their inability to return to work despite the use of their tickets.

(D) PERIODIC EVALUATION REPORTS.—Following the close of the third and fifth fiscal years ending after the effective date under subsection (c), and prior to the close of the seventh fiscal year ending after such date, the Commissioner shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the Commissioner's evaluation of the progress of activities conducted under the provisions of this section and the amendments made thereby. Each such report shall set forth the Commissioner's evaluation of the extent to which the Program has been successful and the Commissioner's conclusions on whether or how the Program should be modified. Each such report shall include such data, findings, materials, and recommendations as the Commissioner may consider appropriate.

(5) EXTENT OF STATE'S RIGHT OF FIRST REFUSAL IN ADVANCE OF FULL IMPLEMENTATION OF AMENDMENTS IN SUCH STATE.—

(A) IN GENERAL.—In the case of any State in which the amendments made by subsection (a) have not been fully implemented pursuant to this subsection, the Commissioner shall determine by regulation the extent to which—

(i) the requirement under section 222(a) of the Social Security Act (42 U.S.C. 422(a)) for prompt referrals to a State agency; and

(ii) the authority of the Commissioner under section 222(d)(2) of such Act (42 U.S.C. 422(d)(2)) to provide vocational rehabilitation services in such State by agreement or contract with other public or private agencies, organizations, institutions, or individuals, shall apply in such State.

(B) EXISTING AGREEMENTS.—Nothing in subparagraph (A) or the amendments made by subsection (a) shall be construed to limit, impede, or otherwise affect any agreement entered into pursuant to section 222(d)(2) of the Social Security Act (42 U.S.C. 422(d)(2)) before the date of the enactment of this Act with respect to services provided pursuant to such agreement to beneficiaries receiving services under such agreement as of such date, except with respect to services (if any) to be provided after 3 years after the effective date provided in subsection (c).

(e) SPECIFIC REGULATIONS REQUIRED.—

(1) IN GENERAL.—The Commissioner of Social Security shall prescribe such regulations as are necessary to implement the amendments made by this section.

(2) SPECIFIC MATTERS TO BE INCLUDED IN REGULATIONS.—The matters which shall be addressed in such regulations shall include—

(A) the form and manner in which tickets to work and self-sufficiency may be distributed to beneficiaries pursuant to section 1148(b)(1) of the Social Security Act;

(B) the format and wording of such tickets, which shall incorporate by reference any contractual terms governing service by employment networks under the Program;

(C) the form and manner in which State agencies may elect participation in the Ticket to Work and Self-Sufficiency Program pursuant to section 1148(c)(1) of such Act and provision for periodic opportunities for exercising such elections;

(D) the status of State agencies under section 1148(c)(1) of such Act at the time that State agencies exercise elections under that section;

(E) the terms of agreements to be entered into with program managers pursuant to section 1148(d) of such Act, including—

(i) the terms by which program managers are precluded from direct participation in the delivery of services pursuant to section 1148(d)(3) of such Act;

(ii) standards which must be met by quality assurance measures referred to in paragraph (6) of section 1148(d) of such Act and methods of recruitment of employment networks utilized pursuant to paragraph (2) of section 1148(e) of such Act; and

(iii) the format under which dispute resolution will operate under section 1148(d)(7) of such Act;

(F) the terms of agreements to be entered into with employment networks pursuant to section 1148(d)(4) of such Act, including—

(i) the manner in which service areas are specified pursuant to section 1148(f)(2)(A) of such Act;

(ii) the general selection criteria and the specific selection criteria which are applicable to employment networks under section 1148(f)(1)(C) of such Act in selecting service providers;

(iii) specific requirements relating to annual financial reporting by employment networks pursuant to section 1148(f)(3) of such Act; and

42 USC 1320b-19 note.

(iv) the national model to which periodic outcomes reporting by employment networks must conform under section 1148(f)(4) of such Act;

(G) standards which must be met by individual work plans pursuant to section 1148(g) of such Act;

(H) standards which must be met by payment systems required under section 1148(h) of such Act, including—

(i) the form and manner in which elections by employment networks of payment systems are to be exercised pursuant to section 1148(h)(1)(A) of such Act;

(ii) the terms which must be met by an outcome payment system under section 1148(h)(2) of such Act;

(iii) the terms which must be met by an outcome-milestone payment system under section 1148(h)(3) of such Act;

(iv) any revision of the percentage specified in paragraph (2)(C) of section 1148(h) of such Act or the period of time specified in paragraph (4)(B) of such section 1148(h) of such Act; and

(v) annual oversight procedures for such systems; and

(I) procedures for effective oversight of the Program by the Commissioner of Social Security, including periodic reviews and reporting requirements.

42 USC 1320b-19 note.

(f) THE TICKET TO WORK AND WORK INCENTIVES ADVISORY PANEL.—

(1) ESTABLISHMENT.—There is established within the Social Security Administration a panel to be known as the “Ticket to Work and Work Incentives Advisory Panel” (in this subsection referred to as the “Panel”).

(2) DUTIES OF PANEL.—It shall be the duty of the Panel to—

(A) advise the President, the Congress, and the Commissioner of Social Security on issues related to work incentives programs, planning, and assistance for individuals with disabilities, including work incentive provisions under titles II, XI, XVI, XVIII, and XIX of the Social Security Act (42 U.S.C. 401 et seq., 1301 et seq., 1381 et seq., 1395 et seq., 1396 et seq.); and

(B) with respect to the Ticket to Work and Self-Sufficiency Program established under section 1148 of such Act—

(i) advise the Commissioner of Social Security with respect to establishing phase-in sites for such Program and fully implementing the Program thereafter, the refinement of access of disabled beneficiaries to employment networks, payment systems, and management information systems, and advise the Commissioner whether such measures are being taken to the extent necessary to ensure the success of the Program;

(ii) advise the Commissioner regarding the most effective designs for research and demonstration projects associated with the Program or conducted pursuant to section 302 of this Act;

(iii) advise the Commissioner on the development of performance measurements relating to quality assurance under section 1148(d)(6) of the Social Security Act; and

(iv) furnish progress reports on the Program to the Commissioner and each House of Congress.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Panel shall be composed of 12 members as follows:

(i) four members appointed by the President, not more than two of whom may be of the same political party;

(ii) two members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives;

(iii) two members appointed by the minority leader of the House of Representatives, in consultation with the ranking member of the Committee on Ways and Means of the House of Representatives;

(iv) two members appointed by the majority leader of the Senate, in consultation with the Chairman of the Committee on Finance of the Senate; and

(v) two members appointed by the minority leader of the Senate, in consultation with the ranking member of the Committee on Finance of the Senate.

(B) REPRESENTATION.—

(i) IN GENERAL.—The members appointed under subparagraph (A) shall have experience or expert knowledge as a recipient, provider, employer, or employee in the fields of, or related to, employment services, vocational rehabilitation services, and other support services.

(ii) REQUIREMENT.—At least one-half of the members appointed under subparagraph (A) shall be individuals with disabilities, or representatives of individuals with disabilities, with consideration given to current or former title II disability beneficiaries or title XVI disability beneficiaries (as such terms are defined in section 1148(k) of the Social Security Act (as added by subsection (a))).

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 4 years (or, if less, for the remaining life of the Panel), except as provided in clauses (ii) and (iii). The initial members shall be appointed not later than 90 days after the date of the enactment of this Act.

(ii) TERMS OF INITIAL APPOINTEES.—Of the members first appointed under each clause of subparagraph (A), as designated by the appointing authority for each such clause—

(I) one-half of such members shall be appointed for a term of 2 years; and

(II) the remaining members shall be appointed for a term of 4 years.



(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Panel shall be filled in the manner in which the original appointment was made.

(D) BASIC PAY.—Members shall each be paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(E) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(F) QUORUM.—Eight members of the Panel shall constitute a quorum but a lesser number may hold hearings.

(G) CHAIRPERSON.—The Chairperson of the Panel shall be designated by the President. The term of office of the Chairperson shall be 4 years.

(H) MEETINGS.—The Panel shall meet at least quarterly and at other times at the call of the Chairperson or a majority of its members.

(4) DIRECTOR AND STAFF OF PANEL; EXPERTS AND CONSULTANTS.—

(A) DIRECTOR.—The Panel shall have a Director who shall be appointed by the Chairperson, and paid at a rate, and in a manner, that is consistent with guidelines established under section 7 of the Federal Advisory Committee Act (5 U.S.C. App.).

(B) STAFF.—Subject to rules prescribed by the Commissioner of Social Security, the Director may appoint and fix the pay of additional personnel as the Director considers appropriate.

(C) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commissioner of Social Security, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(D) STAFF OF FEDERAL AGENCIES.—Upon request of the Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Panel to assist it in carrying out its duties under this Act.

(5) POWERS OF PANEL.—

(A) HEARINGS AND SESSIONS.—The Panel may, for the purpose of carrying out its duties under this subsection, hold such hearings, sit and act at such times and places, and take such testimony and evidence as the Panel considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Panel may, if authorized by the Panel, take any action which the Panel is authorized to take by this section.

(C) MAILS.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) REPORTS.—

(A) INTERIM REPORTS.—The Panel shall submit to the President and the Congress interim reports at least annually.

(B) FINAL REPORT.—The Panel shall transmit a final report to the President and the Congress not later than eight years after the date of the enactment of this Act. The final report shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for legislation and administrative actions which the Panel considers appropriate.

(7) TERMINATION.—The Panel shall terminate 30 days after the date of the submission of its final report under paragraph (6)(B).

(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated from the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the general fund of the Treasury, as appropriate, such sums as are necessary to carry out this subsection.

## **Subtitle B—Elimination of Work Disincentives**

### **SEC. 111. WORK ACTIVITY STANDARD AS A BASIS FOR REVIEW OF AN INDIVIDUAL'S DISABLED STATUS.**

(a) IN GENERAL.—Section 221 of the Social Security Act (42 U.S.C. 421) is amended by adding at the end the following new subsection:

“(m)(1) In any case where an individual entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual's disability (as defined in section 223(d)) has received such benefits for at least 24 months—

“(A) no continuing disability review conducted by the Commissioner may be scheduled for the individual solely as a result of the individual's work activity;

“(B) no work activity engaged in by the individual may be used as evidence that the individual is no longer disabled; and

“(C) no cessation of work activity by the individual may give rise to a presumption that the individual is unable to engage in work.

“(2) An individual to which paragraph (1) applies shall continue to be subject to—

“(A) continuing disability reviews on a regularly scheduled basis that is not triggered by work; and

“(B) termination of benefits under this title in the event that the individual has earnings that exceed the level of earnings established by the Commissioner to represent substantial gainful activity.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002. 42 USC 421 note.

### **SEC. 112. EXPEDITED REINSTATEMENT OF DISABILITY BENEFITS.**

(a) OASDI BENEFITS.—Section 223 of the Social Security Act (42 U.S.C. 423) is amended—

- (1) by redesignating subsection (i) as subsection (j); and
- (2) by inserting after subsection (h) the following new subsection:

“Reinstatement of Entitlement

“(i)(1)(A) Entitlement to benefits described in subparagraph (B)(i)(I) shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of such entitlement shall be in accordance with the terms of this subsection.

“(B) An individual is described in this subparagraph if—

“(i) prior to the month in which the individual files a request for reinstatement—

“(I) the individual was entitled to benefits under this section or section 202 on the basis of disability pursuant to an application filed therefor; and

“(II) such entitlement terminated due to the performance of substantial gainful activity;

“(ii) the individual is under a disability and the physical or mental impairment that is the basis for the finding of disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of disability that gave rise to the entitlement described in clause (i); and

“(iii) the individual’s disability renders the individual unable to perform substantial gainful activity.

“(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was entitled to a benefit described in subparagraph (B)(i)(I) prior to the entitlement termination described in subparagraph (B)(i)(II).

“(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

“(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

“(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) and (iii) of paragraph (1)(B).

“(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not entitled to reinstated benefits under this subsection.

“(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of subsection (f) shall apply.

“(4)(A)(i) Subject to clause (ii), entitlement to benefits reinstated under this subsection shall commence with the benefit payable for the month in which a request for reinstatement is filed.

“(ii) An individual whose entitlement to a benefit for any month would have been reinstated under this subsection had the individual filed a request for reinstatement before the end of such month

shall be entitled to such benefit for such month if such request for reinstatement is filed before the end of the twelfth month immediately succeeding such month.

“(B)(i) Subject to clauses (ii) and (iii), the amount of the benefit payable for any month pursuant to the reinstatement of entitlement under this subsection shall be determined in accordance with the provisions of this title.

“(ii) For purposes of computing the primary insurance amount of an individual whose entitlement to benefits under this section is reinstated under this subsection, the date of onset of the individual’s disability shall be the date of onset used in determining the individual’s most recent period of disability arising in connection with such benefits payable on the basis of an application.

“(iii) Benefits under this section or section 202 payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

“(C) No benefit shall be payable pursuant to an entitlement reinstated under this subsection to an individual for any month in which the individual engages in substantial gainful activity.

“(D) The entitlement of any individual that is reinstated under this subsection shall end with the benefits payable for the month preceding whichever of the following months is the earliest:

“(i) The month in which the individual dies.

“(ii) The month in which the individual attains retirement age.

“(iii) The third month following the month in which the individual’s disability ceases.

“(5) Whenever an individual’s entitlement to benefits under this section is reinstated under this subsection, entitlement to benefits payable on the basis of such individual’s wages and self-employment income may be reinstated with respect to any person previously entitled to such benefits on the basis of an application if the Commissioner determines that such person satisfies all the requirements for entitlement to such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated entitlement of any such person to the same extent that they apply to the reinstated entitlement of such individual.

“(6) An individual to whom benefits are payable under this section or section 202 pursuant to a reinstatement of entitlement under this subsection for 24 months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be deemed for purposes of paragraph (1)(B)(i)(I) and the determination, if appropriate, of the termination month in accordance with subsection (a)(1) of this section, or subsection (d)(1), (e)(1), or (f)(1) of section 202, to be entitled to such benefits on the basis of an application filed therefor.

“(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be entitled to provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual’s declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner

shall be final and not subject to review under subsection (b) or (g) of section 205.

“(B) The amount of a provisional benefit for a month shall equal the amount of the last monthly benefit payable to the individual under this title on the basis of an application increased by an amount equal to the amount, if any, by which such last monthly benefit would have been increased as a result of the operation of section 215(i).

“(C)(i) Provisional benefits shall begin with the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

“(ii) Provisional benefits shall end with the earliest of—

“(I) the month in which the Commissioner makes a determination regarding the individual’s entitlement to reinstated benefits;

“(II) the fifth month following the month described in clause (i);

“(III) the month in which the individual performs substantial gainful activity; or

“(IV) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual’s declaration made in accordance with paragraph (2)(A)(ii) is false.

“(D) In any case in which the Commissioner determines that an individual is not entitled to reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).”.

(b) SSI BENEFITS.—

(1) IN GENERAL.—Section 1631 of the Social Security Act (42 U.S.C. 1383) is amended by adding at the end the following new subsection:

“Reinstatement of Eligibility on the Basis of Blindness or Disability

“(p)(1)(A) Eligibility for benefits under this title shall be reinstated in any case where the Commissioner determines that an individual described in subparagraph (B) has filed a request for reinstatement meeting the requirements of paragraph (2)(A) during the period prescribed in subparagraph (C). Reinstatement of eligibility shall be in accordance with the terms of this subsection.

“(B) An individual is described in this subparagraph if—

“(i) prior to the month in which the individual files a request for reinstatement—

“(I) the individual was eligible for benefits under this title on the basis of blindness or disability pursuant to an application filed therefor; and

“(II) the individual thereafter was ineligible for such benefits due to earned income (or earned and unearned income) for a period of 12 or more consecutive months;

“(ii) the individual is blind or disabled and the physical or mental impairment that is the basis for the finding of blindness or disability is the same as (or related to) the physical or mental impairment that was the basis for the finding of blindness or disability that gave rise to the eligibility described in clause (i);

“(iii) the individual’s blindness or disability renders the individual unable to perform substantial gainful activity; and

“(iv) the individual satisfies the nonmedical requirements for eligibility for benefits under this title.

“(C)(i) Except as provided in clause (ii), the period prescribed in this subparagraph with respect to an individual is 60 consecutive months beginning with the month following the most recent month for which the individual was eligible for a benefit under this title (including section 1619) prior to the period of ineligibility described in subparagraph (B)(i)(II).

“(ii) In the case of an individual who fails to file a reinstatement request within the period prescribed in clause (i), the Commissioner may extend the period if the Commissioner determines that the individual had good cause for the failure to so file.

“(2)(A)(i) A request for reinstatement shall be filed in such form, and containing such information, as the Commissioner may prescribe.

“(ii) A request for reinstatement shall include express declarations by the individual that the individual meets the requirements specified in clauses (ii) through (iv) of paragraph (1)(B).

“(B) A request for reinstatement filed in accordance with subparagraph (A) may constitute an application for benefits in the case of any individual who the Commissioner determines is not eligible for reinstated benefits under this subsection.

“(3) In determining whether an individual meets the requirements of paragraph (1)(B)(ii), the provisions of section 1614(a)(4) shall apply.

“(4)(A) Eligibility for benefits reinstated under this subsection shall commence with the benefit payable for the month following the month in which a request for reinstatement is filed.

“(B)(i) Subject to clause (ii), the amount of the benefit payable for any month pursuant to the reinstatement of eligibility under this subsection shall be determined in accordance with the provisions of this title.

“(ii) The benefit under this title payable for any month pursuant to a request for reinstatement filed in accordance with paragraph (2) shall be reduced by the amount of any provisional benefit paid to such individual for such month under paragraph (7).

“(C) Except as otherwise provided in this subsection, eligibility for benefits under this title reinstated pursuant to a request filed under paragraph (2) shall be subject to the same terms and conditions as eligibility established pursuant to an application filed therefor.

“(5) Whenever an individual’s eligibility for benefits under this title is reinstated under this subsection, eligibility for such benefits shall be reinstated with respect to the individual’s spouse if such spouse was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements for eligibility for such benefits except requirements related to the filing of an application. The provisions of paragraph (4) shall apply to the reinstated eligibility of the spouse to the same extent that they apply to the reinstated eligibility of such individual.

“(6) An individual to whom benefits are payable under this title pursuant to a reinstatement of eligibility under this subsection for twenty-four months (whether or not consecutive) shall, with respect to benefits so payable after such twenty-fourth month, be

deemed for purposes of paragraph (1)(B)(i)(I) to be eligible for such benefits on the basis of an application filed therefor.

“(7)(A) An individual described in paragraph (1)(B) who files a request for reinstatement in accordance with the provisions of paragraph (2)(A) shall be eligible for provisional benefits payable in accordance with this paragraph, unless the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual’s declaration under paragraph (2)(A)(ii) is false. Any such determination by the Commissioner shall be final and not subject to review under paragraph (1) or (3) of subsection (c).

“(B)(i) Except as otherwise provided in clause (ii), the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual under this title with the same kind and amount of income.

“(ii) If the individual has a spouse who was previously an eligible spouse of the individual under this title and the Commissioner determines that such spouse satisfies all the requirements of section 1614(b) except requirements related to the filing of an application, the amount of a provisional benefit for a month shall equal the amount of the monthly benefit that would be payable to an eligible individual and eligible spouse under this title with the same kind and amount of income.

“(C)(i) Provisional benefits shall begin with the month following the month in which a request for reinstatement is filed in accordance with paragraph (2)(A).

“(ii) Provisional benefits shall end with the earliest of—

“(I) the month in which the Commissioner makes a determination regarding the individual’s eligibility for reinstated benefits;

“(II) the fifth month following the month for which provisional benefits are first payable under clause (i); or

“(III) the month in which the Commissioner determines that the individual does not meet the requirements of paragraph (1)(B)(i) or that the individual’s declaration made in accordance with paragraph (2)(A)(ii) is false.

“(D) In any case in which the Commissioner determines that an individual is not eligible for reinstated benefits, any provisional benefits paid to the individual under this paragraph shall not be subject to recovery as an overpayment unless the Commissioner determines that the individual knew or should have known that the individual did not meet the requirements of paragraph (1)(B).

“(8) For purposes of this subsection other than paragraph (7), the term ‘benefits under this title’ includes State supplementary payments made pursuant to an agreement under section 1616(a) of this Act or section 212(b) of Public Law 93-66.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 1631(j)(1) of such Act (42 U.S.C. 1383(j)(1)) is amended by striking the period and inserting “, or has filed a request for reinstatement of eligibility under subsection (p)(2) and been determined to be eligible for reinstatement.”.

(B) Section 1631(j)(2)(A)(i)(I) of such Act (42 U.S.C. 1383(j)(2)(A)(i)(I)) is amended by inserting “(other than pursuant to a request for reinstatement under subsection (p))” after “eligible”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the first day of the thirteenth month beginning after the date of the enactment of this Act.

(2) LIMITATION.—No benefit shall be payable under title II or XVI on the basis of a request for reinstatement filed under section 223(i) or 1631(p) of the Social Security Act (42 U.S.C. 423(i), 1383(p)) before the effective date described in paragraph (1).

## **Subtitle C—Work Incentives Planning, Assistance, and Outreach**

### **SEC. 121. WORK INCENTIVES OUTREACH PROGRAM.**

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 101 of this Act, is amended by adding after section 1148 the following new section:

#### **“WORK INCENTIVES OUTREACH PROGRAM**

**“SEC. 1149. (a) ESTABLISHMENT.—**

**“(1) IN GENERAL.—**The Commissioner, in consultation with the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999, shall establish a community-based work incentives planning and assistance program for the purpose of disseminating accurate information to disabled beneficiaries on work incentives programs and issues related to such programs.

42 USC 1320b–20.

**“(2) GRANTS, COOPERATIVE AGREEMENTS, CONTRACTS, AND OUTREACH.—**Under the program established under this section, the Commissioner shall—

**“(A)** establish a competitive program of grants, cooperative agreements, or contracts to provide benefits planning and assistance, including information on the availability of protection and advocacy services, to disabled beneficiaries, including individuals participating in the Ticket to Work and Self-Sufficiency Program established under section 1148, the program established under section 1619, and other programs that are designed to encourage disabled beneficiaries to work;

**“(B)** conduct directly, or through grants, cooperative agreements, or contracts, ongoing outreach efforts to disabled beneficiaries (and to the families of such beneficiaries) who are potentially eligible to participate in Federal or State work incentive programs that are designed to assist disabled beneficiaries to work, including—

**“(i)** preparing and disseminating information explaining such programs; and

**“(ii)** working in cooperation with other Federal, State, and private agencies and nonprofit organizations that serve disabled beneficiaries, and with agencies and organizations that focus on vocational rehabilitation and work-related training and counseling;

**“(C)** establish a corps of trained, accessible, and responsive work incentives specialists within the Social Security



Administration who will specialize in disability work incentives under titles II and XVI for the purpose of disseminating accurate information with respect to inquiries and issues relating to work incentives to—

“(i) disabled beneficiaries;

“(ii) benefit applicants under titles II and XVI;

and

“(iii) individuals or entities awarded grants under subparagraphs (A) or (B); and

“(D) provide—

“(i) training for work incentives specialists and individuals providing planning assistance described in subparagraph (C); and

“(ii) technical assistance to organizations and entities that are designed to encourage disabled beneficiaries to return to work.

“(3) COORDINATION WITH OTHER PROGRAMS.—The responsibilities of the Commissioner established under this section shall be coordinated with other public and private programs that provide information and assistance regarding rehabilitation services and independent living supports and benefits planning for disabled beneficiaries including the program under section 1619, the plans for achieving self-support program (PASS), and any other Federal or State work incentives programs that are designed to assist disabled beneficiaries, including educational agencies that provide information and assistance regarding rehabilitation, school-to-work programs, transition services (as defined in, and provided in accordance with, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.)), a one-stop delivery system established under subtitle B of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2811 et seq.), and other services.

“(b) CONDITIONS.—

“(1) SELECTION OF ENTITIES.—

“(A) APPLICATION.—An entity shall submit an application for a grant, cooperative agreement, or contract to provide benefits planning and assistance to the Commissioner at such time, in such manner, and containing such information as the Commissioner may determine is necessary to meet the requirements of this section.

“(B) STATEWIDENESS.—The Commissioner shall ensure that the planning, assistance, and information described in paragraph (2) shall be available on a statewide basis.

“(C) ELIGIBILITY OF STATES AND PRIVATE ORGANIZATIONS.—

“(i) IN GENERAL.—The Commissioner may award a grant, cooperative agreement, or contract under this section to a State or a private agency or organization (other than Social Security Administration Field Offices and the State agency administering the State medicaid program under title XIX, including any agency or entity described in clause (ii), that the Commissioner determines is qualified to provide the planning, assistance, and information described in paragraph (2)).

“(ii) AGENCIES AND ENTITIES DESCRIBED.—The agencies and entities described in this clause are the following:

“(I) Any public or private agency or organization (including Centers for Independent Living established under title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796 et seq.), protection and advocacy organizations, client assistance programs established in accordance with section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732), and State Developmental Disabilities Councils established in accordance with section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6024)) that the Commissioner determines satisfies the requirements of this section.

“(II) The State agency administering the State program funded under part A of title IV.

“(D) EXCLUSION FOR CONFLICT OF INTEREST.—The Commissioner may not award a grant, cooperative agreement, or contract under this section to any entity that the Commissioner determines would have a conflict of interest if the entity were to receive a grant, cooperative agreement, or contract under this section.

“(2) SERVICES PROVIDED.—A recipient of a grant, cooperative agreement, or contract to provide benefits planning and assistance shall select individuals who will act as planners and provide information, guidance, and planning to disabled beneficiaries on the—

“(A) availability and interrelation of any Federal or State work incentives programs designed to assist disabled beneficiaries that the individual may be eligible to participate in;

“(B) adequacy of any health benefits coverage that may be offered by an employer of the individual and the extent to which other health benefits coverage may be available to the individual; and

“(C) availability of protection and advocacy services for disabled beneficiaries and how to access such services.

“(3) AMOUNT OF GRANTS, COOPERATIVE AGREEMENTS, OR CONTRACTS.—

“(A) BASED ON POPULATION OF DISABLED BENEFICIARIES.—Subject to subparagraph (B), the Commissioner shall award a grant, cooperative agreement, or contract under this section to an entity based on the percentage of the population of the State where the entity is located who are disabled beneficiaries.

“(B) LIMITATIONS.—

“(i) PER GRANT.—No entity shall receive a grant, cooperative agreement, or contract under this section for a fiscal year that is less than \$50,000 or more than \$300,000.

“(ii) TOTAL AMOUNT FOR ALL GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The total amount of all grants, cooperative agreements, and contracts awarded under this section for a fiscal year may not exceed \$23,000,000.

“(4) ALLOCATION OF COSTS.—The costs of carrying out this section shall be paid from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(c) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ has the meaning given that term in section 1148(k)(2).

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$23,000,000 for each of the fiscal years 2000 through 2004.”.

**SEC. 122. STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES.**

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 121 of this Act, is amended by adding after section 1149 the following new section:

**“STATE GRANTS FOR WORK INCENTIVES ASSISTANCE TO DISABLED BENEFICIARIES**

42 USC 1320b-21.

“SEC. 1150. (a) IN GENERAL.—Subject to subsection (c), the Commissioner may make payments in each State to the protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.) for the purpose of providing services to disabled beneficiaries.

“(b) SERVICES PROVIDED.—Services provided to disabled beneficiaries pursuant to a payment made under this section may include—

“(1) information and advice about obtaining vocational rehabilitation and employment services; and

“(2) advocacy or other services that a disabled beneficiary may need to secure or regain gainful employment.

“(c) APPLICATION.—In order to receive payments under this section, a protection and advocacy system shall submit an application to the Commissioner, at such time, in such form and manner, and accompanied by such information and assurances as the Commissioner may require.

“(d) AMOUNT OF PAYMENTS.—

“(1) IN GENERAL.—Subject to the amount appropriated for a fiscal year for making payments under this section, a protection and advocacy system shall not be paid an amount that is less than—

“(A) in the case of a protection and advocacy system located in a State (including the District of Columbia and Puerto Rico) other than Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, the greater of—

“(i) \$100,000; or

“(ii)  $\frac{1}{3}$  of 1 percent of the amount available for payments under this section; and

“(B) in the case of a protection and advocacy system located in Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, \$50,000.

“(2) INFLATION ADJUSTMENT.—For each fiscal year in which the total amount appropriated to carry out this section exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Commissioner shall increase each minimum payment under subparagraphs (A) and (B) of paragraph (1) by a percentage equal to the percentage increase in the total amount so appropriated to carry out this section.

“(e) ANNUAL REPORT.—Each protection and advocacy system that receives a payment under this section shall submit an annual report to the Commissioner and the Ticket to Work and Work Incentives Advisory Panel established under section 101(f) of the Ticket to Work and Work Incentives Improvement Act of 1999 on the services provided to individuals by the system.

“(f) FUNDING.—

“(1) ALLOCATION OF PAYMENTS.—Payments under this section shall be made from amounts made available for the administration of title II and amounts made available for the administration of title XVI, and shall be allocated among those amounts as appropriate.

“(2) CARRYOVER.—Any amounts allotted for payment to a protection and advocacy system under this section for a fiscal year shall remain available for payment to or on behalf of the protection and advocacy system until the end of the succeeding fiscal year.

“(g) DEFINITIONS.—In this section:

“(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

“(2) DISABLED BENEFICIARY.—The term ‘disabled beneficiary’ has the meaning given that term in section 1148(k)(2).

“(3) PROTECTION AND ADVOCACY SYSTEM.—The term ‘protection and advocacy system’ means a protection and advocacy system established pursuant to part C of title I of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$7,000,000 for each of the fiscal years 2000 through 2004.”.

## **TITLE II—EXPANDED AVAILABILITY OF HEALTH CARE SERVICES**

### **SEC. 201. EXPANDING STATE OPTIONS UNDER THE MEDICAID PROGRAM FOR WORKERS WITH DISABILITIES.**

(a) IN GENERAL.—

(1) STATE OPTION TO ELIMINATE INCOME, ASSETS, AND RESOURCE LIMITATIONS FOR WORKERS WITH DISABILITIES BUYING INTO MEDICAID.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—

(A) in subclause (XIII), by striking “or” at the end;

(B) in subclause (XIV), by adding “or” at the end;

and

(C) by adding at the end the following new subclause:

“(XV) who, but for earnings in excess of the limit established under section 1905(q)(2)(B), would be considered to be receiving supplemental security income, who is at least 16, but less than

65, years of age, and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish;”.

(2) STATE OPTION TO PROVIDE OPPORTUNITY FOR EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY TO BUY INTO MEDICAID.—

(A) ELIGIBILITY.—Section 1902(a)(10) (A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)), as amended by paragraph (1), is amended—

(i) in subclause (XIV), by striking “or” at the end;

(ii) in subclause (XV), by adding “or” at the end;

and

(iii) by adding at the end the following new subclause:

“(XVI) who are employed individuals with a medically improved disability described in section 1905(v)(1) and whose assets, resources, and earned or unearned income (or both) do not exceed such limitations (if any) as the State may establish, but only if the State provides medical assistance to individuals described in subclause (XV);”.

(B) DEFINITION OF EMPLOYED INDIVIDUALS WITH A MEDICALLY IMPROVED DISABILITY.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

“(v)(1) The term ‘employed individual with a medically improved disability’ means an individual who—

“(A) is at least 16, but less than 65, years of age;

“(B) is employed (as defined in paragraph (2));

“(C) ceases to be eligible for medical assistance under section 1902(a)(10)(A)(ii)(XV) because the individual, by reason of medical improvement, is determined at the time of a regularly scheduled continuing disability review to no longer be eligible for benefits under section 223(d) or 1614(a)(3); and

“(D) continues to have a severe medically determinable impairment, as determined under regulations of the Secretary.

“(2) For purposes of paragraph (1), an individual is considered to be ‘employed’ if the individual—

“(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

“(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined by the State and approved by the Secretary.”.

(C) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—

(i) in clause (x), by striking “or” at the end;

(ii) in clause (xi), by adding “or” at the end; and

(iii) by inserting after clause (xi), the following new clause:

“(xii) employed individuals with a medically improved disability (as defined in subsection (v)),”.

(3) STATE AUTHORITY TO IMPOSE INCOME-RELATED PREMIUMS AND COST-SHARING.—Section 1916 of such Act (42 U.S.C. 1396o) is amended—

(A) in subsection (a), by striking “The State plan” and inserting “Subject to subsection (g), the State plan”; and

(B) by adding at the end the following new subsection:

“(g) With respect to individuals provided medical assistance only under subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii)—

“(1) a State may (in a uniform manner for individuals described in either such subclause)—

“(A) require such individuals to pay premiums or other cost-sharing charges set on a sliding scale based on income that the State may determine; and

“(B) require payment of 100 percent of such premiums for such year in the case of such an individual who has income for a year that exceeds 250 percent of the income official poverty line (referred to in subsection (c)(1)) applicable to a family of the size involved, except that in the case of such an individual who has income for a year that does not exceed 450 percent of such poverty line, such requirement may only apply to the extent such premiums do not exceed 7.5 percent of such income; and

“(2) such State shall require payment of 100 percent of such premiums for a year by such an individual whose adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) for such year exceeds \$75,000, except that a State may choose to subsidize such premiums by using State funds which may not be federally matched under this title. In the case of any calendar year beginning after 2000, the dollar amount specified in paragraph (2) shall be increased in accordance with the provisions of section 215(i)(2)(A)(ii).”

(4) PROHIBITION AGAINST SUPPLANTATION OF STATE FUNDS AND STATE FAILURE TO MAINTAIN EFFORT.—Section 1903(i) of such Act (42 U.S.C. 1396b(i)) is amended—

(A) by striking the period at the end of paragraph (19) and inserting “; or”; and

(B) by inserting after such paragraph the following new paragraph:

“(20) with respect to amounts expended for medical assistance provided to an individual described in subclause (XV) or (XVI) of section 1902(a)(10)(A)(ii) for a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the level of State funds expended for such fiscal year for programs to enable working individuals with disabilities to work (other than for such medical assistance) is not less than the level expended for such programs during the most recent State fiscal year ending before the date of the enactment of this paragraph.”

(b) CONFORMING AMENDMENTS.—Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended in the matter preceding subparagraph (A) by inserting “1902(a)(10)(A)(ii)(XV), 1902(a)(10)(A)(ii)(XVI),” before “1905(p)(1)”.

(c) GAO REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress regarding the amendments made by this section that examines—

Deadline.  
42 USC 1396a  
note.

(1) the extent to which higher health care costs for individuals with disabilities at higher income levels deter employment or progress in employment;

(2) whether such individuals have health insurance coverage or could benefit from the State option established under such amendments to provide a medicaid buy-in; and

(3) how the States are exercising such option, including—

(A) how such States are exercising the flexibility afforded them with regard to income disregards;

(B) what income and premium levels have been set;

(C) the degree to which States are subsidizing premiums above the dollar amount specified in section 1916(g)(2) of the Social Security Act (42 U.S.C. 1396o(g)(2)); and

(D) the extent to which there exists any crowd-out effect.

42 USC 1396a  
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000.

**SEC. 202. EXTENDING MEDICARE COVERAGE FOR OASDI DISABILITY BENEFIT RECIPIENTS.**

(a) **IN GENERAL.**—The next to last sentence of section 226(b) of the Social Security Act (42 U.S.C. 426) is amended by striking “24” and inserting “78”.

42 USC 426 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall be effective on and after October 1, 2000.

42 USC 426 note.

(c) **GAO REPORT.**—Not later than 5 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress that—

(1) examines the effectiveness and cost of the amendment made by subsection (a);

(2) examines the necessity and effectiveness of providing continuation of medicare coverage under section 226(b) of the Social Security Act (42 U.S.C. 426(b)) to individuals whose annual income exceeds the contribution and benefit base (as determined under section 230 of such Act (42 U.S.C. 430));

(3) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a sliding scale premium for individuals whose annual income exceeds such contribution and benefit base;

(4) examines the viability of providing the continuation of medicare coverage under such section 226(b) based on a premium buy-in by the beneficiary’s employer in lieu of coverage under private health insurance;

(5) examines the interrelation between the use of the continuation of medicare coverage under such section 226(b) and the use of private health insurance coverage by individuals during the extended period; and

(6) recommends such legislative or administrative changes relating to the continuation of medicare coverage for recipients of social security disability benefits as the Comptroller General determines are appropriate.

42 USC 1320b-  
22.

**SEC. 203. GRANTS TO DEVELOP AND ESTABLISH STATE INFRASTRUCTURES TO SUPPORT WORKING INDIVIDUALS WITH DISABILITIES.**

(a) **ESTABLISHMENT.**—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall award grants described in subsection (b) to States to support the design, establishment, and operation of State infrastructures that provide items and services to support working individuals with disabilities.

(2) APPLICATION.—In order to be eligible for an award of a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary shall require.

(3) DEFINITION OF STATE.—In this section, the term “State” means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(b) GRANTS FOR INFRASTRUCTURE AND OUTREACH.—

(1) IN GENERAL.—Out of the funds appropriated under subsection (e), the Secretary shall award grants to States to—

(A) support the establishment, implementation, and operation of the State infrastructures described in subsection (a); and

(B) conduct outreach campaigns regarding the existence of such infrastructures.

(2) ELIGIBILITY FOR GRANTS.—

(A) IN GENERAL.—No State may receive a grant under this subsection unless the State demonstrates to the satisfaction of the Secretary that the State makes personal assistance services available under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to the extent necessary to enable individuals with disabilities to remain employed, including individuals described in section 1902(a)(10)(A)(ii)(XIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) if the State has elected to provide medical assistance under such plan to such individuals.

(B) DEFINITIONS.—In this section:

(i) EMPLOYED.—The term “employed” means—

(I) earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(II) being engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined and approved by the Secretary.

(ii) PERSONAL ASSISTANCE SERVICES.—The term “personal assistance services” means a range of services, provided by 1 or more persons, designed to assist an individual with a disability to perform daily activities on and off the job that the individual would typically perform if the individual did not have a disability. Such services shall be designed to increase the individual’s control in life and ability to perform everyday activities on or off the job.

(3) DETERMINATION OF AWARDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall develop a methodology for awarding grants



to States under this section for a fiscal year in a manner that—

(i) rewards States for their efforts in encouraging individuals described in paragraph (2)(A) to be employed; and

(ii) does not provide a State that has not elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) with proportionally more funds for a fiscal year than a State that has exercised such election.

(B) AWARD LIMITS.—

(i) MINIMUM AWARDS.—

(I) IN GENERAL.—Subject to subclause (II), no State with an approved application under this section shall receive a grant for a fiscal year that is less than \$500,000.

(II) PRO RATA REDUCTIONS.—If the funds appropriated under subsection (e) for a fiscal year are not sufficient to pay each State with an application approved under this section the minimum amount described in subclause (I), the Secretary shall pay each such State an amount equal to the pro rata share of the amount made available.

(ii) MAXIMUM AWARDS.—

(I) STATES THAT ELECTED OPTIONAL MEDICAID ELIGIBILITY.—No State that has an application that has been approved under this section and that has elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)) shall receive a grant for a fiscal year that exceeds 10 percent of the total expenditures by the State (including the reimbursed Federal share of such expenditures) for medical assistance provided under such title for such individuals, as estimated by the State and approved by the Secretary.

(II) OTHER STATES.—The Secretary shall determine, consistent with the limit described in subclause (I), a maximum award limit for a grant for a fiscal year for a State that has an application that has been approved under this section but that has not elected to provide medical assistance under title XIX of the Social Security Act to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)).

(c) AVAILABILITY OF FUNDS.—

(1) FUNDS AWARDED TO STATES.—Funds awarded to a State under a grant made under this section for a fiscal year shall remain available until expended.

(2) FUNDS NOT AWARDED TO STATES.—Funds not awarded to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for awarding by the Secretary.

(d) **ANNUAL REPORT.**—A State that is awarded a grant under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include the percentage increase in the number of title II disability beneficiaries, as defined in section 1148(k)(3) of the Social Security Act (as added by section 101(a) of this Act) in the State, and title XVI disability beneficiaries, as defined in section 1148(k)(4) of the Social Security Act (as so added) in the State who return to work.

(e) **APPROPRIATION.**—

(1) **IN GENERAL.**—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to make grants under this section—

(A) for fiscal year 2001, \$20,000,000;

(B) for fiscal year 2002, \$25,000,000;

(C) for fiscal year 2003, \$30,000,000;

(D) for fiscal year 2004, \$35,000,000;

(E) for fiscal year 2005, \$40,000,000; and

(F) for each of fiscal years 2006 through 2011, the amount appropriated for the preceding fiscal year increased by the percentage increase (if any) in the Consumer Price Index for All Urban Consumers (United States city average) for the preceding fiscal year.

(2) **BUDGET AUTHORITY.**—This subsection constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under paragraph (1).

(f) **RECOMMENDATION.**—Not later than October 1, 2010, the Secretary, in consultation with the Ticket to Work and Work Incentives Advisory Panel established by section 101(f) of this Act, shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the grant program established under this section should be continued after fiscal year 2011.

Deadline.

**SEC. 204. DEMONSTRATION OF COVERAGE UNDER THE MEDICAID PROGRAM OF WORKERS WITH POTENTIALLY SEVERE DISABILITIES.**

42 USC 1396a  
note.

(a) **STATE APPLICATION.**—A State may apply to the Secretary of Health and Human Services (in this section referred to as the “Secretary”) for approval of a demonstration project (in this section referred to as a “demonstration project”) under which up to a specified maximum number of individuals who are workers with a potentially severe disability (as defined in subsection (b)(1)) are provided medical assistance equal to—

(1) that provided under section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) to individuals described in section 1902(a)(10)(A)(ii)(XIII) of that Act (42 U.S.C. 1396a(a)(10)(A)(ii)(XIII)); or

(2) in the case of a State that has not elected to provide medical assistance under that section to such individuals, such medical assistance as the Secretary determines is an appropriate equivalent to the medical assistance described in paragraph (1).

(b) **WORKER WITH A POTENTIALLY SEVERE DISABILITY DEFINED.**—For purposes of this section—

(1) IN GENERAL.—The term “worker with a potentially severe disability” means, with respect to a demonstration project, an individual who—

(A) is at least 16, but less than 65, years of age;

(B) has a specific physical or mental impairment that, as defined by the State under the demonstration project, is reasonably expected, but for the receipt of items and services described in section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)), to become blind or disabled (as defined under section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))); and

(C) is employed (as defined in paragraph (2)).

(2) DEFINITION OF EMPLOYED.—An individual is considered to be “employed” if the individual—

(A) is earning at least the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act (29 U.S.C. 206) and working at least 40 hours per month; or

(B) is engaged in a work effort that meets substantial and reasonable threshold criteria for hours of work, wages, or other measures, as defined under the demonstration project and approved by the Secretary.

(c) APPROVAL OF DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Subject to paragraph (3), the Secretary shall approve applications under subsection (a) that meet the requirements of paragraph (2) and such additional terms and conditions as the Secretary may require. The Secretary may waive the requirement of section 1902(a)(1) of the Social Security Act (42 U.S.C. 1396a(a)(1)) to allow for sub-State demonstrations.

(2) TERMS AND CONDITIONS OF DEMONSTRATION PROJECTS.—The Secretary may not approve a demonstration project under this section unless the State provides assurances satisfactory to the Secretary that the following conditions are or will be met:

(A) MAINTENANCE OF STATE EFFORT.—Federal funds paid to a State pursuant to this section must be used to supplement, but not supplant, the level of State funds expended for workers with potentially severe disabilities under programs in effect for such individuals at the time the demonstration project is approved under this section.

(B) INDEPENDENT EVALUATION.—The State provides for an independent evaluation of the project.

(3) LIMITATIONS ON FEDERAL FUNDING.—

(A) APPROPRIATION.—

(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to carry out this section—

(I) \$42,000,000 for each of fiscal years 2001 through 2004; and

(II) \$41,000,000 for each of fiscal years 2005 and 2006.

(ii) BUDGET AUTHORITY.—Clause (i) constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment of the amounts appropriated under clause (i).

(B) LIMITATION ON PAYMENTS.—In no case may—

(i) the aggregate amount of payments made by the Secretary to States under this section exceed \$250,000,000;

(ii) the aggregate amount of payments made by the Secretary to States for administrative expenses relating to annual reports required under subsection (d) exceed \$2,000,000 of such \$250,000,000; or

(iii) payments be provided by the Secretary for a fiscal year after fiscal year 2009.

(C) FUNDS ALLOCATED TO STATES.—The Secretary shall allocate funds to States based on their applications and the availability of funds. Funds allocated to a State under a grant made under this section for a fiscal year shall remain available until expended.

(D) FUNDS NOT ALLOCATED TO STATES.—Funds not allocated to States in the fiscal year for which they are appropriated shall remain available in succeeding fiscal years for allocation by the Secretary using the allocation formula established under this section.

(E) PAYMENTS TO STATES.—The Secretary shall pay to each State with a demonstration project approved under this section, from its allocation under subparagraph (C), an amount for each quarter equal to the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1395d(b)) of expenditures in the quarter for medical assistance provided to workers with a potentially severe disability.

(d) ANNUAL REPORT.—A State with a demonstration project approved under this section shall submit an annual report to the Secretary on the use of funds provided under the grant. Each report shall include enrollment and financial statistics on—

(1) the total population of workers with potentially severe disabilities served by the demonstration project; and

(2) each population of such workers with a specific physical or mental impairment described in subsection (b)(1)(B) served by such project.

(e) RECOMMENDATION.—Not later than October 1, 2004, the Secretary shall submit a recommendation to the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate regarding whether the demonstration project established under this section should be continued after fiscal year 2006. Deadline.

(f) STATE DEFINED.—In this section, the term “State” has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**SEC. 205. ELECTION BY DISABLED BENEFICIARIES TO SUSPEND MEDIGAP INSURANCE WHEN COVERED UNDER A GROUP HEALTH PLAN.**

(a) IN GENERAL.—Section 1882(q) of the Social Security Act (42 U.S.C. 1395ss(q)) is amended—

(1) in paragraph (5)(C), by inserting “or paragraph (6)” after “this paragraph”; and

(2) by adding at the end the following new paragraph:  
“(6) Each medicare supplemental policy shall provide that benefits and premiums under the policy shall be suspended

at the request of the policyholder if the policyholder is entitled to benefits under section 226(b) and is covered under a group health plan (as defined in section 1862(b)(1)(A)(v)). If such suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, such policy shall be automatically reinstituted (effective as of the date of such loss of coverage) under terms described in subsection (n)(6)(A)(ii) as of the loss of such coverage if the policyholder provides notice of loss of such coverage within 90 days after the date of such loss.”.

42 USC 1395ss  
note.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to requests made after the date of the enactment of this Act.

### **TITLE III—DEMONSTRATION PROJECTS AND STUDIES**

#### **SEC. 301. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.**

(a) EXTENSION OF AUTHORITY.—Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

##### **“DEMONSTRATION PROJECT AUTHORITY**

42 USC 434.

“SEC. 234. (a) AUTHORITY.—

“(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the ‘Commissioner’) shall develop and carry out experiments and demonstration projects designed to determine the relative advantages and disadvantages of—

“(A) various alternative methods of treating the work activity of individuals entitled to disability insurance benefits under section 223 or to monthly insurance benefits under section 202 based on such individual’s disability (as defined in section 223(d)), including such methods as a reduction in benefits based on earnings, designed to encourage the return to work of such individuals;

“(B) altering other limitations and conditions applicable to such individuals (including lengthening the trial work period (as defined in section 222(c)), altering the 24-month waiting period for hospital insurance benefits under section 226, altering the manner in which the program under this title is administered, earlier referral of such individuals for rehabilitation, and greater use of employers and others to develop, perform, and otherwise stimulate new forms of rehabilitation); and

“(C) implementing sliding scale benefit offsets using variations in—

“(i) the amount of the offset as a proportion of earned income;

“(ii) the duration of the offset period; and

“(iii) the method of determining the amount of income earned by such individuals,

to the end that savings will accrue to the Trust Funds, or to otherwise promote the objectives or facilitate the administration of this title.

“(2) **AUTHORITY FOR EXPANSION OF SCOPE.**—The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under the program established under this title with impairments that reasonably may be presumed to be disabling for purposes of such demonstration project, and may limit any such demonstration project to any such group of applicants, subject to the terms of such demonstration project which shall define the extent of any such presumption.

“(b) **REQUIREMENTS.**—The experiments and demonstration projects developed under subsection (a) shall be of sufficient scope and shall be carried out on a wide enough scale to permit a thorough evaluation of the alternative methods under consideration while giving assurance that the results derived from the experiments and projects will obtain generally in the operation of the disability insurance program under this title without committing such program to the adoption of any particular system either locally or nationally.

“(c) **AUTHORITY TO WAIVE COMPLIANCE WITH BENEFITS REQUIREMENTS.**—In the case of any experiment or demonstration project conducted under subsection (a), the Commissioner may waive compliance with the benefit requirements of this title and the requirements of section 1148 as they relate to the program established under this title, and the Secretary may (upon the request of the Commissioner) waive compliance with the benefits requirements of title XVIII, insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such experiment or project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such experiments and demonstration projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

“(d) **REPORTS.**—

“(1) **INTERIM REPORTS.**—On or before June 9 of each year, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate an annual interim report on the progress of the experiments and demonstration projects carried out under this subsection together with any related data and materials that the Commissioner may consider appropriate.

Deadline.

“(2) **TERMINATION AND FINAL REPORT.**—The authority under the preceding provisions of this section (including any waiver granted pursuant to subsection (c)) shall terminate 5 years after the date of the enactment of this Act. Not later than 90 days after the termination of any experiment or demonstration project carried out under this section, the Commissioner shall submit to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate a final report with respect to that experiment or demonstration project.”.

## (b) CONFORMING AMENDMENTS; TRANSFER OF PRIOR AUTHORITY.—

## (1) CONFORMING AMENDMENTS.—

(A) REPEAL OF PRIOR AUTHORITY.—Paragraphs (1) through (4) of subsection (a) and subsection (c) of section 505 of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) are repealed.

(B) CONFORMING AMENDMENT REGARDING FUNDING.—Section 201(k) of the Social Security Act (42 U.S.C. 401(k)) is amended by striking “section 505(a) of the Social Security Disability Amendments of 1980” and inserting “section 234”.

42 USC 1310  
note.

(2) TRANSFER OF PRIOR AUTHORITY.—With respect to any experiment or demonstration project being conducted under section 505(a) of the Social Security Disability Amendments of 1980 (42 U.S.C. 1310 note) as of the date of the enactment of this Act, the authority to conduct such experiment or demonstration project (including the terms and conditions applicable to the experiment or demonstration project) shall be treated as if that authority (and such terms and conditions) had been established under section 234 of the Social Security Act, as added by subsection (a).

42 USC 434 note.

**SEC. 302. DEMONSTRATION PROJECTS PROVIDING FOR REDUCTIONS IN DISABILITY INSURANCE BENEFITS BASED ON EARNINGS.**

(a) AUTHORITY.—The Commissioner of Social Security shall conduct demonstration projects for the purpose of evaluating, through the collection of data, a program for title II disability beneficiaries (as defined in section 1148(k)(3) of the Social Security Act) under which benefits payable under section 223 of such Act, or under section 202 of such Act based on the beneficiary's disability, are reduced by \$1 for each \$2 of the beneficiary's earnings that is above a level to be determined by the Commissioner. Such projects shall be conducted at a number of localities which the Commissioner shall determine is sufficient to adequately evaluate the appropriateness of national implementation of such a program. Such projects shall identify reductions in Federal expenditures that may result from the permanent implementation of such a program.

(b) SCOPE AND SCALE AND MATTERS TO BE DETERMINED.—

(1) IN GENERAL.—The demonstration projects developed under subsection (a) shall be of sufficient duration, shall be of sufficient scope, and shall be carried out on a wide enough scale to permit a thorough evaluation of the project to determine—

(A) the effects, if any, of induced entry into the project and reduced exit from the project;

(B) the extent, if any, to which the project being tested is affected by whether it is in operation in a locality within an area under the administration of the Ticket to Work and Self-Sufficiency Program established under section 1148 of the Social Security Act; and

(C) the savings that accrue to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and other Federal programs under the project being tested.

The Commissioner shall take into account advice provided by the Ticket to Work and Work Incentives Advisory Panel pursuant to section 101(f)(2)(B)(ii) of this Act.

(2) ADDITIONAL MATTERS.—The Commissioner shall also determine with respect to each project—

(A) the annual cost (including net cost) of the project and the annual cost (including net cost) that would have been incurred in the absence of the project;

(B) the determinants of return to work, including the characteristics of the beneficiaries who participate in the project; and

(C) the employment outcomes, including wages, occupations, benefits, and hours worked, of beneficiaries who return to work as a result of participation in the project.

The Commissioner may include within the matters evaluated under the project the merits of trial work periods and periods of extended eligibility.

(c) WAIVERS.—The Commissioner may waive compliance with the benefit provisions of title II of the Social Security Act (42 U.S.C. 401 et seq.), and the Secretary of Health and Human Services may waive compliance with the benefit requirements of title XVIII of such Act (42 U.S.C. 1395 et seq.), insofar as is necessary for a thorough evaluation of the alternative methods under consideration. No such project shall be actually placed in operation unless at least 90 days prior thereto a written report, prepared for purposes of notification and information only and containing a full and complete description thereof, has been transmitted by the Commissioner to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate. Periodic reports on the progress of such projects shall be submitted by the Commissioner to such committees. When appropriate, such reports shall include detailed recommendations for changes in administration or law, or both, to carry out the objectives stated in subsection (a).

Reports.

(d) INTERIM REPORTS.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Commissioner of Social Security shall submit to the Congress an interim report on the progress of the demonstration projects carried out under this subsection together with any related data and materials that the Commissioner of Social Security may consider appropriate.

Deadline.

(e) FINAL REPORT.—The Commissioner of Social Security shall submit to the Congress a final report with respect to all demonstration projects carried out under this section not later than 1 year after their completion.

Deadline.

(f) EXPENDITURES.—Expenditures made for demonstration projects under this section shall be made from the Federal Disability Insurance Trust Fund and the Federal Old-Age and Survivors Insurance Trust Fund, as determined appropriate by the Commissioner of Social Security, and from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as determined appropriate by the Secretary of Health and Human Services, to the extent provided in advance in appropriation Acts.

### SEC. 303. STUDIES AND REPORTS.

(a) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING DISABILITY-RELATED EMPLOYMENT INCENTIVES.—

42 USC 1201  
note.



(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess existing tax credits and other disability-related employment incentives under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and other Federal laws. In such study, the Comptroller General shall specifically address the extent to which such credits and other incentives would encourage employers to hire and retain individuals with disabilities.

Deadline.

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

42 USC 401 note.

(b) STUDY BY GENERAL ACCOUNTING OFFICE OF EXISTING COORDINATION OF THE DI AND SSI PROGRAMS AS THEY RELATE TO INDIVIDUALS ENTERING OR LEAVING CONCURRENT ENTITLEMENT.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to evaluate the coordination under current law of the disability insurance program under title II of the Social Security Act (42 U.S.C. 401 et seq.) and the supplemental security income program under title XVI of such Act (42 U.S.C. 1381 et seq.), as such programs relate to individuals entering or leaving concurrent entitlement under such programs. In such study, the Comptroller General shall specifically address the effectiveness of work incentives under such programs with respect to such individuals and the effectiveness of coverage of such individuals under titles XVIII and XIX of such Act (42 U.S.C. 1395 et seq., 1396 et seq.).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate.

42 USC 434 note.

(c) STUDY BY GENERAL ACCOUNTING OFFICE OF THE IMPACT OF THE SUBSTANTIAL GAINFUL ACTIVITY LIMIT ON RETURN TO WORK.—

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study of the substantial gainful activity level applicable as of that date to recipients of benefits under section 223 of the Social Security Act (42 U.S.C. 423) and under section 202 of such Act (42 U.S.C. 402) on the basis of a recipient having a disability, and the effect of such level as a disincentive for those recipients to return to work. In the study, the Comptroller General also shall address the merits of increasing the substantial gainful activity level

applicable to such recipients of benefits and the rationale for not yearly indexing that level to inflation.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this subsection, together with such recommendations for legislative or administrative changes as the Comptroller General determines are appropriate. Deadline.

(d) REPORT ON DISREGARDS UNDER THE DI AND SSI PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of Social Security shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that— Deadline.

(1) identifies all income, assets, and resource disregards (imposed under statutory or regulatory authority) that are applicable to individuals receiving benefits under title II or XVI of the Social Security Act (42 U.S.C. 401 et seq., 1381 et seq.);

(2) with respect to each such disregard—

(A) specifies the most recent statutory or regulatory modification of the disregard; and

(B) recommends whether further statutory or regulatory modification of the disregard would be appropriate; and

(3) with respect to the disregard described in section 1612(b)(7) of such Act (42 U.S.C. 1382a(b)(7)) (relating to grants, scholarships, or fellowships received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution)—

(A) identifies the number of individuals receiving benefits under title XVI of such Act (42 U.S.C. 1381 et seq.) who have attained age 22 and have not had any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational (including technical or vocational education) institution excluded from their income in accordance with that section;

(B) recommends whether the age at which such grants, scholarships, or fellowships are excluded from income for purposes of determining eligibility under title XVI of such Act (42 U.S.C. 1381 et seq.) should be increased to age 25; and

(C) recommends whether such disregard should be expanded to include any such grant, scholarship, or fellowship received for use in paying the cost of room and board at any such institution.

(e) STUDY BY THE GENERAL ACCOUNTING OFFICE OF SOCIAL SECURITY ADMINISTRATION'S DISABILITY INSURANCE PROGRAM DEMONSTRATION AUTHORITY.— 42 USC 434 note.

(1) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall undertake a study to assess the results of the Social Security Administration's efforts to conduct disability demonstrations authorized under prior law as well as under

Deadline.

section 234 of the Social Security Act (as added by section 301 of this Act).

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report presenting the results of the Comptroller General's study conducted pursuant to this section, together with a recommendation as to whether the demonstration authority authorized under section 234 of the Social Security Act (as added by section 301 of this Act) should be made permanent.

## TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS

### SEC. 401. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATION RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF SOCIAL SECURITY DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended—

(1) in subparagraph (A), by striking “by the Commissioner of Social Security” and “by the Commissioner”; and

(2) by adding at the end the following new subparagraph:

“(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

“(i) there is pending a request for either administrative or judicial review with respect to such claim; or

“(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

“(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) shall not apply to such redetermination.”.

(b) CORRECTION TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF SOCIAL SECURITY BENEFICIARIES WHO ARE DRUG ADDICTS AND ALCOHOLICS.—Section 105(a)(5)(B) of the Contract with America Advancement Act of 1996 (42 U.S.C. 405 note) is amended to read as follows:

“(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

“(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act; or

“(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).”.

(c) **EFFECTIVE DATES.**—The amendments made by this section shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 852 et seq.). 42 USC 405 note.

**SEC. 402. TREATMENT OF PRISONERS.**

(a) **IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.**—

(1) **IN GENERAL.**—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting “(A)” after “(3)”; and

(B) by adding at the end the following new subparagraph:

“(B)(i) The Commissioner shall enter into an agreement under this subparagraph with any interested State or local institution comprising a jail, prison, penal institution, or correctional facility, or comprising any other institution a purpose of which is to confine individuals as described in paragraph (1)(A)(ii). Under such agreement—

“(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, Social Security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1) and other provisions of this title; and

“(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, \$400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual’s confinement in such institution begins, or \$200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

“(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

“(iii) There are authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

“(iv) The Commissioner shall maintain, and shall provide on a reimbursable basis, information obtained pursuant to agreements entered into under this paragraph to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility and other administrative purposes under such program.”.

(2) CONFORMING AMENDMENTS TO THE PRIVACY ACT.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) in clause (vi), by striking “or” at the end;

(B) in clause (vii), by adding “or” at the end; and

(C) by adding at the end the following new clause:

“(viii) matches performed pursuant to section 202(x)(3) or 1611(e)(1) of the Social Security Act (42 U.S.C. 402(x)(3), 1382(e)(1));”.

(3) CONFORMING AMENDMENTS TO TITLE XVI.—

(A) Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking “; and” and inserting “and the other provisions of this title; and”.

(B) Section 1611(e)(1)(I)(ii)(II) of such Act (42 U.S.C. 1382(e)(1)(I)(ii)(II)) is amended by striking “is authorized to provide, on a reimbursable basis,” and inserting “shall maintain, and shall provide on a reimbursable basis,”.

42 USC 402 note.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking “during which” and inserting “ending with or during or beginning with or during a period of more than 30 days throughout all of which”;

(B) in clause (i), by striking “an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)” and inserting “a criminal offense”; and

(C) in clause (ii)(I), by striking “an offense punishable by imprisonment for more than 1 year” and inserting “a criminal offense”.

42 USC 402 note.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)) is amended—

(A) in clause (i)(II), by inserting “(subject to reduction under clause (ii))” after “\$400” and after “\$200”;

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following new clause:

“(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).”.

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking “institution” and all that follows through “section 202(x)(1)(A),” and inserting “institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii).”.

(3) ELIMINATION OF OVERLY BROAD EXEMPTION.—Section 1611(e)(1)(I)(iii) of such Act (42 U.S.C. 1382(e)(1)(I)(iii)) (as redesignated by paragraph (1)(B)) is amended further—

(A) by striking “(I) The provisions” and all that follows through “(II)”; and

(B) by striking “eligibility purposes” and inserting “eligibility and other administrative purposes under such program”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of the Social Security Act, as amended by paragraph (2) of this subsection, shall be deemed a reference to such section 202(x)(1)(A)(ii) of such Act as amended by subsection (b)(1)(C) of this section.

42 USC 1382  
note.

(d) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking “or” at the end;

(B) in clause (ii)(IV), by striking the period and inserting “, or”; and

(C) by adding at the end the following new clause:

“(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.”.

(2) CONFORMING AMENDMENT.—Section 202(x)(1)(B)(ii) of such Act (42 U.S.C. 402(x)(1)(B)(ii)) is amended by striking “clause (ii)” and inserting “clauses (ii) and (iii)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

42 USC 402 note.

26 USC 1402  
note.

**SEC. 403. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION  
FROM SOCIAL SECURITY COVERAGE.**

(a) **IN GENERAL.**—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed by the Commissioner of Internal Revenue), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1999. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act (42 U.S.C. 401 et seq.)), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1999, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding paragraphs (4) and (5) of section 1402(c)) except for the exemption under section 1402(e)(1) of such Code.

(b) **EFFECTIVE DATE.**—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1999, and with respect to monthly insurance benefits payable under title II on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

**SEC. 404. ADDITIONAL TECHNICAL AMENDMENT RELATING TO  
COOPERATIVE RESEARCH OR DEMONSTRATION  
PROJECTS UNDER TITLES II AND XVI.**

(a) **IN GENERAL.**—Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended by striking “title XVI” and inserting “title II or XVI”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1464).

42 USC 1310  
note.

**SEC. 405. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.**

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended by inserting before the semicolon the following: “, and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such employment on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis”.

(b) TECHNICAL AMENDMENTS.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b-7(a)(3)) is amended—

(1) by striking “(as defined in section 453A(a)(2)(B)(iii))”;

and

(2) by inserting “(as defined in section 453A(a)(2)(B))” after “employers”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to wage reports required to be submitted on and after the date of the enactment of this Act.

42 USC 1320b-7  
note.

**SEC. 406. ASSESSMENT ON ATTORNEYS WHO RECEIVE THEIR FEES VIA THE SOCIAL SECURITY ADMINISTRATION.**

(a) ASSESSMENT ON ATTORNEYS.—

(1) IN GENERAL.—Section 206 of the Social Security Act (42 U.S.C. 406) is amended by adding at the end the following new subsection:

“(d) ASSESSMENT ON ATTORNEYS.—

“(1) IN GENERAL.—Whenever a fee for services is required to be certified for payment to an attorney from a claimant’s past-due benefits pursuant to subsection (a)(4) or (b)(1), the Commissioner shall impose on the attorney an assessment calculated in accordance with paragraph (2).

“(2) AMOUNT.—

“(A) The amount of an assessment under paragraph (1) shall be equal to the product obtained by multiplying the amount of the representative’s fee that would be required to be so certified by subsection (a)(4) or (b)(1) before the application of this subsection, by the percentage specified in subparagraph (B).

“(B) The percentage specified in this subparagraph is—

“(i) for calendar years before 2001, 6.3 percent,

and

“(ii) for calendar years after 2000, such percentage rate as the Commissioner determines is necessary in order to achieve full recovery of the costs of determining and certifying fees to attorneys from the past-due benefits of claimants, but not in excess of 6.3 percent.

“(3) COLLECTION.—The Commissioner may collect the assessment imposed on an attorney under paragraph (1) by offset from the amount of the fee otherwise required by subsection (a)(4) or (b)(1) to be certified for payment to the attorney from a claimant’s past-due benefits.

“(4) PROHIBITION ON CLAIMANT REIMBURSEMENT.—An attorney subject to an assessment under paragraph (1) may not, directly or indirectly, request or otherwise obtain



reimbursement for such assessment from the claimant whose claim gave rise to the assessment.

“(5) DISPOSITION OF ASSESSMENTS.—Assessments on attorneys collected under this subsection shall be credited to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate.

“(6) AUTHORIZATION OF APPROPRIATIONS.—The assessments authorized under this section shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Amounts so appropriated are authorized to remain available until expended, for administrative expenses in carrying out this title and related laws.”.

(2) CONFORMING AMENDMENTS.—

(A) Section 206(a)(4)(A) of such Act (42 U.S.C. 406(a)(4)(A)) is amended by inserting “and subsection (d)” after “subparagraph (B)”.

(B) Section 206(b)(1)(A) of such Act (42 U.S.C. 406(b)(1)(A)) is amended by inserting “, but subject to subsection (d) of this section” after “section 205(i)”.

(b) ELIMINATION OF 15-DAY WAITING PERIOD FOR PAYMENT OF FEES.—Section 206(a)(4) of such Act (42 U.S.C. 406(a)(4)), as amended by subsection (a)(2)(A) of this section, is amended—

(1) by striking “(4)(A)” and inserting “(4)”;

(2) by striking “subparagraph (B) and”; and

(3) by striking subparagraph (B).

(c) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study that—

(A) examines the costs incurred by the Social Security Administration in administering the provisions of subsection (a)(4) and (b)(1) of section 206 of the Social Security Act (42 U.S.C. 406) and itemizes the components of such costs, including the costs of determining fees to attorneys from the past-due benefits of claimants before the Commissioner of Social Security and of certifying such fees;

(B) identifies efficiencies that the Social Security Administration could implement to reduce such costs;

(C) examines the feasibility and advisability of linking the payment of, or the amount of, the assessment under section 206(d) of the Social Security Act (42 U.S.C. 406(d)) to the timeliness of the payment of the fee to the attorney as certified by the Commissioner of Social Security pursuant to subsection (a)(4) or (b)(1) of section 206 of such Act (42 U.S.C. 406);

(D) determines whether the provisions of subsection (a)(4) and (b)(1) of section 206 of such Act (42 U.S.C. 406) should be applied to claimants under title XVI of such Act (42 U.S.C. 1381 et seq.);

(E) determines the feasibility and advisability of stating fees under section 206(d) of such Act (42 U.S.C. 406(d)) in terms of a fixed dollar amount as opposed to a percentage;

(F) determines whether the dollar limit specified in section 206(a)(2)(A)(ii)(II) of such Act (42 U.S.C. 406(a)(2)(A)(ii)(II)) should be raised; and

(G) determines whether the assessment on attorneys required under section 206(d) of such Act (42 U.S.C. 406(d))

42 USC 406 note.

(as added by subsection (a)(1) of this section) impairs access to legal representation for claimants.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the study conducted under paragraph (1), together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study. Deadline.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply in the case of any attorney with respect to whom a fee for services is required to be certified for payment from a claimant's past-due benefits pursuant to subsection (a)(4) or (b)(1) of section 206 of the Social Security Act after the later of— 42 USC 406 note.

(1) December 31, 1999, or

(2) the last day of the first month beginning after the month in which this Act is enacted.

#### **SEC. 407. EXTENSION OF AUTHORITY OF STATE MEDICAID FRAUD CONTROL UNITS.**

(a) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL HEALTH CARE PROGRAMS.—Section 1903(q)(3) of the Social Security Act (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting “(A)” after “in connection with”; and

(2) by striking “title.” and inserting “title; and (B) upon the approval of the Inspector General of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(f)(1)), if the suspected fraud or violation of law in such case or investigation is primarily related to the State plan under this title.”.

(b) RECOUPMENT OF FUNDS.—Section 1903(q)(5) of such Act (42 U.S.C. 1396b(q)(5)) is amended—

(1) by inserting “or under any Federal health care program (as so defined)” after “plan”; and

(2) by adding at the end the following: “All funds collected in accordance with this paragraph shall be credited exclusively to, and available for expenditure under, the Federal health care program (including the State plan under this title) that was subject to the activity that was the basis for the collection.”.

(c) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE RESIDENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) of such Act (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

“(4)(A) The entity has—

“(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

“(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

“(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

“(B) For purposes of this paragraph, the term ‘board and care facility’ means a residential setting which receives payment (regardless of whether such payment is made under the State plan under this title) from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

“(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

“(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.”.

42 USC 1396b  
note.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

#### SEC. 408. CLIMATE DATABASE MODERNIZATION.

Notwithstanding any other provision of law, the National Oceanic and Atmospheric Administration shall initiate a new competitive contract procurement for its multi-year program for key entry of valuable climate records, archive services, and database development in accordance with existing Federal procurement laws and regulations.

#### SEC. 409. SPECIAL ALLOWANCE ADJUSTMENT FOR STUDENT LOANS.

(a) AMENDMENT.—Section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)) is amended—

(1) in subparagraph (A), by striking “(G), and (H)” and inserting “(G), (H), and (I)”;

(2) in subparagraph (B)(iv), by striking “(G), or (H)” and inserting “(G), (H), or (I)”;

(3) in subparagraph (C)(ii), by striking “(G) and (H)” and inserting “(G), (H), and (I)”;

(4) in the heading of subparagraph (H), by striking “JULY 1, 2003” and inserting “JANUARY 1, 2000”;

(5) in subparagraph (H), by striking “July 1, 2003,” each place it appears and inserting “January 1, 2000,”; and

(6) by inserting after subparagraph (H) the following new subparagraph:

“(I) LOANS DISBURSED ON OR AFTER JANUARY 1, 2000, AND BEFORE JULY 1, 2003.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (G) and (H), but subject to paragraph (4) and clauses (ii), (iii), and (iv) of this subparagraph, and except as provided in subparagraph (B), the special allowance paid pursuant to this subsection on loans for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, shall be computed—

“(I) by determining the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period;

“(II) by subtracting the applicable interest rates on such loans from such average bond equivalent rate;

“(III) by adding 2.34 percent to the resultant percent; and

“(IV) by dividing the resultant percent by 4.

“(ii) IN SCHOOL AND GRACE PERIOD.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(2), clause (i)(III) of this subparagraph shall be applied by substituting ‘1.74 percent’ for ‘2.34 percent’.

“(iii) PLUS LOANS.—In the case of any loan for which the first disbursement is made on or after January 1, 2000, and before July 1, 2003, and for which the applicable rate of interest is described in section 427A(k)(3), clause (i)(III) of this subparagraph shall be applied by substituting ‘2.64 percent’ for ‘2.34 percent’, subject to clause (v) of this subparagraph.

“(iv) CONSOLIDATION LOANS.—In the case of any consolidation loan for which the application is received by an eligible lender on or after January 1, 2000, and before July 1, 2003, and for which the applicable interest rate is determined under section 427A(k)(4), clause (i)(III) of this subparagraph shall be applied by substituting ‘2.64 percent’ for ‘2.34 percent’, subject to clause (vi) of this subparagraph.

“(v) LIMITATION ON SPECIAL ALLOWANCES FOR PLUS LOANS.—In the case of PLUS loans made under section 428B and first disbursed on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(3), a special allowance shall not be paid for such loan during any 12-month period beginning on July 1 and ending on June 30 unless, on the June 1 preceding such July 1—

“(I) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1 (as determined by the Secretary for purposes of such section); plus

“(II) 3.1 percent,

exceeds 9.0 percent.

“(vi) LIMITATION ON SPECIAL ALLOWANCES FOR CONSOLIDATION LOANS.—In the case of consolidation loans made under section 428C and for which the application is received on or after January 1, 2000, and before July 1, 2003, for which the interest rate is determined under section 427A(k)(4), a special allowance shall not be paid for such loan during any 3-month period ending March 31, June 30, September 30, or December 31 unless—

“(I) the average of the bond equivalent rates of the quotes of the 3-month commercial paper (financial) rates in effect for each of the days in such quarter as reported by the Federal Reserve in Publication H-15 (or its successor) for such 3-month period; plus

Applicability.  
20 USC 1087-1  
note.

“(II) 2.64 percent,  
exceeds the rate determined under section 427A(k)(4).”.

(b) **EFFECTIVE DATE.**—Subparagraph (I) of section 438(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)) as added by subsection (a) of this section shall apply with respect to any payment pursuant to such section with respect to any 3-month period beginning on or after January 1, 2000, for loans for which the first disbursement is made after such date.

**SEC. 410. SCHEDULE FOR PAYMENTS UNDER SSI STATE SUPPLEMENTATION AGREEMENTS.**

(a) **SCHEDULE FOR SSI SUPPLEMENTATION PAYMENTS.**—

(1) **IN GENERAL.**—Section 1616(d) of the Social Security Act (42 U.S.C. 1382e(d)) is amended—

(A) in paragraph (1), by striking “at such times and in such installments as may be agreed upon between the Commissioner of Social Security and such State” and inserting “in accordance with paragraph (5)”; and

(B) by adding at the end the following new paragraph:  
“(5)(A)(i) Any State which has entered into an agreement with the Commissioner of Social Security under this section shall remit the payments and fees required under this subsection with respect to monthly benefits paid to individuals under this title no later than—

“(I) the business day preceding the date that the Commissioner pays such monthly benefits; or

“(II) with respect to such monthly benefits paid for the month that is the last month of the State’s fiscal year, the fifth business day following such date.

“(ii) The Commissioner may charge States a penalty in an amount equal to 5 percent of the payment and the fees due if the remittance is received after the date required by clause (i).

“(B) The Cash Management Improvement Act of 1990 shall not apply to any payments or fees required under this subsection that are paid by a State before the date required by subparagraph (A)(i).

“(C) Notwithstanding subparagraph (A)(i), the Commissioner may make supplementary payments on behalf of a State with funds appropriated for payment of benefits under this title, and subsequently to be reimbursed for such payments by the State at such times as the Commissioner and State may agree. Such authority may be exercised only if extraordinary circumstances affecting a State’s ability to make payment when required by subparagraph (A)(i) are determined by the Commissioner to exist.”.

(2) **AMENDMENT TO SECTION 212.**—Section 212 of Public Law 93-66 (42 U.S.C. 1382 note) is amended—

(A) in subsection (b)(3)(A), by striking “at such times and in such installments as may be agreed upon between the Secretary and the State” and inserting “in accordance with subparagraph (E)”; and

(B) by adding at the end of subsection (b)(3) the following new subparagraph:

“(E)(i) Any State which has entered into an agreement with the Commissioner of Social Security under this section shall remit the payments and fees required under this paragraph with respect to monthly benefits paid to individuals under title XVI of the Social Security Act no later than—

Deadlines.

“(I) the business day preceding the date that the Commissioner pays such monthly benefits; or

“(II) with respect to such monthly benefits paid for the month that is the last month of the State’s fiscal year, the fifth business day following such date.

“(ii) The Cash Management Improvement Act of 1990 shall not apply to any payments or fees required under this paragraph that are paid by a State before the date required by clause (i).

“(iii) Notwithstanding clause (i), the Commissioner may make supplementary payments on behalf of a State with funds appropriated for payment of supplemental security income benefits under title XVI of the Social Security Act, and subsequently to be reimbursed for such payments by the State at such times as the Commissioner and State may agree. Such authority may be exercised only if extraordinary circumstances affecting a State’s ability to make payment when required by clause (i) are determined by the Commissioner to exist.”; and

(C) by striking “Secretary of Health, Education, and Welfare” and “Secretary” each place such term appear and inserting “Commissioner of Social Security”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply to payments and fees arising under an agreement between a State and the Commissioner of Social Security under section 1616 of the Social Security Act (42 U.S.C. 1382e) or under section 212 of Public Law 93-66 (42 U.S.C. 1382 note) with respect to monthly benefits paid to individuals under title XVI of the Social Security Act for months after September 2009 (October 2009 in the case of a State with a fiscal year that coincides with the Federal fiscal year), without regard to whether the agreement has been modified to reflect such amendments or the Commissioner has promulgated regulations implementing such amendments.

Applicability.  
42 USC 1382e  
note.

#### **SEC. 411. BONUS COMMODITIES.**

Section 6(e)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)) is amended—

(1) by striking “in the form of commodity assistance” and inserting “in the form of—

“(A) commodity assistance”;

(2) by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(B) during the period beginning October 1, 2000, and ending September 30, 2009, commodities provided by the Secretary under any provision of law.”.

#### **SEC. 412. SIMPLIFICATION OF DEFINITION OF FOSTER CHILD UNDER EIC.**

(a) **IN GENERAL.**—Section 32(c)(3)(B)(iii) of the Internal Revenue Code of 1986 (defining eligible foster child) is amended by redesignating subclauses (I) and (II) as subclauses (II) and (III), respectively, and by inserting before subclause (II), as so redesignated, the following:

26 USC 32.

“(I) is a brother, sister, stepbrother, or step-sister of the taxpayer (or a descendant of any such relative) or is placed with the taxpayer by an authorized placement agency.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

Applicability.  
26 USC 32 note.

**SEC. 413. DELAY OF EFFECTIVE DATE OF ORGAN PROCUREMENT AND TRANSPLANTATION NETWORK FINAL RULE.**

(a) IN GENERAL.—The final rule entitled “Organ Procurement and Transplantation Network”, promulgated by the Secretary of Health and Human Services on April 2, 1998 (63 Fed. Reg. 16295 et seq.) (relating to part 121 of title 42, Code of Federal Regulations), together with the amendments to such rules promulgated on October 20, 1999 (64 Fed. Reg. 56649 et seq.) shall not become effective before the expiration of the 90-day period beginning on the date of the enactment of this Act.

(b) NOTICE AND REVIEW.—For purposes of subsection (a):

Deadline.

(1) Not later than 3 days after the date of the enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the “Secretary”) shall publish in the Federal Register a notice providing that the period within which comments on the final rule may be submitted to the Secretary is 60 days after the date of such publication of the notice.

Deadline.

(2) Not later than 21 days after the expiration of such 60-day period, the Secretary shall complete the review of the comments submitted pursuant to paragraph (1) and shall amend the final rule with any revisions appropriate according to the review by the Secretary of such comments. The final rule may be in the form of amendments to the rule referred to in subsection (a) that was promulgated on April 2, 1998, and in the form of amendments to the rule referred to in such subsection that was promulgated on October 20, 1999.

Tax Relief  
Extension Act of  
1999.

## **TITLE V—TAX RELIEF EXTENSION ACT OF 1999**

26 USC 1 note.

**SEC. 500. SHORT TITLE OF TITLE.**

This title may be cited as the “Tax Relief Extension Act of 1999”.

### **Subtitle A—Extensions**

**SEC. 501. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.**

26 USC 26.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 (relating to limitation based on amount of tax) is amended to read as follows:

“(a) LIMITATION BASED ON AMOUNT OF TAX.—

“(1) IN GENERAL.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the excess (if any) of—

“(A) the taxpayer’s regular tax liability for the taxable year, over

“(B) the tentative minimum tax for the taxable year (determined without regard to the alternative minimum tax foreign tax credit).

For purposes of subparagraph (B), the taxpayer’s tentative minimum tax for any taxable year beginning during 1999 shall be treated as being zero.”.

“(2) SPECIAL RULE FOR 2000 AND 2001.—For purposes of any taxable year beginning during 2000 or 2001, the aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

“(A) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(B) the tax imposed by section 55(a) for the taxable year.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(d)(2) of such Code is amended by striking “1998” and inserting “2001”. 26 USC 24.

(2) Section 904(h) of such Code is amended by adding at the end the following: “This subsection shall not apply to taxable years beginning during 2000 or 2001.”. 26 USC 904.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998. Applicability. 26 USC 24 note.

#### SEC. 502. RESEARCH CREDIT.

(a) EXTENSION.—

(1) IN GENERAL.—Paragraph (1) of section 41(h) of the Internal Revenue Code of 1986 (relating to termination) is amended— 26 USC 41.

(A) by striking “June 30, 1999” and inserting “June 30, 2004”; and

(B) by striking the material following subparagraph (B).

(2) TECHNICAL AMENDMENT.—Subparagraph (D) of section 45C(b)(1) of such Code is amended by striking “June 30, 1999” and inserting “June 30, 2004”. 26 USC 45C.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999. Applicability. 26 USC 41 note.

(b) INCREASE IN PERCENTAGES UNDER ALTERNATIVE INCREMENTAL CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 41(c)(4) of such Code is amended—

(A) by striking “1.65 percent” and inserting “2.65 percent”; and

(B) by striking “2.2 percent” and inserting “3.2 percent”; and

(C) by striking “2.75 percent” and inserting “3.75 percent”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after June 30, 1999. Applicability. 26 USC 41 note.

(c) EXTENSION OF RESEARCH CREDIT TO RESEARCH IN PUERTO RICO AND THE POSSESSIONS OF THE UNITED STATES.—

(1) IN GENERAL.—Subsections (c)(6) and (d)(4)(F) of section 41 of such Code (relating to foreign research) are each amended by inserting “, the Commonwealth of Puerto Rico, or any possession of the United States” after “United States”.

(2) DENIAL OF DOUBLE BENEFIT.—Section 280C(c)(1) of such Code is amended by inserting “or credit” after “deduction” each place it appears. 26 USC 280C.



Applicability.  
26 USC 41 note.

26 USC 41 note.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to amounts paid or incurred after June 30, 1999.

(d) **SPECIAL RULE.**—

(1) **IN GENERAL.**—For purposes of the Internal Revenue Code of 1986, the credit determined under section 41 of such Code which is otherwise allowable under such Code—

(A) shall not be taken into account prior to October 1, 2000, to the extent such credit is attributable to the first suspension period; and

(B) shall not be taken into account prior to October 1, 2001, to the extent such credit is attributable to the second suspension period.

On or after the earliest date that an amount of credit may be taken into account, such amount may be taken into account through the filing of an amended return, an application for expedited refund, an adjustment of estimated taxes, or other means allowed by such Code.

(2) **SUSPENSION PERIODS.**—For purposes of this subsection—

(A) the first suspension period is the period beginning on July 1, 1999, and ending on September 30, 2000; and

(B) the second suspension period is the period beginning on October 1, 2000, and ending on September 30, 2001.

(3) **EXPEDITED REFUNDS.**—

(A) **IN GENERAL.**—If there is an overpayment of tax with respect to a taxable year by reason of paragraph (1), the taxpayer may file an application for a tentative refund of such overpayment. Such application shall be in such manner and form, and contain such information, as the Secretary may prescribe.

(B) **DEADLINE FOR APPLICATIONS.**—Subparagraph (A) shall apply only to an application filed before the date which is 1 year after the close of the suspension period to which the application relates.

Deadline.

(C) **ALLOWANCE OF ADJUSTMENTS.**—Not later than 90 days after the date on which an application is filed under this paragraph, the Secretary shall—

(i) review the application;

(ii) determine the amount of the overpayment; and

(iii) apply, credit, or refund such overpayment, in a manner similar to the manner provided in section 6411(b) of such Code.

(D) **CONSOLIDATED RETURNS.**—The provisions of section 6411(c) of such Code shall apply to an adjustment under this paragraph in such manner as the Secretary may provide.

(4) **CREDIT ATTRIBUTABLE TO SUSPENSION PERIOD.**—

(A) **IN GENERAL.**—For purposes of this subsection, in the case of a taxable year which includes a portion of the suspension period, the amount of credit determined under section 41 of such Code for such taxable year which is attributable to such period is the amount which bears the same ratio to the amount of credit determined under such section 41 for such taxable year as the number of months in the suspension period which are during such

taxable year bears to the number of months in such taxable year.

(B) **WAIVER OF ESTIMATED TAX PENALTIES.**—No addition to tax shall be made under section 6654 or 6655 of such Code for any period before July 1, 1999, with respect to any underpayment of tax imposed by such Code to the extent such underpayment was created or increased by reason of subparagraph (A).

(5) **SECRETARY.**—For purposes of this subsection, the term “Secretary” means the Secretary of the Treasury (or such Secretary’s delegate).

**SEC. 503. SUBPART F EXEMPTION FOR ACTIVE FINANCING INCOME.**

(a) **IN GENERAL.**—Sections 953(e)(10) and 954(h)(9) of the Internal Revenue Code of 1986 (relating to application) are each amended—

(1) by striking “the first taxable year” and inserting “taxable years”;

(2) by striking “January 1, 2000” and inserting “January 1, 2002”; and

(3) by striking “within which such” and inserting “within which any such”.

(b) **TECHNICAL AMENDMENT.**—Paragraph (10) of section 953(e) of such Code is amended by adding at the end the following new sentence: “If this subsection does not apply to a taxable year of a foreign corporation beginning after December 31, 2001 (and taxable years of United States shareholders ending with or within such taxable year), then, notwithstanding the preceding sentence, subsection (a) shall be applied to such taxable years in the same manner as it would if the taxable year of the foreign corporation began in 1998.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

Applicability.  
26 USC 953 note.

**SEC. 504. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR MARGINAL PRODUCTION.**

(a) **IN GENERAL.**—Subparagraph (H) of section 613A(c)(6) of the Internal Revenue Code of 1986 (relating to temporary suspension of taxable limit with respect to marginal production) is amended by striking “January 1, 2000” and inserting “January 1, 2002”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.

26 USC 613A  
note.

**SEC. 505. WORK OPPORTUNITY CREDIT AND WELFARE-TO-WORK CREDIT.**

(a) **TEMPORARY EXTENSION.**—Sections 51(c)(4)(B) and 51A(f) of the Internal Revenue Code of 1986 (relating to termination) are each amended by striking “June 30, 1999” and inserting “December 31, 2001”.

(b) **CLARIFICATION OF FIRST YEAR OF EMPLOYMENT.**—Paragraph (2) of section 51(i) of such Code is amended by striking “during which he was not a member of a targeted group”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to individuals who begin work for the employer after June 30, 1999.

Applicability.  
26 USC 51 note.

**SEC. 506. EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE.**

26 USC 127. (a) IN GENERAL.—Subsection (d) of section 127 of the Internal Revenue Code of 1986 (relating to termination) is amended by striking “May 31, 2000” and inserting “December 31, 2001”.

Applicability.  
26 USC 127 note. (b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to courses beginning after May 31, 2000.

**SEC. 507. EXTENSION AND MODIFICATION OF CREDIT FOR PRODUCING ELECTRICITY FROM CERTAIN RENEWABLE RESOURCES.**

26 USC 45. (a) EXTENSION AND MODIFICATION OF PLACED-IN-SERVICE RULES.—Paragraph (3) of section 45(c) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) QUALIFIED FACILITY.—

“(A) WIND FACILITY.—In the case of a facility using wind to produce electricity, the term ‘qualified facility’ means any facility owned by the taxpayer which is originally placed in service after December 31, 1993, and before January 1, 2002.

“(B) CLOSED-LOOP BIOMASS FACILITY.—In the case of a facility using closed-loop biomass to produce electricity, the term ‘qualified facility’ means any facility owned by the taxpayer which is originally placed in service after December 31, 1992, and before January 1, 2002.

“(C) POULTRY WASTE FACILITY.—In the case of a facility using poultry waste to produce electricity, the term ‘qualified facility’ means any facility of the taxpayer which is originally placed in service after December 31, 1999, and before January 1, 2002.”.

(b) EXPANSION OF QUALIFIED ENERGY RESOURCES.—

(1) IN GENERAL.—Section 45(c)(1) of such Code (defining qualified energy resources) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) poultry waste.”.

(2) DEFINITION.—Section 45(c) of such Code is amended by adding at the end the following new paragraph:

“(4) POULTRY WASTE.—The term ‘poultry waste’ means poultry manure and litter, including wood shavings, straw, rice hulls, and other bedding material for the disposition of manure.”.

(c) SPECIAL RULES.—Section 45(d) of such Code (relating to definitions and special rules) is amended by adding at the end the following new paragraphs:

“(6) CREDIT ELIGIBILITY IN THE CASE OF GOVERNMENT-OWNED FACILITIES USING POULTRY WASTE.—In the case of a facility using poultry waste to produce electricity and owned by a governmental unit, the person eligible for the credit under subsection (a) is the lessee or the operator of such facility.

“(7) CREDIT NOT TO APPLY TO ELECTRICITY SOLD TO UTILITIES UNDER CERTAIN CONTRACTS.—

“(A) IN GENERAL.—The credit determined under subsection (a) shall not apply to electricity—

“(i) produced at a qualified facility described in paragraph (3)(A) which is placed in service by the taxpayer after June 30, 1999, and

“(ii) sold to a utility pursuant to a contract originally entered into before January 1, 1987 (whether or not amended or restated after that date).

“(B) EXCEPTION.—Subparagraph (A) shall not apply if—

“(i) the prices for energy and capacity from such facility are established pursuant to an amendment to the contract referred to in subparagraph (A)(ii),

“(ii) such amendment provides that the prices set forth in the contract which exceed avoided cost prices determined at the time of delivery shall apply only to annual quantities of electricity (prorated for partial years) which do not exceed the greater of—

“(I) the average annual quantity of electricity sold to the utility under the contract during calendar years 1994, 1995, 1996, 1997, and 1998, or

“(II) the estimate of the annual electricity production set forth in the contract, or, if there is no such estimate, the greatest annual quantity of electricity sold to the utility under the contract in any of the calendar years 1996, 1997, or 1998, and

“(iii) such amendment provides that energy and capacity in excess of the limitation in clause (ii) may be—

“(I) sold to the utility only at prices that do not exceed avoided cost prices determined at the time of delivery, or

“(II) sold to a third party subject to a mutually agreed upon advance notice to the utility.

For purposes of this subparagraph, avoided cost prices shall be determined as provided for in 18 CFR 292.304(d)(1) or any successor regulation.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act. 26 USC 45 note.

**SEC. 508. EXTENSION OF DUTY-FREE TREATMENT UNDER GENERALIZED SYSTEM OF PREFERENCES.**

(a) IN GENERAL.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking “June 30, 1999” and inserting “September 30, 2001”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section applies to articles entered on or after the date of the enactment of this Act.

19 USC 2465 note.

(2) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(A) GENERAL RULE.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (3), any entry—

(i) of an article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if such entry had been made on July 1, 1999, and such title had been in effect on July 1, 1999; and

(ii) that was made—

(I) after June 30, 1999; and

(II) before the date of the enactment of this Act,  
shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—As used in this paragraph, the term “entry” includes a withdrawal from warehouse for consumption.

(3) REQUESTS.—Liquidation or reliquidation may be made under paragraph (2) with respect to an entry only if a request therefore is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

**SEC. 509. EXTENSION OF CREDIT FOR HOLDERS OF QUALIFIED ZONE ACADEMY BONDS.**

26 USC 1397E. (a) IN GENERAL.—Section 1397E(e)(1) of the Internal Revenue Code of 1986 (relating to national limitation) is amended by striking “and 1999” and inserting “, 1999, 2000, and 2001”.

(b) LIMITATION ON CARRYOVER PERIODS.—Paragraph (4) of section 1397E(e) of such Code is amended by adding at the end the following flush sentences:

“Any carryforward of a limitation amount may be carried only to the first 2 years (3 years for carryforwards from 1998 or 1999) following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.”.

**SEC. 510. EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.**

26 USC 1400C. Section 1400C(i) of the Internal Revenue Code of 1986 is amended by striking “2001” and inserting “2002”.

**SEC. 511. EXTENSION OF EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

26 USC 198. Section 198(h) of the Internal Revenue Code of 1986 is amended by striking “2000” and inserting “2001”.

**SEC. 512. TEMPORARY INCREASE IN AMOUNT OF RUM EXCISE TAX COVERED OVER TO PUERTO RICO AND VIRGIN ISLANDS.**

26 USC 7652. (a) IN GENERAL.—Section 7652(f)(1) of the Internal Revenue Code of 1986 (relating to limitation on cover over of tax on distilled spirits) is amended to read as follows:

“(1) \$10.50 (\$13.25 in the case of distilled spirits brought into the United States after June 30, 1999, and before January 1, 2002), or”.

Applicability.  
26 USC 7652  
note.

(b) SPECIAL COVER OVER TRANSFER RULES.—Notwithstanding section 7652 of the Internal Revenue Code of 1986, the following rules shall apply with respect to any transfer before October 1, 2000, of amounts relating to the increase in the cover over of taxes by reason of the amendment made by subsection (a):

(1) INITIAL TRANSFER OF INCREMENTAL INCREASE IN COVER OVER.—The Secretary of the Treasury shall, within 15 days after the date of the enactment of this Act, transfer an amount equal to the lesser of—

(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before the date of the enactment of this Act; or

(B) \$20,000,000.

(2) TRANSFER OF INCREMENTAL INCREASE FOR FISCAL YEAR 2001.—The Secretary of the Treasury shall on October 1, 2000, transfer an amount equal to the excess of—

(A) the amount of such increase otherwise required to be covered over after June 30, 1999, and before October 1, 2000, over

(B) the amount of the transfer described in paragraph (1).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1999. 26 USC 7652 note.

## Subtitle B—Other Time-Sensitive Provisions

### SEC. 521. ADVANCE PRICING AGREEMENTS TREATED AS CONFIDENTIAL TAXPAYER INFORMATION.

(a) IN GENERAL.—

(1) TREATMENT AS RETURN INFORMATION.—Paragraph (2) of section 6103(b) of the Internal Revenue Code of 1986 (defining return information) is amended by striking “and” at the end of subparagraph (A), by inserting “and” at the end of subparagraph (B), and by inserting after subparagraph (B) the following new subparagraph: 26 USC 6103.

“(C) any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to such agreement or any application for an advance pricing agreement.”.

(2) EXCEPTION FROM PUBLIC INSPECTION AS WRITTEN DETERMINATION.—Paragraph (1) of section 6110(b) of such Code (defining written determination) is amended by adding at the end the following new sentence: “Such term shall not include any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to such agreement or any application for an advance pricing agreement.”. 26 USC 6110.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act. 26 USC 6103 note.

(b) ANNUAL REPORT REGARDING ADVANCE PRICING AGREEMENTS.—

(1) IN GENERAL.—Not later than 90 days after the end of each calendar year, the Secretary of the Treasury shall prepare and publish a report regarding advance pricing agreements. Deadline.

(2) CONTENTS OF REPORT.—The report shall include the following for the calendar year to which such report relates:

(A) Information about the structure, composition, and operation of the advance pricing agreement program office.

(B) A copy of each model advance pricing agreement.

(C) The number of—

(i) applications filed during such calendar year for advance pricing agreements;

(ii) advance pricing agreements executed cumulatively to date and during such calendar year;

(iii) renewals of advance pricing agreements issued;

(iv) pending requests for advance pricing agreements;

(v) pending renewals of advance pricing agreements;

(vi) for each of the items in clauses (ii) through (v), the number that are unilateral, bilateral, and multilateral, respectively;

(vii) advance pricing agreements revoked or canceled, and the number of withdrawals from the advance pricing agreement program; and

(viii) advance pricing agreements finalized or renewed by industry.

(D) General descriptions of—

(i) the nature of the relationships between the related organizations, trades, or businesses covered by advance pricing agreements;

(ii) the covered transactions and the business functions performed and risks assumed by such organizations, trades, or businesses;

(iii) the related organizations, trades, or businesses whose prices or results are tested to determine compliance with transfer pricing methodologies prescribed in advance pricing agreements;

(iv) methodologies used to evaluate tested parties and transactions and the circumstances leading to the use of those methodologies;

(v) critical assumptions made and sources of comparables used;

(vi) comparable selection criteria and the rationale used in determining such criteria;

(vii) the nature of adjustments to comparables or tested parties;

(viii) the nature of any ranges agreed to, including information regarding when no range was used and why, when interquartile ranges were used, and when there was a statistical narrowing of the comparables;

(ix) adjustment mechanisms provided to rectify results that fall outside of the agreed upon advance pricing agreement range;

(x) the various term lengths for advance pricing agreements, including rollback years, and the number of advance pricing agreements with each such term length;

(xi) the nature of documentation required; and

(xii) approaches for sharing of currency or other risks.

(E) Statistics regarding the amount of time taken to complete new and renewal advance pricing agreements.

(F) A detailed description of the Secretary of the Treasury's efforts to ensure compliance with existing advance pricing agreements.

(3) CONFIDENTIALITY.—The reports required by this subsection shall be treated as authorized by the Internal Revenue

Code of 1986 for purposes of section 6103 of such Code, but the reports shall not include information—

(A) which would not be permitted to be disclosed under section 6110(c) of such Code if such report were a written determination as defined in section 6110 of such Code; or

(B) which can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

(4) **FIRST REPORT.**—The report for calendar year 1999 shall include prior calendar years after 1990.

(c) **REGULATIONS.**—The Secretary of the Treasury or the Secretary's delegate shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 6103(b)(2)(C), and the last sentence of section 6110(b)(1), of the Internal Revenue Code of 1986, as added by this section. 26 USC 6103.

**SEC. 522. AUTHORITY TO POSTPONE CERTAIN TAX-RELATED DEADLINES BY REASON OF Y2K FAILURES.** 26 USC 7508A note.

(a) **IN GENERAL.**—In the case of a taxpayer determined by the Secretary of the Treasury (or the Secretary's delegate) to be affected by a Y2K failure, the Secretary may disregard a period of up to 90 days in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such taxpayer—

(1) whether any of the acts described in paragraph (1) of section 7508(a) of the Internal Revenue Code of 1986 (without regard to the exceptions in parentheses in subparagraphs (A) and (B)) were performed within the time prescribed therefor; and

(2) the amount of any credit or refund.

(b) **APPLICABILITY OF CERTAIN RULES.**—For purposes of this section, rules similar to the rules of subsections (b) and (e) of section 7508 of the Internal Revenue Code of 1986 shall apply.

**SEC. 523. INCLUSION OF CERTAIN VACCINES AGAINST STREPTOCOCCUS PNEUMONIAE TO LIST OF TAXABLE VACCINES.**

(a) **INCLUSION OF VACCINES.**—

(1) **IN GENERAL.**—Section 4132(a)(1) of the Internal Revenue Code of 1986 (defining taxable vaccine) is amended by adding at the end the following new subparagraph: 26 USC 4132.

“(L) Any conjugate vaccine against streptococcus pneumoniae.”.

(2) **EFFECTIVE DATE.**—

(A) **SALES.**—The amendment made by this subsection shall apply to vaccine sales after the date of the enactment of this Act, but shall not take effect if subsection (b) does not take effect. 26 USC 4132 note.

(B) **DELIVERIES.**—For purposes of subparagraph (A), in the case of sales on or before the date described in such subparagraph for which delivery is made after such date, the delivery date shall be considered the sale date.

(b) **VACCINE TAX AND TRUST FUND AMENDMENTS.**—

(1) Sections 1503 and 1504 of the Vaccine Injury Compensation Program Modification Act (and the amendments made by such sections) are hereby repealed. 26 USC 4132 and note, 9510 and note.

(2) Subparagraph (A) of section 9510(c)(1) of such Code is amended by striking “August 5, 1997” and inserting “December 31, 1999”. 26 USC 9510.



26 USC 4132  
note.

(3) The amendments made by this subsection shall take effect as if included in the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 to which they relate.

Deadline.

(c) **REPORT.**—Not later than January 31, 2000, the Comptroller General of the United States shall prepare and submit a report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on the operation of the Vaccine Injury Compensation Trust Fund and on the adequacy of such Fund to meet future claims made under the Vaccine Injury Compensation Program.

**SEC. 524. DELAY IN EFFECTIVE DATE OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.**

26 USC 4041  
note.

Paragraph (2) of section 1032(f) of the Taxpayer Relief Act of 1997 is amended by striking “July 1, 2000” and inserting “January 1, 2002”.

7 USC 7212 note.

**SEC. 525. PRODUCTION FLEXIBILITY CONTRACT PAYMENTS.**

Any option to accelerate the receipt of any payment under a production flexibility contract which is payable under the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7200 et seq.), as in effect on the date of the enactment of this Act, shall be disregarded in determining the taxable year for which such payment is properly includible in gross income for purposes of the Internal Revenue Code of 1986.

## Subtitle C—Revenue Offsets

### PART I—GENERAL PROVISIONS

**SEC. 531. MODIFICATION OF ESTIMATED TAX SAFE HARBOR.**

26 USC 6654.

(a) **IN GENERAL.**—The table contained in clause (i) of section 6654(d)(1)(C) of the Internal Revenue Code of 1986 (relating to limitation on use of preceding year's tax) is amended by striking the items relating to 1999 and 2000 and inserting the following new items:

“1999 .....	108.6
2000 .....	110”.

Applicability.  
26 USC 6654.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply with respect to any installment payment for taxable years beginning after December 31, 1999.

**SEC. 532. CLARIFICATION OF TAX TREATMENT OF INCOME AND LOSS ON DERIVATIVES.**

26 USC 1221.

(a) **IN GENERAL.**—Section 1221 of the Internal Revenue Code of 1986 (defining capital assets) is amended—

(1) by striking “For purposes” and inserting the following:

“(a) **IN GENERAL.**—For purposes”;

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following:

“(6) any commodities derivative financial instrument held by a commodities derivatives dealer, unless—

“(A) it is established to the satisfaction of the Secretary that such instrument has no connection to the activities of such dealer as a dealer, and

“(B) such instrument is clearly identified in such dealer’s records as being described in subparagraph (A) before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe);

“(7) any hedging transaction which is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may by regulations prescribe); or

“(8) supplies of a type regularly used or consumed by the taxpayer in the ordinary course of a trade or business of the taxpayer.

“(b) DEFINITIONS AND SPECIAL RULES.—

“(1) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENTS.—

For purposes of subsection (a)(6)—

“(A) COMMODITIES DERIVATIVES DEALER.—The term ‘commodities derivatives dealer’ means a person which regularly offers to enter into, assume, offset, assign, or terminate positions in commodities derivative financial instruments with customers in the ordinary course of a trade or business.

“(B) COMMODITIES DERIVATIVE FINANCIAL INSTRUMENT.—

“(i) IN GENERAL.—The term ‘commodities derivative financial instrument’ means any contract or financial instrument with respect to commodities (other than a share of stock in a corporation, a beneficial interest in a partnership or trust, a note, bond, debenture, or other evidence of indebtedness, or a section 1256 contract (as defined in section 1256(b)), the value or settlement price of which is calculated by or determined by reference to a specified index.

“(ii) SPECIFIED INDEX.—The term ‘specified index’ means any one or more or any combination of—

“(I) a fixed rate, price, or amount, or

“(II) a variable rate, price, or amount,

which is based on any current, objectively determinable financial or economic information with respect to commodities which is not within the control of any of the parties to the contract or instrument and is not unique to any of the parties’ circumstances.

“(2) HEDGING TRANSACTION.—

“(A) IN GENERAL.—For purposes of this section, the term ‘hedging transaction’ means any transaction entered into by the taxpayer in the normal course of the taxpayer’s trade or business primarily—

“(i) to manage risk of price changes or currency fluctuations with respect to ordinary property which is held or to be held by the taxpayer,

“(ii) to manage risk of interest rate or price changes or currency fluctuations with respect to borrowings made or to be made, or ordinary obligations incurred or to be incurred, by the taxpayer, or

“(iii) to manage such other risks as the Secretary may prescribe in regulations.

- Regulations. “(B) TREATMENT OF NONIDENTIFICATION OR IMPROPER IDENTIFICATION OF HEDGING TRANSACTIONS.—Notwithstanding subsection (a)(7), the Secretary shall prescribe regulations to properly characterize any income, gain, expense, or loss arising from a transaction—
- “ (i) which is a hedging transaction but which was not identified as such in accordance with subsection (a)(7), or
- “ (ii) which was so identified but is not a hedging transaction.
- “(3) REGULATIONS.—The Secretary shall prescribe such regulations as are appropriate to carry out the purposes of paragraph (6) and (7) of subsection (a) in the case of transactions involving related parties.”.
- (b) MANAGEMENT OF RISK.—
- 26 USC 475. (1) Section 475(c)(3) of such Code is amended by striking “reduces” and inserting “manages”.
- 26 USC 871. (2) Section 871(h)(4)(C)(iv) of such Code is amended by striking “to reduce” and inserting “to manage”.
- 26 USC 988. (3) Clauses (i) and (ii) of section 988(d)(2)(A) of such Code are each amended by striking “to reduce” and inserting “to manage”.
- 26 USC 1256. (4) Paragraph (2) of section 1256(e) of such Code is amended to read as follows:
- “(2) DEFINITION OF HEDGING TRANSACTION.—For purposes of this subsection, the term ‘hedging transaction’ means any hedging transaction (as defined in section 1221(b)(2)(A)) if, before the close of the day on which such transaction was entered into (or such earlier time as the Secretary may prescribe by regulations), the taxpayer clearly identifies such transaction as being a hedging transaction.”.
- (c) CONFORMING AMENDMENTS.—
- (1) Each of the following sections of such Code are amended by striking “section 1221” and inserting “section 1221(a)”:
- 26 USC 170. (A) Section 170(e)(3)(A).
- (B) Section 170(e)(4)(B).
- 26 USC 367. (C) Section 367(a)(3)(B)(i).
- 26 USC 818. (D) Section 818(c)(3).
- 26 USC 865. (E) Section 865(i)(1).
- 26 USC 1092. (F) Section 1092(a)(3)(B)(ii)(II).
- 26 USC 1231. (G) Subparagraphs (C) and (D) of section 1231(b)(1).
- 26 USC 1234. (H) Section 1234(a)(3)(A).
- (2) Each of the following sections of such Code are amended by striking “section 1221(1)” and inserting “section 1221(a)(1)”:
- 26 USC 198. (A) Section 198(c)(1)(A)(i).
- 26 USC 263. (B) Section 263A(b)(2)(A).
- 26 USC 267. (C) Clauses (i) and (iii) of section 267(f)(3)(B).
- 26 USC 341. (D) Section 341(d)(3).
- 26 USC 543. (E) Section 543(a)(1)(D)(i).
- 26 USC 751. (F) Section 751(d)(1).
- 26 USC 775. (G) Section 775(c).
- 26 USC 856. (H) Section 856(c)(2)(D).
- (I) Section 856(c)(3)(C).
- (J) Section 856(e)(1).
- (K) Section 856(j)(2)(B).
- 26 USC 857. (L) Section 857(b)(4)(B)(i).
- (M) Section 857(b)(6)(B)(iii).

- (N) Section 864(c)(4)(B)(iii). 26 USC 864.
- (O) Section 864(d)(3)(A).
- (P) Section 864(d)(6)(A).
- (Q) Section 954(c)(1)(B)(iii). 26 USC 954.
- (R) Section 995(b)(1)(C). 26 USC 995.
- (S) Section 1017(b)(3)(E)(i). 26 USC 1017.
- (T) Section 1362(d)(3)(C)(ii). 26 USC 1362.
- (U) Section 4662(c)(2)(C). 26 USC 4662.
- (V) Section 7704(c)(3). 26 USC 7704.
- (W) Section 7704(d)(1)(D).
- (X) Section 7704(d)(1)(G).
- (Y) Section 7704(d)(5).

(3) Section 818(b)(2) of such Code is amended by striking “section 1221(2)” and inserting “section 1221(a)(2)”. 26 USC 818.

(4) Section 1397B(e)(2) of such Code is amended by striking “section 1221(4)” and inserting “section 1221(a)(4)”. 26 USC 1397B note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to any instrument held, acquired, or entered into, any transaction entered into, and supplies held or acquired on or after the date of the enactment of this Act. 26 USC 170 note.

**SEC. 533. EXPANSION OF REPORTING OF CANCELLATION OF INDEBTEDNESS INCOME.**

(a) **IN GENERAL.**—Paragraph (2) of section 6050P(c) of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended by striking “and” at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting “, and”, and by inserting after subparagraph (C) the following new subparagraph: 26 USC 6050P.

“(D) any organization a significant trade or business of which is the lending of money.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to discharges of indebtedness after December 31, 1999. 26 USC 6050P note.

**SEC. 534. LIMITATION ON CONVERSION OF CHARACTER OF INCOME FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.**

(a) **IN GENERAL.**—Part IV of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to special rules for determining capital gains and losses) is amended by inserting after section 1259 the following new section:

**“SEC. 1260. GAINS FROM CONSTRUCTIVE OWNERSHIP TRANSACTIONS.** 26 USC 1260.

“(a) **IN GENERAL.**—If the taxpayer has gain from a constructive ownership transaction with respect to any financial asset and such gain would (without regard to this section) be treated as a long-term capital gain—

“(1) such gain shall be treated as ordinary income to the extent that such gain exceeds the net underlying long-term capital gain, and

“(2) to the extent such gain is treated as a long-term capital gain after the application of paragraph (1), the determination of the capital gain rate (or rates) applicable to such gain under section 1(h) shall be determined on the basis of the respective rate (or rates) that would have been applicable to the net underlying long-term capital gain.

“(b) **INTEREST CHARGE ON DEFERRAL OF GAIN RECOGNITION.**—

“(1) **IN GENERAL.**—If any gain is treated as ordinary income for any taxable year by reason of subsection (a)(1), the tax

imposed by this chapter for such taxable year shall be increased by the amount of interest determined under paragraph (2) with respect to each prior taxable year during any portion of which the constructive ownership transaction was open. Any amount payable under this paragraph shall be taken into account in computing the amount of any deduction allowable to the taxpayer for interest paid or accrued during such taxable year.

“(2) AMOUNT OF INTEREST.—The amount of interest determined under this paragraph with respect to a prior taxable year is the amount of interest which would have been imposed under section 6601 on the underpayment of tax for such year which would have resulted if the gain (which is treated as ordinary income by reason of subsection (a)(1)) had been included in gross income in the taxable years in which it accrued (determined by treating the income as accruing at a constant rate equal to the applicable Federal rate as in effect on the day the transaction closed). The period during which such interest shall accrue shall end on the due date (without extensions) for the return of tax imposed by this chapter for the taxable year in which such transaction closed.

“(3) APPLICABLE FEDERAL RATE.—For purposes of paragraph (2), the applicable Federal rate is the applicable Federal rate determined under section 1274(d) (compounded semiannually) which would apply to a debt instrument with a term equal to the period the transaction was open.

“(4) NO CREDITS AGAINST INCREASE IN TAX.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining—

“(A) the amount of any credit allowable under this chapter, or

“(B) the amount of the tax imposed by section 55.

“(c) FINANCIAL ASSET.—For purposes of this section—

“(1) IN GENERAL.—The term ‘financial asset’ means—

“(A) any equity interest in any pass-thru entity, and

“(B) to the extent provided in regulations—

“(i) any debt instrument, and

“(ii) any stock in a corporation which is not a pass-thru entity.

“(2) PASS-THRU ENTITY.—For purposes of paragraph (1), the term ‘pass-thru entity’ means—

“(A) a regulated investment company,

“(B) a real estate investment trust,

“(C) an S corporation,

“(D) a partnership,

“(E) a trust,

“(F) a common trust fund,

“(G) a passive foreign investment company (as defined in section 1297 without regard to subsection (e) thereof),

“(H) a foreign personal holding company,

“(I) a foreign investment company (as defined in section 1246(b)), and

“(J) a REMIC.

“(d) CONSTRUCTIVE OWNERSHIP TRANSACTION.—For purposes of this section—

“(1) IN GENERAL.—The taxpayer shall be treated as having entered into a constructive ownership transaction with respect to any financial asset if the taxpayer—

“(A) holds a long position under a notional principal contract with respect to the financial asset,

“(B) enters into a forward or futures contract to acquire the financial asset,

“(C) is the holder of a call option, and is the grantor of a put option, with respect to the financial asset and such options have substantially equal strike prices and substantially contemporaneous maturity dates, or

“(D) to the extent provided in regulations prescribed by the Secretary, enters into one or more other transactions (or acquires one or more positions) that have substantially the same effect as a transaction described in any of the preceding subparagraphs.

“(2) EXCEPTION FOR POSITIONS WHICH ARE MARKED TO MARKET.—This section shall not apply to any constructive ownership transaction if all of the positions which are part of such transaction are marked to market under any provision of this title or the regulations thereunder.

“(3) LONG POSITION UNDER NOTIONAL PRINCIPAL CONTRACT.—A person shall be treated as holding a long position under a notional principal contract with respect to any financial asset if such person—

“(A) has the right to be paid (or receive credit for) all or substantially all of the investment yield (including appreciation) on such financial asset for a specified period, and

“(B) is obligated to reimburse (or provide credit for) all or substantially all of any decline in the value of such financial asset.

“(4) FORWARD CONTRACT.—The term ‘forward contract’ means any contract to acquire in the future (or provide or receive credit for the future value of) any financial asset.

“(e) NET UNDERLYING LONG-TERM CAPITAL GAIN.—For purposes of this section, in the case of any constructive ownership transaction with respect to any financial asset, the term ‘net underlying long-term capital gain’ means the aggregate net capital gain that the taxpayer would have had if—

“(1) the financial asset had been acquired for fair market value on the date such transaction was opened and sold for fair market value on the date such transaction was closed, and

“(2) only gains and losses that would have resulted from the deemed ownership under paragraph (1) were taken into account.

The amount of the net underlying long-term capital gain with respect to any financial asset shall be treated as zero unless the amount thereof is established by clear and convincing evidence.

“(f) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY.—Except as provided in regulations prescribed by the Secretary, if a constructive ownership transaction is closed by reason of taking delivery, this section shall be applied as if the taxpayer had sold all the contracts, options, or other positions which are part of such transaction for fair market value on the closing date. The amount of gain recognized under the preceding sentence shall not exceed the

amount of gain treated as ordinary income under subsection (a). Proper adjustments shall be made in the amount of any gain or loss subsequently realized for gain recognized and treated as ordinary income under this subsection.

“(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations—

“(1) to permit taxpayers to mark to market constructive ownership transactions in lieu of applying this section, and

“(2) to exclude certain forward contracts which do not convey substantially all of the economic return with respect to a financial asset.”.

(b) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 1260. Gains from constructive ownership transactions.”.

26 USC 1260  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after July 11, 1999.

**SEC. 535. TREATMENT OF EXCESS PENSION ASSETS USED FOR RETIREE HEALTH BENEFITS.**

(a) EXTENSION.—

26 USC 420.

(1) IN GENERAL.—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 (relating to expiration) is amended by striking “in any taxable year beginning after December 31, 2000” and inserting “made after December 31, 2005”.

(2) CONFORMING AMENDMENTS.—

(A) Section 101(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)(3)) is amended by striking “January 1, 1995” and inserting “the date of the enactment of the Tax Relief Extension Act of 1999”.

(B) Section 403(c)(1) of such Act (29 U.S.C. 1103(c)(1)) is amended by striking “January 1, 1995” and inserting “the date of the enactment of the Tax Relief Extension Act of 1999”.

(C) Paragraph (13) of section 408(b) of such Act (29 U.S.C. 1108(b)(13)) is amended—

(i) by striking “in a taxable year beginning before January 1, 2001” and inserting “made before January 1, 2006”; and

(ii) by striking “January 1, 1995” and inserting “the date of the enactment of the Tax Relief Extension Act of 1999”.

(b) APPLICATION OF MINIMUM COST REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (3) of section 420(c) of the Internal Revenue Code of 1986 is amended to read as follows:

“(3) MINIMUM COST REQUIREMENTS.—

“(A) IN GENERAL.—The requirements of this paragraph are met if each group health plan or arrangement under which applicable health benefits are provided provides that the applicable employer cost for each taxable year during the cost maintenance period shall not be less than the higher of the applicable employer costs for each of the

2 taxable years immediately preceding the taxable year of the qualified transfer.

“(B) APPLICABLE EMPLOYER COST.—For purposes of this paragraph, the term ‘applicable employer cost’ means, with respect to any taxable year, the amount determined by dividing—

“(i) the qualified current retiree health liabilities of the employer for such taxable year determined—

“(I) without regard to any reduction under subsection (e)(1)(B), and

“(II) in the case of a taxable year in which there was no qualified transfer, in the same manner as if there had been such a transfer at the end of the taxable year, by

“(ii) the number of individuals to whom coverage for applicable health benefits was provided during such taxable year.

“(C) ELECTION TO COMPUTE COST SEPARATELY.—An employer may elect to have this paragraph applied separately with respect to individuals eligible for benefits under title XVIII of the Social Security Act at any time during the taxable year and with respect to individuals not so eligible.

“(D) COST MAINTENANCE PERIOD.—For purposes of this paragraph, the term ‘cost maintenance period’ means the period of 5 taxable years beginning with the taxable year in which the qualified transfer occurs. If a taxable year is in two or more overlapping cost maintenance periods, this paragraph shall be applied by taking into account the highest applicable employer cost required to be provided under subparagraph (A) for such taxable year.

“(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to prevent an employer who significantly reduces retiree health coverage during the cost maintenance period from being treated as satisfying the minimum cost requirement of this subsection.”.

(2) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 420(b)(1)(C) of such Code is amended by striking “benefits” and inserting “cost”. 26 USC 420.

(B) Subparagraph (D) of section 420(e)(1) of such Code is amended by striking “and shall not be subject to the minimum benefit requirements of subsection (c)(3)” and inserting “or in calculating applicable employer cost under subsection (c)(3)(B)”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to qualified transfers occurring after the date of the enactment of this Act.

(2) TRANSITION RULE.—If the cost maintenance period for any qualified transfer after the date of the enactment of this Act includes any portion of a benefit maintenance period for any qualified transfer on or before such date, the amendments made by subsection (b) shall not apply to such portion of the cost maintenance period (and such portion shall be treated as a benefit maintenance period).

26 USC 420 note.



**SEC. 536. MODIFICATION OF INSTALLMENT METHOD AND REPEAL OF  
INSTALLMENT METHOD FOR ACCRUAL METHOD TAX-  
PAYERS.**

(a) REPEAL OF INSTALLMENT METHOD FOR ACCRUAL BASIS TAX-  
PAYERS.—

26 USC 453. (1) IN GENERAL.—Subsection (a) of section 453 of the Internal Revenue Code of 1986 (relating to installment method) is amended to read as follows:

“(a) USE OF INSTALLMENT METHOD.—

“(1) IN GENERAL.—Except as otherwise provided in this section, income from an installment sale shall be taken into account for purposes of this title under the installment method.

“(2) ACCRUAL METHOD TAXPAYER.—The installment method shall not apply to income from an installment sale if such income would be reported under an accrual method of accounting without regard to this section. The preceding sentence shall not apply to a disposition described in subparagraph (A) or (B) of subsection (1)(2).”.

(2) CONFORMING AMENDMENTS.—Sections 453(d)(1), 453(i)(1), and 453(k) of such Code are each amended by striking “(a)” each place it appears and inserting “(a)(1)”.

26 USC 453A. (b) MODIFICATION OF PLEDGE RULES.—Paragraph (4) of section 453A(d) of such Code (relating to pledges, etc., of installment obligations) is amended by adding at the end the following: “A payment shall be treated as directly secured by an interest in an installment obligation to the extent an arrangement allows the taxpayer to satisfy all or a portion of the indebtedness with the installment obligation.”.

26 USC 453 note. (c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or other dispositions occurring on or after the date of the enactment of this Act.

**SEC. 537. DENIAL OF CHARITABLE CONTRIBUTION DEDUCTION FOR  
TRANSFERS ASSOCIATED WITH SPLIT-DOLLAR INSUR-  
ANCE ARRANGEMENTS.**

26 USC 170. (a) IN GENERAL.—Subsection (f) of section 170 of the Internal Revenue Code of 1986 (relating to disallowance of deduction in certain cases and special rules) is amended by adding at the end the following new paragraph:

“(10) SPLIT-DOLLAR LIFE INSURANCE, ANNUITY, AND ENDOW-  
MENT CONTRACTS.—

“(A) IN GENERAL.—Nothing in this section or in section 545(b)(2), 556(b)(2), 642(c), 2055, 2106(a)(2), or 2522 shall be construed to allow a deduction, and no deduction shall be allowed, for any transfer to or for the use of an organization described in subsection (c) if in connection with such transfer—

“(i) the organization directly or indirectly pays, or has previously paid, any premium on any personal benefit contract with respect to the transferor, or

“(ii) there is an understanding or expectation that any person will directly or indirectly pay any premium on any personal benefit contract with respect to the transferor.

“(B) PERSONAL BENEFIT CONTRACT.—For purposes of subparagraph (A), the term ‘personal benefit contract’ means, with respect to the transferor, any life insurance,

annuity, or endowment contract if any direct or indirect beneficiary under such contract is the transferor, any member of the transferor's family, or any other person (other than an organization described in subsection (c)) designated by the transferor.

“(C) APPLICATION TO CHARITABLE REMAINDER TRUSTS.—In the case of a transfer to a trust referred to in subparagraph (E), references in subparagraphs (A) and (F) to an organization described in subsection (c) shall be treated as a reference to such trust.

“(D) EXCEPTION FOR CERTAIN ANNUITY CONTRACTS.—If, in connection with a transfer to or for the use of an organization described in subsection (c), such organization incurs an obligation to pay a charitable gift annuity (as defined in section 501(m)) and such organization purchases any annuity contract to fund such obligation, persons receiving payments under the charitable gift annuity shall not be treated for purposes of subparagraph (B) as indirect beneficiaries under such contract if—

“(i) such organization possesses all of the incidents of ownership under such contract,

“(ii) such organization is entitled to all the payments under such contract, and

“(iii) the timing and amount of payments under such contract are substantially the same as the timing and amount of payments to each such person under such obligation (as such obligation is in effect at the time of such transfer).

“(E) EXCEPTION FOR CERTAIN CONTRACTS HELD BY CHARITABLE REMAINDER TRUSTS.—A person shall not be treated for purposes of subparagraph (B) as an indirect beneficiary under any life insurance, annuity, or endowment contract held by a charitable remainder annuity trust or a charitable remainder unitrust (as defined in section 664(d)) solely by reason of being entitled to any payment referred to in paragraph (1)(A) or (2)(A) of section 664(d) if—

“(i) such trust possesses all of the incidents of ownership under such contract, and

“(ii) such trust is entitled to all the payments under such contract.

“(F) EXCISE TAX ON PREMIUMS PAID.—

“(i) IN GENERAL.—There is hereby imposed on any organization described in subsection (c) an excise tax equal to the premiums paid by such organization on any life insurance, annuity, or endowment contract if the payment of premiums on such contract is in connection with a transfer for which a deduction is not allowable under subparagraph (A), determined without regard to when such transfer is made.

“(ii) PAYMENTS BY OTHER PERSONS.—For purposes of clause (i), payments made by any other person pursuant to an understanding or expectation referred to in subparagraph (A) shall be treated as made by the organization.

“(iii) REPORTING.—Any organization on which tax is imposed by clause (i) with respect to any premium shall file an annual return which includes—

“(I) the amount of such premiums paid during the year and the name and TIN of each beneficiary under the contract to which the premium relates, and

“(II) such other information as the Secretary may require.

The penalties applicable to returns required under section 6033 shall apply to returns required under this clause. Returns required under this clause shall be furnished at such time and in such manner as the Secretary shall by forms or regulations require.

“(iv) CERTAIN RULES TO APPLY.—The tax imposed by this subparagraph shall be treated as imposed by chapter 42 for purposes of this title other than subparagraph B of chapter 42.

“(G) SPECIAL RULE WHERE STATE REQUIRES SPECIFICATION OF CHARITABLE GIFT ANNUITY IN CONTRACT.—In the case of an obligation to pay a charitable gift annuity referred to in subparagraph (D) which is entered into under the laws of a State which requires, in order for the charitable gift annuity to be exempt from insurance regulation by such State, that each beneficiary under the charitable gift annuity be named as a beneficiary under an annuity contract issued by an insurance company authorized to transact business in such State, the requirements of clauses (i) and (ii) of subparagraph (D) shall be treated as met if—

“(i) such State law requirement was in effect on February 8, 1999,

“(ii) each such beneficiary under the charitable gift annuity is a bona fide resident of such State at the time the obligation to pay a charitable gift annuity is entered into, and

“(iii) the only persons entitled to payments under such contract are persons entitled to payments as beneficiaries under such obligation on the date such obligation is entered into.

“(H) MEMBER OF FAMILY.—For purposes of this paragraph, an individual’s family consists of the individual’s grandparents, the grandparents of such individual’s spouse, the lineal descendants of such grandparents, and any spouse of such a lineal descendant.

“(I) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations to prevent the avoidance of such purposes.”.

26 USC 170 note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this section, the amendment made by this section shall apply to transfers made after February 8, 1999.

(2) EXCISE TAX.—Except as provided in paragraph (3) of this subsection, section 170(f)(10)(F) of the Internal Revenue Code of 1986 (as added by this section) shall apply to premiums paid after the date of the enactment of this Act.

(3) REPORTING.—Clause (iii) of such section 170(f)(10)(F) shall apply to premiums paid after February 8, 1999 (determined as if the tax imposed by such section applies to premiums paid after such date).

**SEC. 538. DISTRIBUTIONS BY A PARTNERSHIP TO A CORPORATE PARTNER OF STOCK IN ANOTHER CORPORATION.**

(a) IN GENERAL.—Section 732 of the Internal Revenue Code of 1986 (relating to basis of distributed property other than money) is amended by adding at the end the following new subsection: 26 USC 732.

“(f) CORRESPONDING ADJUSTMENT TO BASIS OF ASSETS OF A DISTRIBUTED CORPORATION CONTROLLED BY A CORPORATE PARTNER.—

“(1) IN GENERAL.—If—

“(A) a corporation (hereafter in this subsection referred to as the ‘corporate partner’) receives a distribution from a partnership of stock in another corporation (hereafter in this subsection referred to as the ‘distributed corporation’),

“(B) the corporate partner has control of the distributed corporation immediately after the distribution or at any time thereafter, and

“(C) the partnership’s adjusted basis in such stock immediately before the distribution exceeded the corporate partner’s adjusted basis in such stock immediately after the distribution,

then an amount equal to such excess shall be applied to reduce (in accordance with subsection (c)) the basis of property held by the distributed corporation at such time (or, if the corporate partner does not control the distributed corporation at such time, at the time the corporate partner first has such control).

“(2) EXCEPTION FOR CERTAIN DISTRIBUTIONS BEFORE CONTROL ACQUIRED.—Paragraph (1) shall not apply to any distribution of stock in the distributed corporation if—

“(A) the corporate partner does not have control of such corporation immediately after such distribution, and

“(B) the corporate partner establishes to the satisfaction of the Secretary that such distribution was not part of a plan or arrangement to acquire control of the distributed corporation.

“(3) LIMITATIONS ON BASIS REDUCTION.—

“(A) IN GENERAL.—The amount of the reduction under paragraph (1) shall not exceed the amount by which the sum of the aggregate adjusted bases of the property and the amount of money of the distributed corporation exceeds the corporate partner’s adjusted basis in the stock of the distributed corporation.

“(B) REDUCTION NOT TO EXCEED ADJUSTED BASIS OF PROPERTY.—No reduction under paragraph (1) in the basis of any property shall exceed the adjusted basis of such property (determined without regard to such reduction).

“(4) GAIN RECOGNITION WHERE REDUCTION LIMITED.—If the amount of any reduction under paragraph (1) (determined after the application of paragraph (3)(A)) exceeds the aggregate adjusted bases of the property of the distributed corporation—

“(A) such excess shall be recognized by the corporate partner as long-term capital gain, and

“(B) the corporate partner’s adjusted basis in the stock of the distributed corporation shall be increased by such excess.

“(5) CONTROL.—For purposes of this subsection, the term ‘control’ means ownership of stock meeting the requirements of section 1504(a)(2).

“(6) INDIRECT DISTRIBUTIONS.—For purposes of paragraph (1), if a corporation acquires (other than in a distribution from a partnership) stock the basis of which is determined (by reason of being distributed from a partnership) in whole or in part by reference to subsection (a)(2) or (b), the corporation shall be treated as receiving a distribution of such stock from a partnership.

“(7) SPECIAL RULE FOR STOCK IN CONTROLLED CORPORATION.—If the property held by a distributed corporation is stock in a corporation which the distributed corporation controls, this subsection shall be applied to reduce the basis of the property of such controlled corporation. This subsection shall be reapplied to any property of any controlled corporation which is stock in a corporation which it controls.

“(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations to avoid double counting and to prevent the abuse of such purposes.”.

26 USC 732 note.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to distributions made after July 14, 1999.

(2) PARTNERSHIPS IN EXISTENCE ON JULY 14, 1999.—In the case of a corporation which is a partner in a partnership as of July 14, 1999, the amendment made by this section shall apply to any distribution made (or treated as made) to such partner from such partnership after June 30, 2001, except that this paragraph shall not apply to any distribution after the date of the enactment of this Act unless the partner makes an election to have this paragraph apply to such distribution on the partner’s return of Federal income tax for the taxable year in which such distribution occurs.

## **PART II—PROVISIONS RELATING TO REAL ESTATE INVESTMENT TRUSTS**

### **Subpart A—Treatment of Income and Services Provided by Taxable REIT Subsidiaries**

#### **SEC. 541. MODIFICATIONS TO ASSET DIVERSIFICATION TEST.**

26 USC 856.

(a) IN GENERAL.—Subparagraph (B) of section 856(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

“(B)(i) not more than 25 percent of the value of its total assets is represented by securities (other than those includible under subparagraph (A)),

“(ii) not more than 20 percent of the value of its total assets is represented by securities of one or more taxable REIT subsidiaries, and

“(iii) except with respect to a taxable REIT subsidiary and securities includible under subparagraph (A)—

“(I) not more than 5 percent of the value of its total assets is represented by securities of any one issuer,

“(II) the trust does not hold securities possessing more than 10 percent of the total voting power of the outstanding securities of any one issuer, and

“(III) the trust does not hold securities having a value of more than 10 percent of the total value of the outstanding securities of any one issuer.”.

(b) **EXCEPTION FOR STRAIGHT DEBT SECURITIES.**—Subsection (c) of section 856 of such Code is amended by adding at the end the following new paragraph:

“(7) **STRAIGHT DEBT SAFE HARBOR IN APPLYING PARAGRAPH**

(4).—Securities of an issuer which are straight debt (as defined in section 1361(c)(5) without regard to subparagraph (B)(iii) thereof) shall not be taken into account in applying paragraph (4)(B)(ii)(III) if—

“(A) the issuer is an individual, or

“(B) the only securities of such issuer which are held by the trust or a taxable REIT subsidiary of the trust are straight debt (as so defined), or

“(C) the issuer is a partnership and the trust holds at least a 20 percent profits interest in the partnership.”.

**SEC. 542. TREATMENT OF INCOME AND SERVICES PROVIDED BY TAXABLE REIT SUBSIDIARIES.**

(a) **INCOME FROM TAXABLE REIT SUBSIDIARIES NOT TREATED AS IMPERMISSIBLE TENANT SERVICE INCOME.**—Clause (i) of section 856(d)(7)(C) of the Internal Revenue Code of 1986 (relating to exceptions to impermissible tenant service income) is amended by inserting “or through a taxable REIT subsidiary of such trust” after “income”.

(b) **CERTAIN INCOME FROM TAXABLE REIT SUBSIDIARIES NOT EXCLUDED FROM RENTS FROM REAL PROPERTY.**—

(1) **IN GENERAL.**—Subsection (d) of section 856 of such Code (relating to rents from real property defined) is amended by adding at the end the following new paragraphs:

“(8) **SPECIAL RULE FOR TAXABLE REIT SUBSIDIARIES.**—For purposes of this subsection, amounts paid to a real estate investment trust by a taxable REIT subsidiary of such trust shall not be excluded from rents from real property by reason of paragraph (2)(B) if the requirements of either of the following subparagraphs are met:

“(A) **LIMITED RENTAL EXCEPTION.**—The requirements of this subparagraph are met with respect to any property if at least 90 percent of the leased space of the property is rented to persons other than taxable REIT subsidiaries of such trust and other than persons described in section 856(d)(2)(B). The preceding sentence shall apply only to the extent that the amounts paid to the trust as rents from real property (as defined in paragraph (1) without regard to paragraph (2)(B)) from such property are substantially comparable to such rents made by the other tenants of the trust’s property for comparable space.

“(B) **EXCEPTION FOR CERTAIN LODGING FACILITIES.**—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified

lodging facility leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor.

“(9) ELIGIBLE INDEPENDENT CONTRACTOR.—For purposes of paragraph (8)(B)—

“(A) IN GENERAL.—The term ‘eligible independent contractor’ means, with respect to any qualified lodging facility, any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate the facility, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

“(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility by reason of any of the following:

“(i) The taxable REIT subsidiary bears the expenses for the operation of the facility pursuant to the management agreement or other similar service contract.

“(ii) The taxable REIT subsidiary receives the revenues from the operation of such facility, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

“(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

“(I) January 1, 1999, or

“(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility.

“(C) RENEWALS, ETC., OF EXISTING LEASES.—For purposes of subparagraph (B)(iii)—

“(i) a lease shall be treated as in effect on January 1, 1999, without regard to its renewal after such date, so long as such renewal is pursuant to the terms of such lease as in effect on whichever of the dates under subparagraph (B)(iii) is the latest, and

“(ii) a lease of a property entered into after whichever of the dates under subparagraph (B)(iii) is the latest shall be treated as in effect on such date if—

“(I) on such date, a lease of such property from the trust was in effect, and

“(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

“(D) QUALIFIED LODGING FACILITY.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified lodging facility’ means any lodging facility unless wagering activities are conducted at or in connection with such facility by any person who is engaged in the business of accepting wagers and who is legally authorized to engage in such business at or in connection with such facility.

“(ii) LODGING FACILITY.—The term ‘lodging facility’ means a hotel, motel, or other establishment more than one-half of the dwelling units in which are used on a transient basis.

“(iii) CUSTOMARY AMENITIES AND FACILITIES.—The term ‘lodging facility’ includes customary amenities and facilities operated as part of, or associated with, the lodging facility so long as such amenities and facilities are customary for other properties of a comparable size and class owned by other owners unrelated to such real estate investment trust.

“(E) OPERATE INCLUDES MANAGE.—References in this paragraph to operating a property shall be treated as including a reference to managing the property.

“(F) RELATED PERSON.—Persons shall be treated as related to each other if such persons are treated as a single employer under subsection (a) or (b) of section 52.”.

(2) CONFORMING AMENDMENT.—Subparagraph (B) of section 856(d)(2) of such Code is amended by inserting “except as provided in paragraph (8),” after “(B)”.

(3) DETERMINING RENTS FROM REAL PROPERTY.—

(A)(i) Paragraph (1) of section 856(d) of such Code is amended by striking “adjusted bases” each place it occurs and inserting “fair market values”.

(ii) The amendment made by this subparagraph shall apply to taxable years beginning after December 31, 2000.

(B)(i) Clause (i) of section 856(d)(2)(B) of such Code is amended by striking “number” and inserting “value”.

(ii) The amendment made by this subparagraph shall apply to amounts received or accrued in taxable years beginning after December 31, 2000, except for amounts paid pursuant to leases in effect on July 12, 1999, or pursuant to a binding contract in effect on such date and at all times thereafter.

Applicability.  
Effective date.

26 USC 856 note.

26 USC 856 note.

#### SEC. 543. TAXABLE REIT SUBSIDIARY.

(a) IN GENERAL.—Section 856 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(1) TAXABLE REIT SUBSIDIARY.—For purposes of this part—

“(1) IN GENERAL.—The term ‘taxable REIT subsidiary’ means, with respect to a real estate investment trust, a corporation (other than a real estate investment trust) if—

“(A) such trust directly or indirectly owns stock in such corporation, and

“(B) such trust and such corporation jointly elect that such corporation shall be treated as a taxable REIT subsidiary of such trust for purposes of this part.



Such an election, once made, shall be irrevocable unless both such trust and corporation consent to its revocation. Such election, and any revocation thereof, may be made without the consent of the Secretary.

“(2) THIRTY-FIVE PERCENT OWNERSHIP IN ANOTHER TAXABLE REIT SUBSIDIARY.—The term ‘taxable REIT subsidiary’ includes, with respect to any real estate investment trust, any corporation (other than a real estate investment trust) with respect to which a taxable REIT subsidiary of such trust owns directly or indirectly—

“(A) securities possessing more than 35 percent of the total voting power of the outstanding securities of such corporation, or

“(B) securities having a value of more than 35 percent of the total value of the outstanding securities of such corporation.

The preceding sentence shall not apply to a qualified REIT subsidiary (as defined in subsection (i)(2)). The rule of section 856(c)(7) shall apply for purposes of subparagraph (B).

“(3) EXCEPTIONS.—The term ‘taxable REIT subsidiary’ shall not include—

“(A) any corporation which directly or indirectly operates or manages a lodging facility or a health care facility, and

“(B) any corporation which directly or indirectly provides to any other person (under a franchise, license, or otherwise) rights to any brand name under which any lodging facility or health care facility is operated.

Subparagraph (B) shall not apply to rights provided to an eligible independent contractor to operate or manage a lodging facility if such rights are held by such corporation as a franchisee, licensee, or in a similar capacity and such lodging facility is either owned by such corporation or is leased to such corporation from the real estate investment trust.

“(4) DEFINITIONS.—For purposes of paragraph (3)—

“(A) LODGING FACILITY.—The term ‘lodging facility’ has the meaning given to such term by paragraph (9)(D)(ii).

“(B) HEALTH CARE FACILITY.—The term ‘health care facility’ has the meaning given to such term by subsection (e)(6)(D)(ii).”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 856(i) of such Code is amended by adding at the end the following new sentence: “Such term shall not include a taxable REIT subsidiary.”.

#### **SEC. 544. LIMITATION ON EARNINGS STRIPPING.**

Paragraph (3) of section 163(j) of the Internal Revenue Code of 1986 (relating to limitation on deduction for interest on certain indebtedness) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “, and”, and by adding at the end the following new subparagraph:

“(C) any interest paid or accrued (directly or indirectly) by a taxable REIT subsidiary (as defined in section 856(l)) of a real estate investment trust to such trust.”.

#### **SEC. 545. 100 PERCENT TAX ON IMPROPERLY ALLOCATED AMOUNTS.**

(a) IN GENERAL.—Subsection (b) of section 857 of the Internal Revenue Code of 1986 (relating to method of taxation of real estate

investment trusts and holders of shares or certificates of beneficial interest) is amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting after paragraph (6) the following new paragraph:

“(7) INCOME FROM REDETERMINED RENTS, REDETERMINED DEDUCTIONS, AND EXCESS INTEREST.—

“(A) IMPOSITION OF TAX.—There is hereby imposed for each taxable year of the real estate investment trust a tax equal to 100 percent of redetermined rents, redetermined deductions, and excess interest.

“(B) REDETERMINED RENTS.—

“(i) IN GENERAL.—The term ‘redetermined rents’ means rents from real property (as defined in subsection 856(d)) the amount of which would (but for subparagraph (E)) be reduced on distribution, apportionment, or allocation under section 482 to clearly reflect income as a result of services furnished or rendered by a taxable REIT subsidiary of the real estate investment trust to a tenant of such trust.

“(ii) EXCEPTION FOR CERTAIN SERVICES.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust for services described in paragraph (1)(B) or (7)(C)(i) of section 856(d).

“(iii) EXCEPTION FOR DE MINIMIS AMOUNTS.—Clause (i) shall not apply to amounts described in section 856(d)(7)(A) with respect to a property to the extent such amounts do not exceed the one percent threshold described in section 856(d)(7)(B) with respect to such property.

“(iv) EXCEPTION FOR COMPARABLY PRICED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

“(I) such subsidiary renders a significant amount of similar services to persons other than such trust and tenants of such trust who are unrelated (within the meaning of section 856(d)(8)(F)) to such subsidiary, trust, and tenants, but

“(II) only to the extent the charge for such service so rendered is substantially comparable to the charge for the similar services rendered to persons referred to in subclause (I).

“(v) EXCEPTION FOR CERTAIN SEPARATELY CHARGED SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if—

“(I) the rents paid to the trust by tenants (leasing at least 25 percent of the net leasable space in the trust’s property) who are not receiving such service from such subsidiary are substantially comparable to the rents paid by tenants leasing comparable space who are receiving such service from such subsidiary, and

“(II) the charge for such service from such subsidiary is separately stated.

“(vi) EXCEPTION FOR CERTAIN SERVICES BASED ON SUBSIDIARY’S INCOME FROM THE SERVICES.—Clause (i) shall not apply to any service rendered by a taxable REIT subsidiary of a real estate investment trust to a tenant of such trust if the gross income of such subsidiary from such service is not less than 150 percent of such subsidiary’s direct cost in furnishing or rendering the service.

“(vii) EXCEPTIONS GRANTED BY SECRETARY.—The Secretary may waive the tax otherwise imposed by subparagraph (A) if the trust establishes to the satisfaction of the Secretary that rents charged to tenants were established on an arms’ length basis even though a taxable REIT subsidiary of the trust provided services to such tenants.

“(C) REDETERMINED DEDUCTIONS.—The term ‘redetermined deductions’ means deductions (other than redetermined rents) of a taxable REIT subsidiary of a real estate investment trust if the amount of such deductions would (but for subparagraph (E)) be decreased on distribution, apportionment, or allocation under section 482 to clearly reflect income as between such subsidiary and such trust.

“(D) EXCESS INTEREST.—The term ‘excess interest’ means any deductions for interest payments by a taxable REIT subsidiary of a real estate investment trust to such trust to the extent that the interest payments are in excess of a rate that is commercially reasonable.

“(E) COORDINATION WITH SECTION 482.—The imposition of tax under subparagraph (A) shall be in lieu of any distribution, apportionment, or allocation under section 482.

“(F) REGULATORY AUTHORITY.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph. Until the Secretary prescribes such regulations, real estate investment trusts and their taxable REIT subsidiaries may base their allocations on any reasonable method.”

(b) AMOUNT SUBJECT TO TAX NOT REQUIRED TO BE DISTRIBUTED.—Subparagraph (E) of section 857(b)(2) of such Code (relating to real estate investment trust taxable income) is amended by striking “paragraph (5)” and inserting “paragraphs (5) and (7)”.

26 USC 856 note.

**SEC. 546. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this subpart shall apply to taxable years beginning after December 31, 2000.

(b) TRANSITIONAL RULES RELATED TO SECTION 541.—

(1) EXISTING ARRANGEMENTS.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendment made by section 541 shall not apply to a real estate investment trust with respect to—

(i) securities of a corporation held directly or indirectly by such trust on July 12, 1999;

(ii) securities of a corporation held by an entity on July 12, 1999, if such trust acquires control of such entity pursuant to a written binding contract in effect on such date and at all times thereafter before such acquisition;

(iii) securities received by such trust (or a successor) in exchange for, or with respect to, securities described in clause (i) or (ii) in a transaction in which gain or loss is not recognized; and

(iv) securities acquired directly or indirectly by such trust as part of a reorganization (as defined in section 368(a)(1) of the Internal Revenue Code of 1986) with respect to such trust if such securities are described in clause (i), (ii), or (iii) with respect to any other real estate investment trust.

(B) NEW TRADE OR BUSINESS OR SUBSTANTIAL NEW ASSETS.—Subparagraph (A) shall cease to apply to securities of a corporation as of the first day after July 12, 1999, on which such corporation engages in a substantial new line of business, or acquires any substantial asset, other than—

(i) pursuant to a binding contract in effect on such date and at all times thereafter before the acquisition of such asset;

(ii) in a transaction in which gain or loss is not recognized by reason of section 1031 or 1033 of the Internal Revenue Code of 1986; or

(iii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(C) LIMITATION ON TRANSITION RULES.—Subparagraph (A) shall cease to apply to securities of a corporation held, acquired, or received, directly or indirectly, by a real estate investment trust as of the first day after July 12, 1999, on which such trust acquires any additional securities of such corporation other than—

(i) pursuant to a binding contract in effect on July 12, 1999, and at all times thereafter; or

(ii) in a reorganization (as so defined) with another corporation the securities of which are described in paragraph (1)(A) of this subsection.

(2) TAX-FREE CONVERSION.—If—

(A) at the time of an election for a corporation to become a taxable REIT subsidiary, the amendment made by section 541 does not apply to such corporation by reason of paragraph (1); and

(B) such election first takes effect before January 1, 2004,

such election shall be treated as a reorganization qualifying under section 368(a)(1)(A) of such Code.

#### SEC. 547. STUDY RELATING TO TAXABLE REIT SUBSIDIARIES.

26 USC 856 note.

The Secretary of the Treasury shall conduct a study to determine how many taxable REIT subsidiaries are in existence and the aggregate amount of taxes paid by such subsidiaries. The Secretary shall submit a report to the Congress describing the results of such study.

**Subpart B—Health Care REITs****SEC. 551. HEALTH CARE REITS.**

26 USC 856. (a) SPECIAL FORECLOSURE RULE FOR HEALTH CARE PROPERTIES.—Subsection (e) of section 856 of the Internal Revenue Code of 1986 (relating to special rules for foreclosure property) is amended by adding at the end the following new paragraph:

“(6) SPECIAL RULE FOR QUALIFIED HEALTH CARE PROPERTIES.—For purposes of this subsection—

“(A) ACQUISITION AT EXPIRATION OF LEASE.—The term ‘foreclosure property’ shall include any qualified health care property acquired by a real estate investment trust as the result of the termination of a lease of such property (other than a termination by reason of a default, or the imminence of a default, on the lease).

“(B) GRACE PERIOD.—In the case of a qualified health care property which is foreclosure property solely by reason of subparagraph (A), in lieu of applying paragraphs (2) and (3)—

“(i) the qualified health care property shall cease to be foreclosure property as of the close of the second taxable year after the taxable year in which such trust acquired such property, and

“(ii) if the real estate investment trust establishes to the satisfaction of the Secretary that an extension of the grace period in clause (i) is necessary to the orderly leasing or liquidation of the trust’s interest in such qualified health care property, the Secretary may grant one or more extensions of the grace period for such qualified health care property.

Any such extension shall not extend the grace period beyond the close of the 6th year after the taxable year in which such trust acquired such qualified health care property.

“(C) INCOME FROM INDEPENDENT CONTRACTORS.—For purposes of applying paragraph (4)(C) with respect to qualified health care property which is foreclosure property by reason of subparagraph (A) or paragraph (1), income derived or received by the trust from an independent contractor shall be disregarded to the extent such income is attributable to—

“(i) any lease of property in effect on the date the real estate investment trust acquired the qualified health care property (without regard to its renewal after such date so long as such renewal is pursuant to the terms of such lease as in effect on such date), or

“(ii) any lease of property entered into after such date if—

“(I) on such date, a lease of such property from the trust was in effect, and

“(II) under the terms of the new lease, such trust receives a substantially similar or lesser benefit in comparison to the lease referred to in subclause (I).

“(D) QUALIFIED HEALTH CARE PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified health care property’ means any real property (including interests therein), and any personal property incident to such real property, which—

“(I) is a health care facility, or

“(II) is necessary or incidental to the use of a health care facility.

“(ii) HEALTH CARE FACILITY.—For purposes of clause (i), the term ‘health care facility’ means a hospital, nursing facility, assisted living facility, congregate care facility, qualified continuing care facility (as defined in section 7872(g)(4)), or other licensed facility which extends medical or nursing or ancillary services to patients and which, immediately before the termination, expiration, default, or breach of the lease of or mortgage secured by such facility, was operated by a provider of such services which was eligible for participation in the medicare program under title XVIII of the Social Security Act with respect to such facility.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000. 26 USC 856 note.

### **Subpart C—Conformity With Regulated Investment Company Rules**

#### **SEC. 556. CONFORMITY WITH REGULATED INVESTMENT COMPANY RULES.**

(a) DISTRIBUTION REQUIREMENT.—Clauses (i) and (ii) of section 857(a)(1)(A) of the Internal Revenue Code of 1986 (relating to requirements applicable to real estate investment trusts) are each amended by striking “95 percent (90 percent for taxable years beginning before January 1, 1980)” and inserting “90 percent”. 26 USC 857.

(b) IMPOSITION OF TAX.—Clause (i) of section 857(b)(5)(A) of such Code (relating to imposition of tax in case of failure to meet certain requirements) is amended by striking “95 percent (90 percent in the case of taxable years beginning before January 1, 1980)” and inserting “90 percent”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2000. 26 USC 857 note.

### **Subpart D—Clarification of Exception From Impermissible Tenant Service Income**

#### **SEC. 561. CLARIFICATION OF EXCEPTION FOR INDEPENDENT OPERATORS.**

(a) IN GENERAL.—Paragraph (3) of section 856(d) of the Internal Revenue Code of 1986 (relating to independent contractor defined) is amended by adding at the end the following flush sentence: “In the event that any class of stock of either the real estate investment trust or such person is regularly traded on an established securities market, only persons who own, directly or indirectly, more than 5 percent of such class of stock shall be taken into account as owning any of the stock of such class for purposes of applying the 35 percent limitation set forth in subparagraph (B) (but all of the outstanding stock 26 USC 856.

of such class shall be considered outstanding in order to compute the denominator for purpose of determining the applicable percentage of ownership).”

26 USC 856 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

## **Subpart E—Modification of Earnings and Profits Rules**

### **SEC. 566. MODIFICATION OF EARNINGS AND PROFITS RULES.**

(a) RULES FOR DETERMINING WHETHER REGULATED INVESTMENT COMPANY HAS EARNINGS AND PROFITS FROM NON-RIC YEAR.—

26 USC 852.

(1) IN GENERAL.—Subsection (c) of section 852 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) DISTRIBUTIONS TO MEET REQUIREMENTS OF SUBSECTION (a)(2)(B).—Any distribution which is made in order to comply with the requirements of subsection (a)(2)(B)—

“(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from earnings and profits which, but for the distribution, would result in a failure to meet such requirements (and allocated to such earnings on a first-in, first-out basis), and

“(B) to the extent treated under subparagraph (A) as made from accumulated earnings and profits, shall not be treated as a distribution for purposes of subsection (b)(2)(D) and section 855.”

26 USC 857.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 857(d)(3) of such Code is amended to read as follows:

“(A) shall be treated for purposes of this subsection and subsection (a)(2)(B) as made from earnings and profits which, but for the distribution, would result in a failure to meet such requirements (and allocated to such earnings on a first-in, first-out basis), and”

(b) CLARIFICATION OF APPLICATION OF REIT SPILLOVER DIVIDEND RULES TO DISTRIBUTIONS TO MEET QUALIFICATION REQUIREMENT.—Subparagraph (B) of section 857(d)(3) of such Code is amended by inserting before the period “and section 858”.

(c) APPLICATION OF DEFICIENCY DIVIDEND PROCEDURES.—Paragraph (1) of section 852(e) of such Code is amended by adding at the end the following new sentence: “If the determination under subparagraph (A) is solely as a result of the failure to meet the requirements of subsection (a)(2), the preceding sentence shall also apply for purposes of applying subsection (a)(2) to the non-RIC year and the amount referred to in paragraph (2)(A)(i) shall be the portion of the accumulated earnings and profits which resulted in such failure.”

26 USC 852 note.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after December 31, 2000.

## **Subpart F—Modification of Estimated Tax Rules**

### **SEC. 571. MODIFICATION OF ESTIMATED TAX RULES FOR CLOSELY HELD REAL ESTATE INVESTMENT TRUSTS.**

26 USC 6655.

(a) IN GENERAL.—Subsection (e) of section 6655 of the Internal Revenue Code of 1986 (relating to estimated tax by corporations) is amended by adding at the end the following new paragraph:

“(5) TREATMENT OF CERTAIN REIT DIVIDENDS.—

“(A) IN GENERAL.—Any dividend received from a closely held real estate investment trust by any person which owns (after application of subsections (d)(5) and (l)(3)(B) of section 856) 10 percent or more (by vote or value) of the stock or beneficial interests in the trust shall be taken into account in computing annualized income installments under paragraph (2) in a manner similar to the manner under which partnership income inclusions are taken into account.

“(B) CLOSELY HELD REIT.—For purposes of subparagraph (A), the term ‘closely held real estate investment trust’ means a real estate investment trust with respect to which 5 or fewer persons own (after application of subsections (d)(5) and (l)(3)(B) of section 856) 50 percent or more (by vote or value) of the stock or beneficial interests in the trust.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to estimated tax payments due on or after December 15, 1999. 26 USC 6655 note.

Approved December 17, 1999.

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LEGISLATIVE HISTORY—H.R. 1180 (S. 331):

HOUSE REPORTS: Nos. 106-220, Pt. 1 (Comm. on Commerce) and 106-478 (Comm. of Conference).

SENATE REPORTS: No. 106-37 accompanying S. 331 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Oct. 19, considered and passed House.

Oct. 21, considered and passed Senate, amended, in lieu of S. 331.

Nov. 18, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 35 (1999):

Dec. 17, Presidential remarks and statement.

